CITY OF Fremantle

# Agenda

## Ordinary Meeting of Council

Wednesday 13 May 2026 6:00 pm

fremantle.wa.gov.au

# Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on Wednesday 13 May 2026 in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

Glen Dougall
Chief Executive Officer

6 May 2026

## Table of Contents

Official opening, welcome and acknowledgement ..... 5
Attendance, apologies and leave of absence ..... 5
Apologies ..... 5
Leave of absence ..... 5
Applications for leave of absence ..... 5
Disclosures of interest by members ..... 5
Responses to previous public questions taken on notice ..... 5
Public question time ..... 5
Petitions ..... 6
Deputations ..... 6
Presentations ..... 6
Confirmation of minutes ..... 6
Elected member communication ..... 6
Reports and recommendations from officers ..... 7
Planning reports ..... 7
C2605-1 DEFERRED ITEM: WATKINS STREET, 95 (LOT 14), WHITE GUM VALLEY - UNAUTHORISED REGULATED TREE REMOVAL - (JD DA0037/26) ..... 7
C2605-2 DEFERRED ITEM: ATTFIELD STREET, NO. 52 (LOT 1), FREMANTLE - TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (CR DA0330/25) ..... 19
C2605-3 BROMLEY ROAD, NO. 14A (LOT 2), HILTON - SINGLE STOREY GROUPED DWELLING - (JD DA0173/25) ..... 28
C2605-4 HOLLAND STREET, NO. 136 (LOT 146), FREMANTLE - CHILD CARE PREMISES - (JD DA0396/25) ..... 45
C2605-5 DEFERRED ITEM: INITIATION OF SCHEME AMENDMENT 74 - NOS. 2-8 HARVEST ROAD, NORTH FREMANTLE ..... 71
C2605-6 DEFERRED ITEM: ADOPTION OF LOCAL PLANNING POLICY 3.1: FREMANTLE CITY CENTRE & NORTHERN GATEWAY ..... 84
C2605-7 AMENDMENTS TO LOCAL PLANNING POLICY 1.9: DESIGN ADVISORY COMMITTEE AND PRINCIPLES OF DESIGN ..... 90
C2605-8 ADOPTION OF LOCAL PLANNING POLICY 3.22: NORTH FREMANTLE ..... 93
C2605-9 ADOPTION OF LOCAL PLANNING POLICY 3.3 FOR WHITE GUM VALLEY, SAMSON, AND BEACONSFIELD ..... 104

C2605-10 ADOPTION OF AMENDED LOCAL PLANNING POLICIES 2.9: RESIDENTIAL STREETSCAPES AND 3.6: HERITAGE-PROTECTED PLACES BUILT FORM AND LAND USE ....110

C2605-11 PLANNING INFORMATION REPORT - MAY 2026 ....119

General reports ....121

C2605-12 WALGA CLIMATE CHANGE POLICY STATEMENT - ADVOCACY POSITION ....121

C2605-13 INFORMATION REPORT - FREMANTLE LIBRARY BI-ANNUAL REPORT OCTOBER 2025 TO MARCH 2026 ....124

C2605-14 LIBRARY BOARD OF WA FREMANTLE REPRESENTATIVE ....137

C2605-15 FWC ROAD TRANSPORT CONTRACTUAL CHAIN ORDER ....141

C2605-16 MICROSOFT ENTERPRISE LICENSE RENEWAL ....146

C2605-17 ADVERTISING THE PROPOSED DIFFERENTIAL RATE FOR THE 2026/27 FINANCIAL YEAR ....152

Statutory reports ....163

Committee and working group reports ....164

PFC2604-1 LOCAL PLANNING SCHEME NO. 5 PROJECT OVERVIEW ....164

PFC2604-2 FREO ALTERNATIVE REVIEW 2026 ....169

PFC2604-3 MIXED USE AREAS REVIEW ....173

Motion of which previous notice has been given ....178

Urgent business ....178

Late items ....178

Confidential business ....178

Closure ....178

## Official opening, welcome and acknowledgement

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

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

## Attendance, apologies and leave of absence

## Apologies

There are no previously received apologies.

## Leave of absence

There are no previously received leave of absence.

## Applications for leave of absence

Elected members may request leave of absence.

## Disclosures of interest by members

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

## Responses to previous public questions taken on notice

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

## Public question time

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

## Petitions

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

## Deputations

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

## Presentations

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

## Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 22 April 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

### C2605-1 DEFERRED ITEM: WATKINS STREET, 95 (LOT 14), WHITE GUM VALLEY - UNAUTHORISED REGULATED TREE REMOVAL - (JD DA0037/26)

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Regulated Tree Removal and Tree Replacement Plan<br>2. Regulated Tree Removal and Tree Replacement Plan<br>3. Justification Letter |
| Additional Information:<br>*(viewed electronically)* | 4. Regulated Tree Photos<br>5. Survey Plan - Dated 29 May 2024<br>6. Site Photos |

SUMMARY

Retrospective approval is sought for unauthorised regulated tree removal at No. 95 (Lot 14) Watkins Street, White Gum Valley.

At the Ordinary Meeting of Council held on 8 April 2026, Council resolved to defer the decision for this item to the next appropriate Council meeting to allow the applicant to provide additional evidence and justification in support of their application. The applicant has submitted a letter of justification and further images of the regulated trees which are included as additional information.

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

- Unauthorised removal of four (4) regulated trees

The application remains recommended for refusal.

## PROPOSAL

### Detail

Retrospective approval is sought for Unauthorised Regulated Tree Removal at No. 95 (Lot 14) Watkins Street, White Gum Valley (subject site). The proposed works include:

- Removal of four (4) regulated trees

Development plans are included as attachment 1.

Since the item was reviewed by Council, the applicant has provided further information to support their reasons for removing the tree. This information is included as additional information and includes:

- Justification that they believed the tree removal works were not unauthorised and were permitted under clause 2.1(f) of LPP2.26.
- Details of the storm event that occurred on 13 August 2025.
- Additional context on the lodgement of the retrospective planning application for the tree removal works.
- General comments on the functioning of LPP2.26 in relation to emergency works.
- Details of remediation works.
- Impact to their family.
- A number of recommendations for Council determination.
- Witness statements from landowners on Wongan Avenue and Samson Street.
- Images illustrating one large and one small fallen tree branch.
- Weather observations from a weather station in Swanbourne.
- A screenshot of a five (5) minute long phone call to the State Emergency Service.
- A news article from the West Australian detailing a storm event which occurred across the Perth Metropolitan Area and the remainder of the South West and Great Southern (Note: Images are included in this article which are not of storm damage that occurred on the subject site).
- A Tree Replacement Plan which accompanied the application previously referred to Council which is included as an attachment.
- Extracts of emails exchanged between the City and the applicant discussing the requirements for a retrospective planning application for the unauthorised removal of regulated trees.

### Site/application information

Date received: 3 February 2026

| | |
|---|---|
| Owner name: | Joanna Ingram Morris, Benjamin Russell Lewis |
| Submitted by: | Benjamin Russell Lewis |
| Scheme: | Residential R20/R25 |
| Heritage listing: | Not Listed |
| Existing land use: | Single House |
| Use class: | Single House |
| Use permissibility: | P |

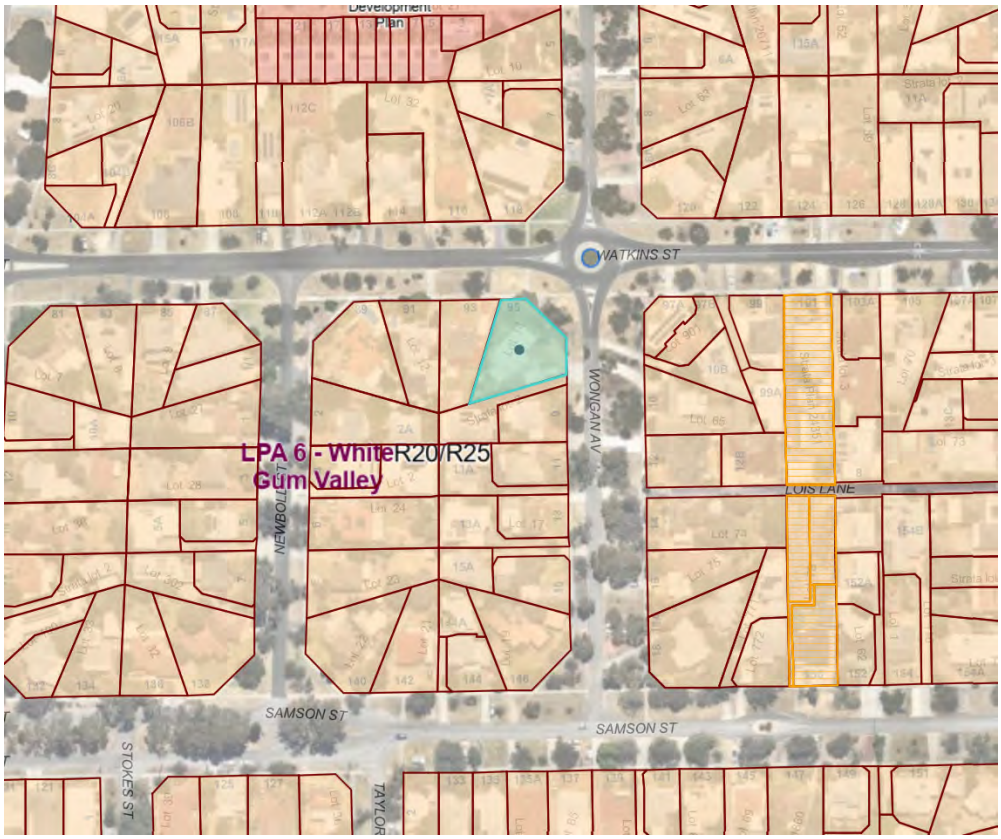



Figure 1 – Planning context map

Figure 2 – Aeriel view of the subject site on 21 January 2026

Figure 3 – Aerial view of the subject site on 9 July 2025 illustrating the previously existing tree canopy

Figure 4 – Streetview from November 2021 illustrating the previously existing regulated trees (removed regulated trees marked with red x)

## CONSULTATION

### External referrals

Nil required.

### Community

The application for the unauthorised regulated tree removal was advertised as part of another active planning application (DA0012/26 - Alterations and Additions to Existing Single House) for the subject site in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* The advertising period concluded on 3 March 2026 and no submissions were received.

## OFFICER COMMENT

### Statutory and policy assessment

The proposal has been assessed against the relevant provisions of relevant Council local planning policies.

In this particular application the areas outlined below do not meet the policy provisions and need to be assessed against the performance criteria:

- Unauthorised removal of regulated trees

The above matters are discussed below.

Background

The subject site is located on the south west corner of Watkins Street and Wongan Avenue, White Gum Valley. The site has a land area of approximately 940m² and is currently a Single house. The site is zoned Residential and has a density coding of R20/R25. The site is not individually heritage listed or located within a heritage area.

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

- Carport addition and alterations and additions to existing Single house – DA0012/26 (active application)
  NB: The application was placed on hold to allow for the lodgement of a separate application for the unauthorised removal of the regulated trees. The initial application DA0012/26 cannot be determined until the tree removal is resolved as the proposed carport is in the location of the removed regulated trees as illustrated by Figure 5 below. A separate application for the unauthorised tree removal was accepted to reduce the retrospective application fee (if the unauthorised tree removal was included as part of DA0012/26 the fee would have been $3656 based on an approximate cost of development of $550,000. A separate application for the tree removal was therefore submitted which reduced the fee to $441).
- Dwelling and existing outbuilding constructed circa 1955 (based on historical imagery). No other relevant planning history on file.

Figure 5 – Image illustrating the location of the proposed carport (highlighted) as per DA0012/26 in the location of the removed regulated trees (outlined in red) subject of this application

## Land Use

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

## Local Planning Policy 2.26 Tree Retention (LPP2.26)

LPP2.26 applies to lots within a Development Area, on land zoned 'Industrial' and on all land which has a density coding of R30 and below, within the City's Local Planning Scheme No. 4 area. The purpose of LPP2.26 is to specify the circumstances in which an application for development approval is required for tree-damaging activity to a regulated tree. LPP2.26 was formerly adopted at an Ordinary Council meeting on 12 March 2025. From this date on, any removal of a 'regulated tree' in the abovementioned areas, now requires planning approval unless specifically exempted by the policy.

Under LPP2.26 tree-damaging activity to a regulated tree means –

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

Under LPP2.26 a regulated tree means –

*A living tree that:*

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

LPP2.26 guides the assessment of regulated tree removal applications and other planning proposals and specifies that the retention and protection of regulated trees is to be prioritised. In accordance with clause 5 of LPP2.26, a regulated tree in the areas specified above must be retained and protected unless approval is granted for them to be removed.

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

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

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

Notwithstanding the reasons listed in the policy, the applicant has presented that the tree removal should be considered exempt from needing planning approval under the following exempt development provision (consistent with clause 2.1 (f) of LPP2.26) of schedule 2, clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

*Development approval is not required for works if –*

> *Works that are urgently necessary for any of the following —*
> *(a) public safety;*
> *(b) the safety or security of plant or equipment;*
> *(c) the maintenance of essential services;*
> *(d) the protection of the environment.*

It is correct to assert that removing or making safe the large tree branch that fell from one of the regulated trees would not have required planning approval if considered necessary for public safety. However, the complete removal of the regulated tree that the branch fell from, as well as the removal of the other three (3) regulated trees, is not considered to be exempt under this clause for the following reasons:

- No evidence has been provided from a suitably qualified person that the four (4) regulated trees required complete removal due to safety issues.
- Figure 6 below illustrates one (1) large fallen tree branch. The large tree branch that was still semi-attached did not demonstrate that the entire tree required removal, rather the branch could have been removed and made safe until further consultation with the City was conducted or an arborist report was obtained from a suitably qualified person.
- Figure 6 further illustrates that three (3) of the regulated trees experienced no significant damage from the storm events (with the exception of minor damage from the branch that had fallen onto one (1) of the trees).
- The images included as additional information do not demonstrate that the four (4) trees required complete removal to be made safe. Based on the information provided, officers are only able to confirm that removing the large tree branch was required, not that all other trees required removal.
- While the applicant has provided information they contacted the SES for assistance, no additional evidence was provided from the SES or other emergency services stating that the trees required urgent removal.

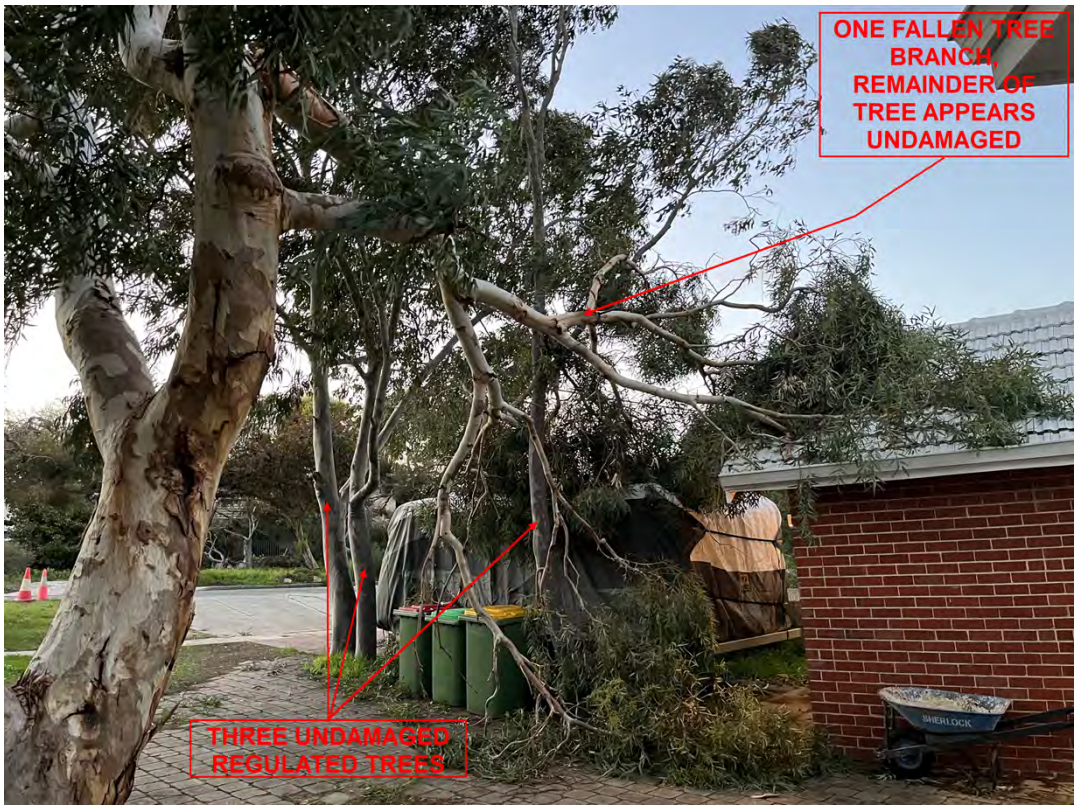



Figure 6 – Image illustrating one (1) fallen tree branch and three undamaged regulated trees

As stipulated by LPP2.26, the onus is on the proponent to demonstrate the above to the satisfaction of the City. While it is recognised that the applicant has mentioned safety as a key reason for removing the trees there is no evidence from that demonstrates that anything more than pruning the at-risk branches was required. In this instance, there is insufficient evidence that the complete removal of the four (4) regulated trees were exempt from requiring development approval, for the abovementioned reasons. Further, there has not been any information provided that the tree is unhealthy or that it is unfeasible to redesign any future development without removing the trees.

The applicant has provided a Tree Replacement Plan to offset the removal of the regulated trees which is included as an attachment. The plan details the removal of the four (4) regulated trees as well as the proposed planting of eight (8) new trees as required by clause 6.1 of LPP2.26 which states –

*6.1 Where removal of a regulated tree is approved by the City, two replacement trees of minimum 30 litre pot size and capable of achieving recognition as a regulated tree when mature shall be planted in-ground within the lot, each having the minimum tree planting areas as prescribed by clause 5.3.2 of the R-Codes or otherwise approved by the City.*

Regardless of the above, as illustrated by Figure 7 below, the subject site features a substantially reduced tree canopy coverage as a result of the unauthorised removal of the regulated trees.

Figure 7 – Aerial image illustrating the tree canopy on the subject site from July 2025 (left image) and January 2026 (right image)

## CONCLUSION

Retrospective approval is sought for the Unauthorised Removal of Regulated Trees at No. 95 (Lot 14) Watkins Street, White Gum Valley. The applicant has sought to justify that the four (4) regulated trees required removal for safety reasons. However, there is insufficient evidence to justify that anything more than pruning the at risk branches was required. For the reasons outlined above, the removal of the four (4) regulated trees which existed on the site up to at least 9 July 2025 (post the adoption of LPP2.26), is not supported.

## 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

- An increasing tree canopy that enhances biodiversity and helps cool our urban environments.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Nil

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Unauthorised Regulated Tree Removal at No. 95 (Lot 14) Watkins Street, White Gum Valley, as detailed on plans dated 3 February 2026, for the following reasons:

1. The proposal is inconsistent with the policy objectives of Local Planning Policy 2.26 (Tree Retention) as it will not prioritise the retention and protection of trees on private land, will not contribute to biodiversity, groundwater quality and other environmental benefits and will not assist in mitigating the urban heat island effect by virtue of the removal of the four (4) previously existing regulated trees.

## C2605-2 DEFERRED ITEM: ATTFIELD STREET, NO. 52 (LOT 1), FREMANTLE - TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (CR DA0330/25)

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Amended Development Plans V3 |
| Additional Information: | 2. Applicant Justification letter |
| *(viewed electronically)* | 3. Previous 11 March 2026 OCM report |
| | 4. Updated Heritage Impact Assessment |

SUMMARY

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

At the Ordinary Meeting of Council held on 11 March 2026, Council resolved to defer the decision for this item, to the next appropriate Council meeting to allow for the submission of amended plans to explore the following amendments:

- Retention/restoration of the fireplace in Bedroom 1;
- Retention of the original 'Master' Bedroom configuration such that the proposed new hallway opening and recess be deleted; and
- Retention of the other fireplaces and chimney with detail to be submitted for further consideration.

The applicant has submitted amended plans which include the retention of the fireplace in bedroom 1 and retention of the other fireplaces and chimneys.

The proposal is referred back to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the 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 was previously recommended for refusal as it was considered that 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 fireplaces removals. Although the applicant has amended the plans to retain the chimneys and fireplaces of the existing dwelling, the overall level of changes is still not considered to satisfy the applicable performance criteria of Local Planning Policy 3.6 Heritage-protected Places Built Form and Land Use, as discussed in the assessment below.

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 the eastern portion of the roof.
- Construction of a two storey addition to the rear (east) of the site.
- Various internal alterations of existing dwelling.
- Demolition of one (1) chimney.
- Demolition of one (1) fireplace.
- Proposed new chimney to replace demolition of existing with reclaimed bricks from demolition.

The applicant submitted amended plans on 7 April 2026, which included the following changes responding to the deferral on 26 March 2026 Council meeting:

| Deferral Reasons | Applicant Response |
|---|---|
| Retention/restoration of the fireplace in Bedroom 1 | Retained existing fireplace in Bedroom 2 (see figure 2) |
| Retention of the original 'Master' Bedroom configuration such that the proposed new hallway opening and recess be deleted | Applicant has not retained original 'Master' bedroom configuration and has continued with proposed new hallway openings |

| | |
|---|---|
| Retention of the other fireplaces and chimney with detail to be submitted for further consideration. | All existing chimney and fireplaces have been retained (see figure 1) - |

Development plans are included as attachment 1.

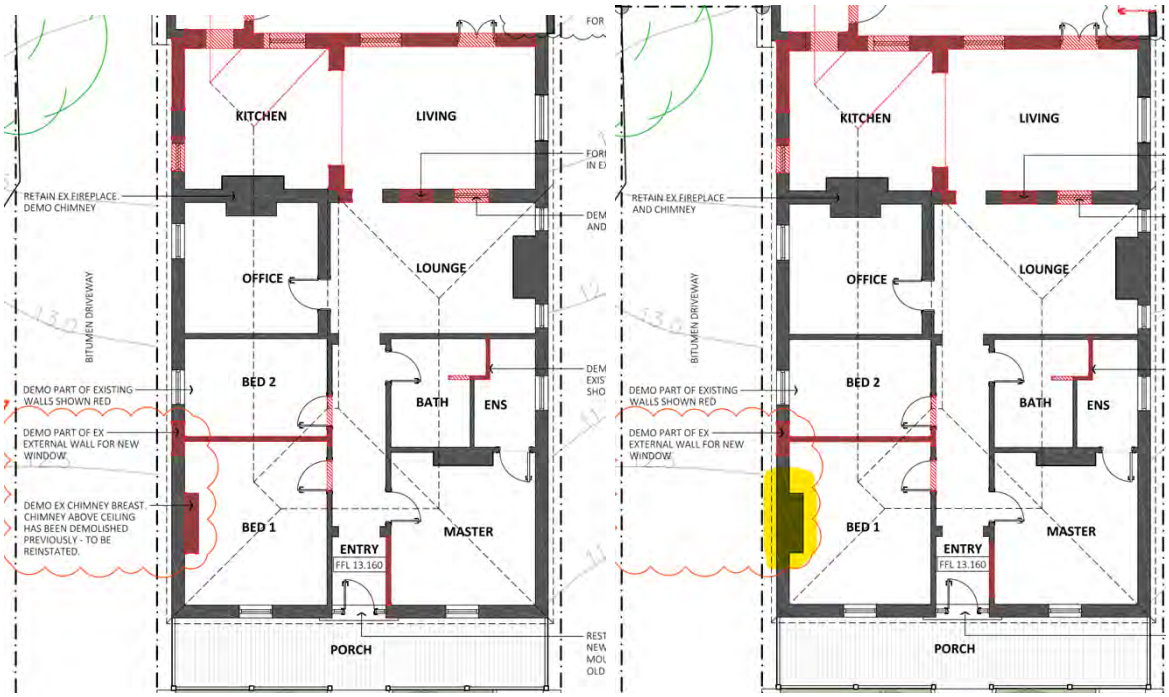



Figure 1 – previous plans on left, amended plans on right that show retention of all fireplaces, including fireplace in Bed 1 (highlighted)

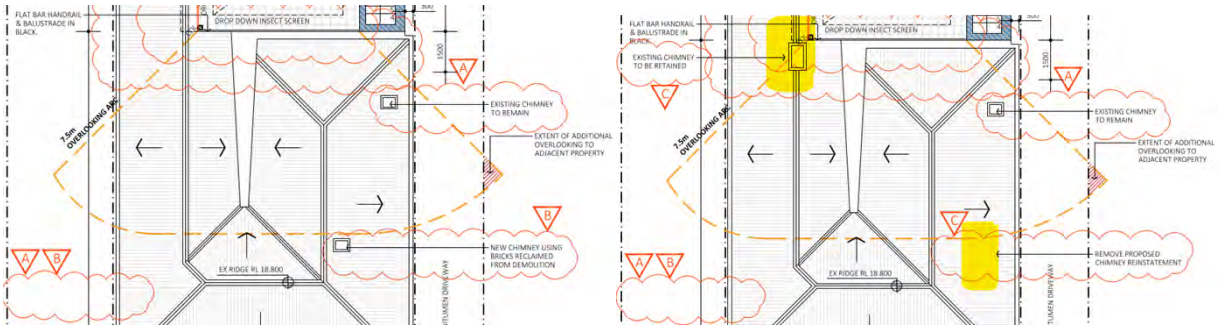



Figure 2 – previous plans on left, amended plans on right that show retention of all chimneys and deletion of proposed replacement chimney (highlighted)

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 |

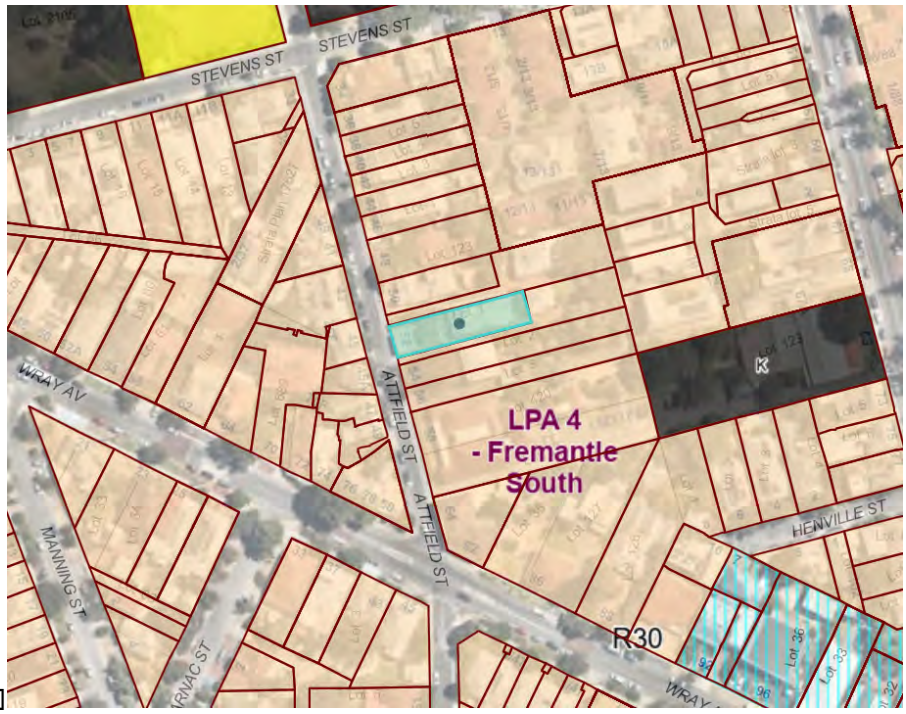



Figure 3 – Planning Context Map

Figure 4 – 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 part of original roof
- 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 works proposed in this application have been varied to meet aspects of LPP3.6. The proposal is a better heritage outcome, however there are still aspects of LPP3.6) that are not met:

- 8.1 iv. b) and c) internal wall alterations
- 9.1 iv. b), c) and d) siting of the rear addition impacting the original roof of the building

The works are not in line with the following key policy objectives of LPP3.6:
- Development is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.
- Key features which contribute to an understanding of cultural heritage significance of a place or an area are retained and enhanced.

As such, the works proposed are still NOT able to be supported from a heritage perspective.

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

The applicant has not provided a Heritage Impact Assessment in support of their proposed works.

### Community
As there are no further increased or new discretions sought within the residential design codes or local planning policy for the proposed, further consultation was not required.

See attached previous OCM report to council for assessment of submission made during the advertising period that concluded on 18 November 2025.

## 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 attached previous OCM report to council provided and assessment of the sought R-code and local provision discretions. The changes submitted do not alter any of these assessments, and all design principles remain supported. Below is an assessment of the amendments submitted in response to the council deferral of:

- Impact on heritage significance

### Background
The subject site is located on the eastern side of Attfield Street. The site has a land area of approximately 534m² 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.

### 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 assessment related to changes in submitted amended plans.

| 8.1 Internal Alterations | | | |
|---|---|---|---|
| Item | Level 3 Requirement | Original position | Officer Comment |
| 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. | Not Supported<br>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. | Supported<br>Fireplaces retained |
| 8.2 General | | | |
| Item | Level 3 Requirement | Original position | Officer Comment |
| ii. Significance | All alterations and additions are to change as little as reasonably possible that would impact the significance of the place. | Not Supported<br>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. | Not Supported<br>Proposed roof alteration will have an unreasonable impact on the existing heritage fabric of the building. |

| 8.4 Chimneys | | | |
|---|---|---|---|
| Item | Level 3 Requirement | Original position | Officer Comment |
| i. Existing Chimneys | All chimneys are to be retained and conserved. | Not Supported<br>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. | Supported<br>Existing Chimneys retained |

## 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, and the amended proposal has reduced in impact on heritage fabric, overall, it is considered the proposed two storey additions and alterations still have an unreasonable negative impact on the heritage fabric of the existing dwelling. 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.

## 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 8.2 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.

## C2605-3 BROMLEY ROAD, NO. 14A (LOT 2), HILTON - SINGLE STOREY GROUPED DWELLING - (JD DA0173/25)

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Development Plans |
| Additional Information: | 2. Arborist Report |
| *(viewed electronically)* | 3. Justification Letter |
| | 4. Site Photos |

### SUMMARY

Approval is sought for the construction of a single storey Grouped dwelling and the removal of three (3) regulated trees at No. 14A (Lot 2) Bromley Street, Hilton.

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

- Removal of three (3) regulated trees
- Lot boundary setback
- Open space
- Landscaping

The application is recommended for refusal.

### PROPOSAL

#### Detail

Approval is sought for the construction of a single storey Grouped dwelling and the removal of three (3) regulated trees at No. 14A (Lot 2) Bromley Street, Hilton. The proposed works include:

- Construction of a single storey three (3) bedroom two (2) bathroom Grouped dwelling with a double garage.

The applicant submitted amended plans on 16 February 2026 including the following changes:

- Alfresco floor area changed from paving to decking

There were no other changes from the original plans. The proposal remains in substance the same with the trees remaining marked for removal.

The applicant submitted an arborist report on 16 February 2026 which is included as additional information. In summary, the report provided the following details:

- The White Cedar tree (regulated tree id: 1) is recommended for removal due to development conflict and lower retention value.
- The two (2) Marri trees (Tree id: 3 & 5) are in good health and are recommended for retention. The following options are provided for the retention of these trees:
  - Preferred option: Modification of the alfresco to a raised deck with pier-and-beam footings installed using non-destructive digging techniques; or
  - Alternative option: An ongoing maintenance and monitoring plan (less favorable due to long-term management requirements).

It is noted that the plans were amended to change the alfresco area from paving to decking however trees are still shown to be removed.

Amended development plans are included as attachment 1.

Site/application information

| | |
|---|---|
| Date received: | 13 June 2025 |
| Owner name: | Alan Huw Thomas & Janet Patricia Olive Archibald |
| Submitted by: | Plunkett Homes Pty Ltd |
| Scheme: | R20/R25 |
| Heritage listing: | Hilton Garden Suburb Precinct Heritage Area |
| Existing land use: | Vacant Lot |
| Use class: | Grouped Dwelling |
| Use permissibility: | P |

Figure 1 – Planning context map

Figure 2 – Aerial image of the subject site (dated January 2026)

## CONSULTATION

### External referrals

*Main Roads Western Australia (MRWA)*
The application was referred to MRWA for comment as the site is adjacent to a Primary Regional Road reservation. MRWA have advised that they have no objection to the proposal subject to the following conditions being applied to any potential development approval:

*Conditions*

1. *Prior to undertaking works within the Stock Road Reserve, a Working on Roads Permit must be obtained from Main Roads.*

   *Justification for Condition*

   *To ensure the works maintain public safety and do not conflict with other scheduled works such as services and routine maintenance or cause unacceptable disruption to the movement of people and freight.*

2. *Stormwater discharge shall not exceed pre-lodgement discharge to the Stock Road Reserve.*

   *Justification for Condition*

   *To ensure there is sufficient capacity in the Stock Road stormwater network to accommodate its requirements. This is a standard requirement for development adjacent to a State Road.*

3. *This noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for this residential development.*

   *Justification for Condition*

   *To ensure the acoustic requirements are implemented in accordance with State Planning Policy 5.4 – Road and Rail Noise.*

*Advice*

a) *The applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.*

b) *The upgrading/widening of Stock Road is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.*

These matters can be addressed as relevant conditions and advice notes, should Council be of the mind to approve the development.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes and local planning policies. The advertising period concluded on 26 March 2026, and no submissions were received.

## OFFICER COMMENT

### Statutory and policy assessment

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

- Removal of three (3) regulated trees
- Boundary walls (west)
- Open space
- Landscaping

The above matters are discussed below.

### Background

The subject site is located on the east side of Bromley Road and abuts Stock Road at the rear. The site has a land area of approximately 302m² and is currently a vacant lot. The site is zoned Residential and has a density coding of R20/R25. The site is not individually heritage listed but is located within the Hilton Garden Suburb Precinct Heritage Area.

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

- DA0294/23 - Single Storey Grouped Dwelling (approval not acted on) Note: The approved dwelling retained two (2) of the three (3) regulated trees).
- WAPC1721-20 - Two Lot Survey Strata Subdivision

### Land Use

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

### Lot boundary setback (boundary wall)

| Element | Requirement | Proposed | Extent of Variation |
|---|---|---|---|
| West setback | 11.5m length, 2.8m height<br>Required 1m | Nil | 1m |

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

- The proposed boundary wall is a moderate height of 2.8m which should not result in any significant impact to the amenity of the adjoining property resulting from building bulk.
- The boundary wall is located to the east of the adjoining lot as illustrated by Figure 3 below and will not result in any reduction in northern solar access or any significant reduction in access to sunlight and ventilation for the adjoining property.
- There are no visual privacy implications.
- The boundary wall will make more effective use of the site by reducing areas of unusable space.
- There will be no significant restriction of sunlight to major openings or outdoor living areas on the adjoining property.

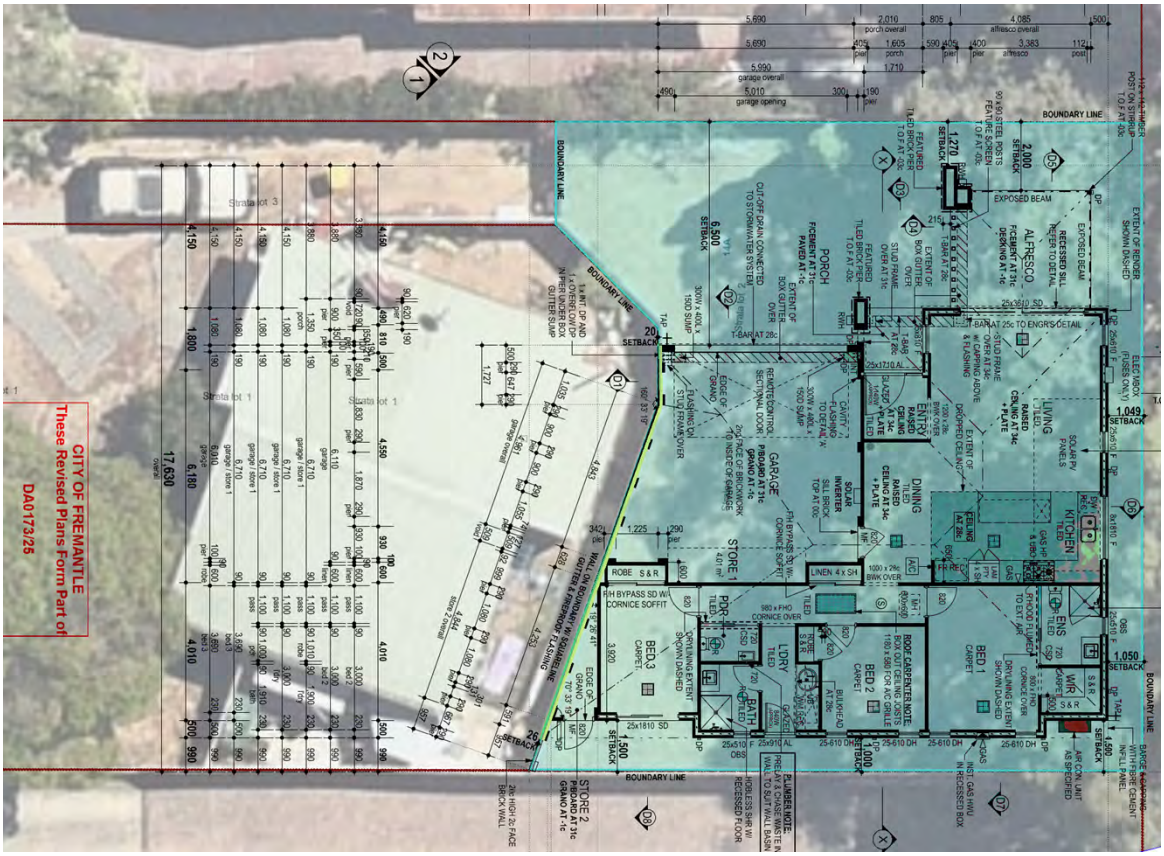



Figure 3 – Location of proposed boundary wall (highlighted yellow)

Open space

| Element | Requirement | Proposed | Extent of Variation |
|---|---|---|---|
| Open space | Site area 336.2m$^2$ (inclusive of proportionate share of common property)<br><br>Required 50% / 168.1m$^2$ | Built area 168.8m$^2$<br><br>Open space provided 49.8% / 167.4m$^2$ | 0.2% / 0.7m$^2$ |

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

- The minor reduction in the required open space will have no discernible impact on the streetscape and/or the desired streetscape character as the development is located on a rear survey strata lot.
- The open space provided is sufficient to allow sunlight to internal areas within the dwelling.
- The single storey proposal is not considered to result in any significant building bulk on the site and is generally consistent with building expectations of the density coding.
- There is sufficient area for the provision of a small tree and shrubs within the site (landscaping requirements are addressed below).
- There is sufficient area for residents to utilise for outdoor pursuits in the alfresco area on the northern side of the block.
- There is sufficient space around the dwelling for essential utilities and facilities.

Landscaping

| Element | Requirement | Proposed | Extent of Variation |
|---|---|---|---|
| Landscaping | 1 x tree within a 2m x 2m minimum tree planting area | No tree/planting area provided | As stated |

The landscaping is not considered to meet the Design principles of the R-Codes for the following reasons:

- No landscaping has been proposed as part of the development. There will therefore be no contribution to the appearance and amenity of the development by virtue of any proposed landscaping.
- The site is a rear survey strata lot, there will be no impact on the streetscape.

- The proposal does not seek to retain any of the five (5) existing on site trees (three (3) of which are regulated trees as per LPP2.26). There are no trees proposed to replace or offset the tree removal and there is minimal appropriate area for replacement trees to be installed. The proposal therefore will not contribute positively to the local microclimate and will not maintain or enhance the tree canopy or the local sense of place.

Notwithstanding the above, there is sufficient area adjoining the alfresco to provide a tree in a 2m x 2m tree planting area. Compliance with the minimum requirement of one (1) tree will be secured via a relevant condition of approval, should Council be of the mind to approve the application.

Local Planning Policy 2.26 – Tree Retention

Tree classification table as per the Arborist Report included as additional information (all trees proposed to be removed by the applicant).

| ID | Tree species | Height | Regulated | Suitable for retention |
|---|---|---|---|---|
| 1 | *Melia azedarach* (White Cedar) | 10-20m | Yes | No |
| 2 | *Citharexylum spinosum* (Fiddlewood) | <5m | No | No |
| 3 | *Corymbia calophylla* (Marri) | 10-20m | Yes | Yes |
| 4 | Cupressus sempervirens (Mediterranean Cypress) | 5-10m | No | No |
| 5 | *Corymbia calophylla* (Marri) | 5-10m | Yes | Yes |

Figure 4 – Identification of existing trees on site as per applicant's arborist report (cross-reference against table above)

LPP2.26 applies to the development of this lot. The purpose of LPP2.26 is to specify the circumstances in which an application for development approval is required for tree-damaging activity to a regulated tree.
LPP2.26 was formerly adopted at an Ordinary Council meeting on 12 March 2025. From this date on, any removal of a 'regulated tree' in the abovementioned areas, now requires planning approval.

Under LPP2.26 tree-damaging activity to a regulated tree means –

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

Under LPP2.26 a regulated tree means –

*A living tree that:*

*a) is 8m or more in height; and / or*
*b) has an average canopy diameter of at least 6m; and / or*

*c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and*
*d) is of a species that is not included on State or local area weed register.*

LPP2.26 guides the assessment of regulated tree removal applications and other planning proposals and specifies that the retention and protection of regulated trees is to be prioritised. In accordance with clause 5 of LPP2.26, a regulated tree in the areas specified above must be retained and protected unless approval is granted for them to be removed.

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

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

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

The trees detailed in the extract from the applicant's arborist report in Figure 5 and 6 are considered to meet the requirements to be considered regulated trees, as per the details below:

- White Cedar (Tree reference 1, 10m-20m in height, 15m canopy diameter)
- Marri (Tree reference 3, 10m-20m in height, 12m canopy diameter)
- Marri (Tree reference 5, 5-10m in height, canopy spread 5m)

The Mediterranean Cypress will not be considered a regulated tree for the purpose of this assessment as it does not contribute to any significant tree canopy on the site (tree canopy of 1m) and it is not considered to exceed 8m in height. The removal of the three (3) abovementioned regulated trees is considered below.

## 4.0 TREE ASSESSMENT

| Tree ID | Species (Common Name) | Height (m) | DBH (cm) | TPZ (m) | SRZ (m) | Retain / Remove | Suitable for Retention |
|---|---|---|---|---|---|---|---|
| 1 | *Melia azedarach* (White Cedar) | 10–20 | 85 | 10.2 | 2.8 | Remove | ✗ |
| 2 | *Citharexylum spinosum* (Fiddlewood) | <5 | 18.7 | 2.24 | 1.6 | Remove | ✗ |
| 3 | *Corymbia calophylla* (Marri) | 10–20 | 48 | 5.76 | 2.1 | Retain | ✓ |
| 4 | *Cupressus sempervirens* (Mediterranean Cypress) | 5–10 | 22 | 2.64 | 1.7 | Remove | ✗ |
| 5 | *Corymbia calophylla* (Marri) | 5–10 | 30 | 3.6 | 1.9 | Retain | ✓ |

Figure 5 – Assessment of existing onsite trees as per applicant's arborist report (cross-reference against Figure 4 and 6)

Figure 6 – Identification of existing trees on site as per applicant's arborist report (cross-reference against Figure 5)

The removal of the White Cedar is not supported under the performance criteria of LPP2.26 for the following reasons:

- The arborist report states that the White Cedar illustrated in Figure 7 and 8 below is recommended for removal due to development conflict and lower retention value. It is accepted that it is unfeasible to retain all existing onsite trees without significantly constraining the development potential of the site (of which recent subdivision approval was granted to create a vacant lot for future development).
- However, the building footprint and driveway location does not allow for the installation of two (2) replacement trees to offset the removal of the White Cedar, as required by clause 6 of LPP2.26. The removal of the White Cedar therefore cannot be supported as the development site does not allow an appropriate sized area for two (2) replacement trees. The applicant has been made aware of the tree replacement requirements but has not sought to amend the plans to retain trees or provide a tree replacement plan/alternative design solution to allow for replacement trees to be installed.

Figure 7 – Existing White Cedar tree reference 1 (Fiddlewood tree on left is not considered to be a regulated tree)

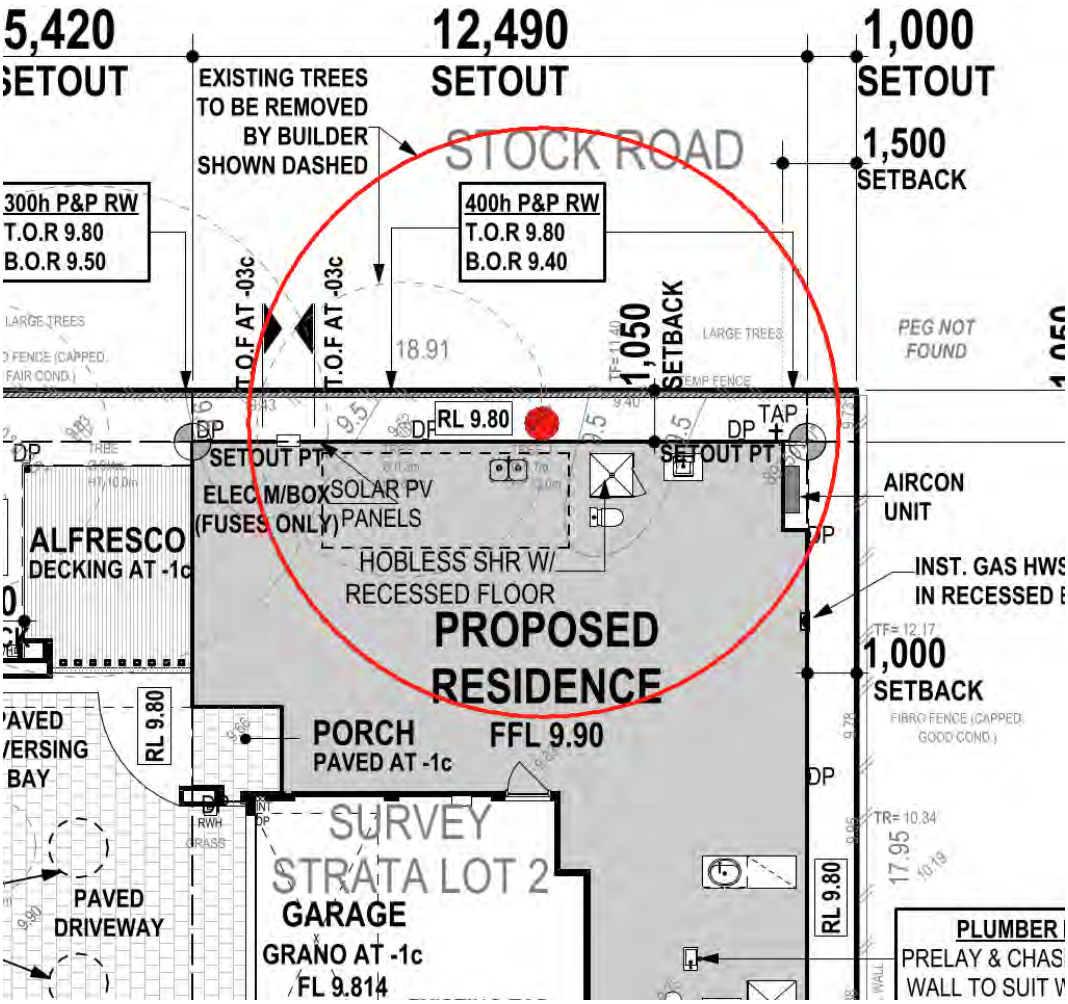



Figure 8 – Existing White Cedar tree reference 1 marked for removal on the site plan

The removal of the two (2) Marri trees is not supported under the performance criteria of LPP2.26 for the following reasons:

- The Marri Trees indicated in Figure 9 and 10 below have been assessed in the provided arborist report as being in good health and suitable for retention.
- The arborist report states that the “the construction of the alfresco area, presents a direct conflict with the two regulated Corymbia calophylla (Marri) trees chosen for retention (Tree 3 and Tree 5) located in the north-western corner of the site”. The pruning of tree roots will be required due to the intrusion of the alfresco concrete slab into the Tree Protection/Structural Root Zone. The arborist report has provided a number of measures to protect the trees during this process and allow for their retention and survival.

- The removal of the two (2) Marri trees is therefore not supported as the arborist report has provided measures to allow for their retention.

Figure 9 – Existing Marri Trees references 3 (right) and 5 (left)

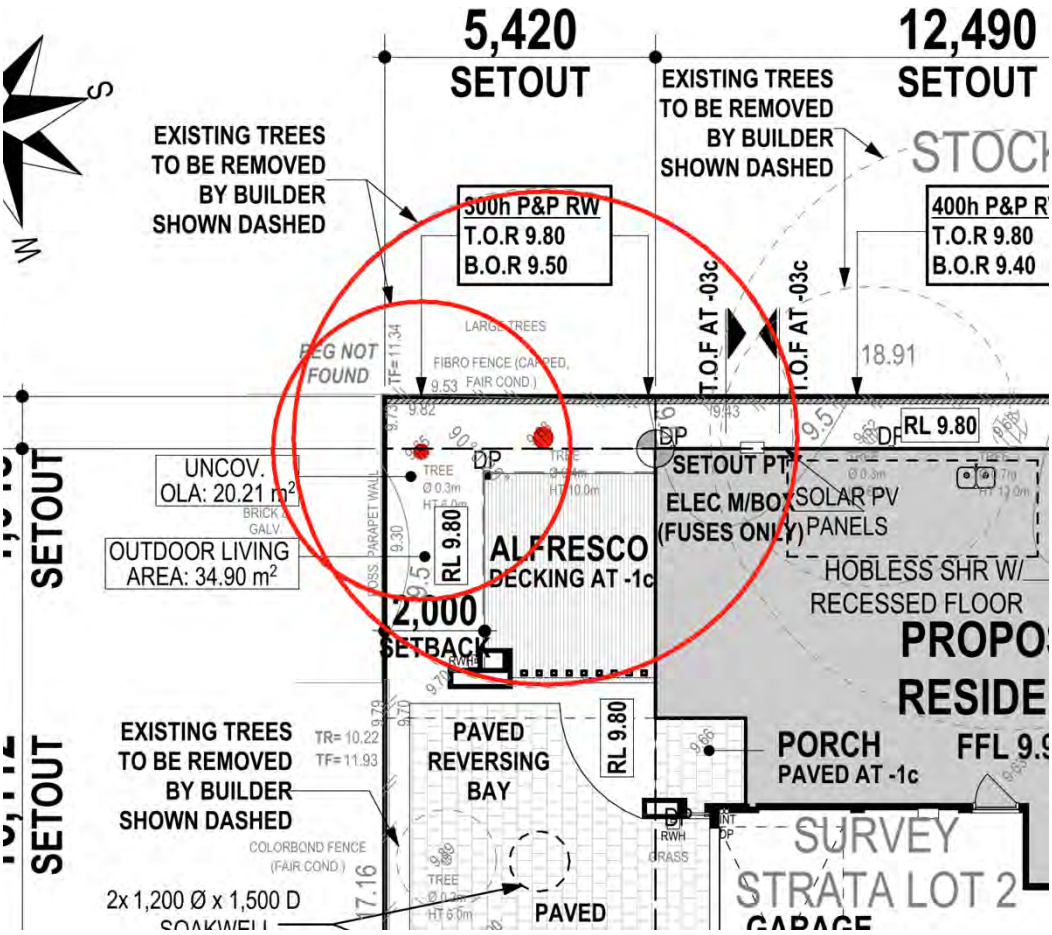



Figure 10 – Existing Marri Trees references 3 and 5 marked for removal on the site plan

Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule

Subdivision approval was granted for 14 Bromley Street (the parent lot) under WAPC1721-20. The site features a split density coding of R20/R25. Subdivision approval was granted based on the higher density coding as there was insufficient site area to subdivide the lot under the R20 density. In accordance with the subdivision requirements of LPP2.2, the following restrictive covenant was applied to the Certificate of Title/ Deposited Plan for the site.

> *'No new development is to take place which is not designed in accordance with the City of Fremantle Energy Efficiency and Sustainability Schedule, unless otherwise approved by the local government'.*

The applicant has not indicated in the proposal how the requirements of LPP2.2 will be met. Compliance will therefore be secured via relevant conditions of approval, should Council be of the mind to approve the application.

## CONCLUSION

Approval is sought for the construction of a Grouped dwelling at No. 14A (Lot 2) Bromley Street, Hilton, including the removal of three (3) regulated trees. For the reasons outlined above, the removal of the regulated trees is not supported, and the application is recommended for refusal.

## STRATEGIC IMPLICATIONS

This item is not in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - Sustainably designed and optimised urban and natural environments

- An increasing tree canopy that enhances biodiversity and helps cool our urban environments.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Nil

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Single Storey Single House at No. 14A (Lot 2) Bromley Street, Hilton as detailed on plans dated 16 February 2026, for the following reasons:

1. The proposal is inconsistent with the policy objectives of Local Planning Policy 2.26 (Tree Retention) as it will not prioritise the retention and protection of trees on private land, will not contribute to biodiversity, groundwater quality and other environmental benefits and will not assist in mitigating the urban heat island effect by virtue of the removal of the three (3) regulated trees.

## C2605-4 HOLLAND STREET, NO. 136 (LOT 146), FREMANTLE - CHILD CARE PREMISES - (JD DA0396/25)

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Amended Development Plans<br>2. Waste Management Plan<br>3. Amended Acoustic Report |
| Additional Information:<br>*(viewed electronically)* | 4. Applicant Planning Report<br>5. Amended Landscape Plans<br>6. Tree Protection Report<br>7. Transport Impact Statement<br>8. Applicant Response to Submissions<br>9. Demolition Works Photos<br>10. Site Photos |

### SUMMARY

Approval is sought for a Child care premises at No. 136 (Lot 146) Holland Street, 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 Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Land use
- Parking
- Built form
- Tree retention
- Waste, traffic and noise

The application is recommended for conditional approval.

### PROPOSAL

#### Detail

Approval is sought for a Child care premises at No. 136 (Lot 146) Holland Street, Fremantle.

The Child care premises is proposed to:

- Provide a child care service for up to 105 children.
- Operate between 6:30am and 6:30pm Monday to Friday.
- Have a maximum number of 19 staff onsite at any one time.

The proposed works include:

- Construction of single storey child care building including:
  - An entry, waiting and reception area.
  - An office, planning room, kitchen, laundry and staff room.
  - One (1) baby and cot room.
  - Two (2) toddler rooms.
  - Two (2) kindy rooms.
  - Associated amenities within each room.
  - Outdoor play areas.
  - End of trip facilities.
- Construction of an equipment store on the Wilkson Street boundary.
- Construction of a separate detached bin storage room.
- Construction of 27 onsite car parking bays.
- Installation of four (4) class 3 bicycle racks.
- Construction of a 6.2m wide crossover from Holland Street.
- Construction of street fencing along Holland (south boundary) and Wilkinson (west boundary) Street.
- Construction of a 1.8m high Colorbond fence along the east boundary.
- Construction of a 1.8m high visually permeable (Perspex material added to the internal side) fence setback 8.3m from the north boundary.
- Construction of retaining walls along the north and east boundaries.
- Relocation of one (1) regulated tree (existing Queensland Bottle Tree).
- Removal of one (1) regulated tree (existing Jacaranda).
- Installation of landscaping.

The applicant submitted amended plans/ additional information on 1 April 2026 which included the following:

- A Tree Protection Report to identify measures to protect the existing Jacaranda Tree to be retained as well as assessing the feasibility of transplanting the existing Queensland Bottle Tree.
- Removal of two (2) car parking bays to allow for the retention of the existing Jacaranda Tree.
- An amended landscaping plan including an additional eight (8) trees in the north car parking area, the proposed location for the transplanted Queensland Bottle Tree and the retention of the Jacaranda Tree.

- Relocation of the equipment store from the Wilkinson Street boundary to the north side of the lot abutting the parking area.

Amended development plans are included as attachment 1 and the Tree Protection Report is included as additional information.

Site/application information

| | |
|---|---|
| Date received: | 13 November 2025 |
| Owner name: | Leda Land Pty Ltd |
| Submitted by: | Mw Urban |
| Scheme: | Residential R30 |
| Heritage listing: | Not Listed |
| Existing land use: | Vacant lot |
| Use class: | Child Care Premises |
| Use permissibility: | A |

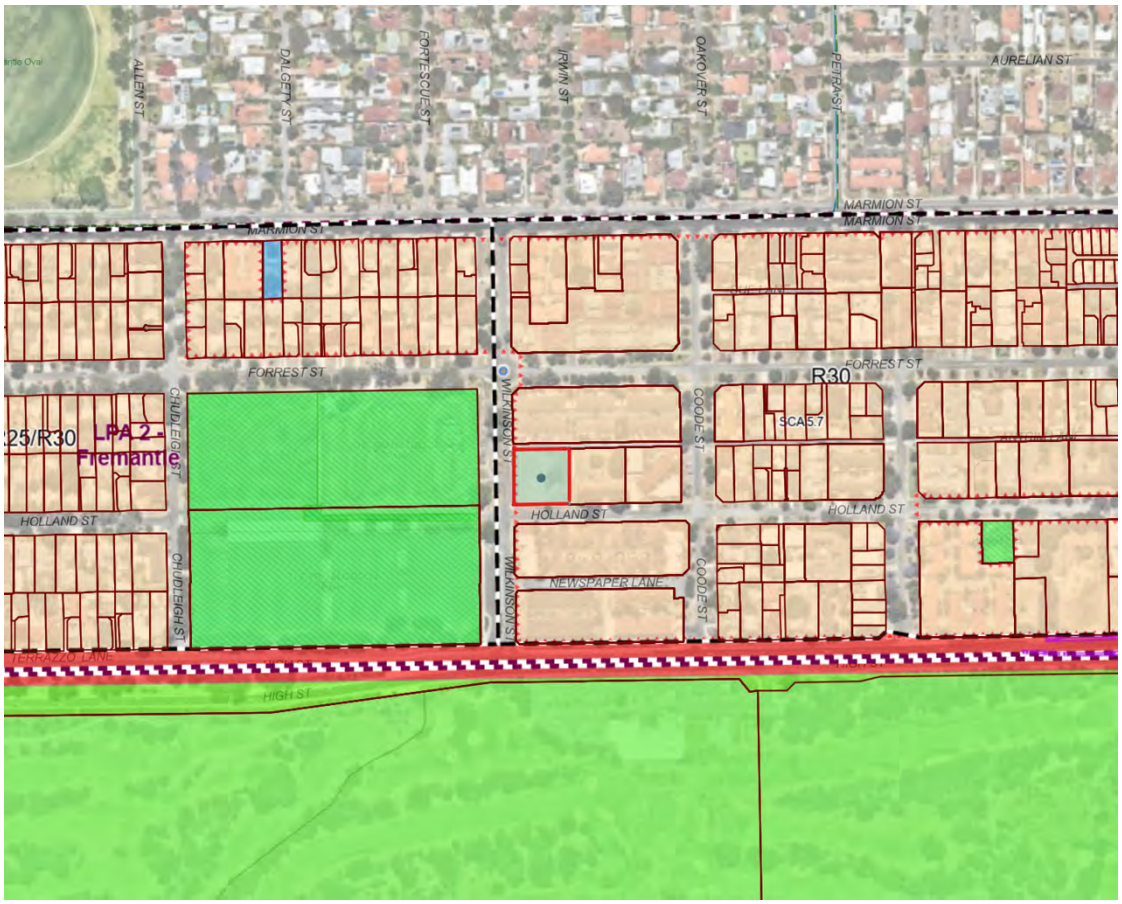



Figure 1 – Planning context map

Figure 2 – Site arial image

Figure 3 – Subject site as viewed from the corner of Wilkinson and Holland Street

## CONSULTATION

### External referrals

Nil required.

### City of Fremantle internal referrals

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

- Building permit required (advice note)
- No unauthorised works within thoroughfare (advice note)
- No unauthorised removal of verge infrastructure (advice note)
- Verge tree protection zone implementation (advice note)
- Construction management plan required (condition)
- Detailed parking plan required (condition)
- Removal of redundant vehicle crossovers (condition)
- Construction/upgrade of crossover (condition)
- Food Act compliance (advice note)
- Noise from development to comply with Noise Regulations (advice note)

### Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against LPS4 and local planning policies. The advertising period concluded on 13 January 2026, and 18 submissions were received. The following issues were raised (summarised):

- Noise generated from the outdoor play area impacting the amenity of adjoining properties.
- The effectiveness of the proposed noise barries to reduce noise impacts from the development.
- Noise from delivery vehicles.
- Generation of additional traffic along Antrim Lane impacting the availability of visitor parking bays for the adjoining apartments and causing congestion.
- The removal of regulated trees and the loss of tree canopy and habitat for birds.

- Request to retain the Queensland Bottle Tree.

The applicant submitted a response to the submissions which is included as additional information.

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 Council local planning policies. In this particular application the areas outlined below require merit-based assessments against LPS4 and local planning policies:

- Land use
- Parking
- Built form
- Tree retention
- Waste, traffic and noise

The above matters are discussed below.

### Background

The subject site is located on the corner of Wilkinson and Holland Street in Fremantle. The site has a land area of approximately 2352m² and is currently a vacant lot. The site is zoned Residential and has a density coding of R30. The site is not individually heritage listed nor located within a Heritage Area.

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

- DP0012/25 - Full site demolition of house and incidental structures
- Municipal Heritage Inventory & Heritage List Annual Update 2018 (removal of site from Heritage List)
- Demolished dwelling constructed in 1899

On 12 June 2025 a pre-lodgement meeting was held with the applicant to discuss the Child care premises proposal. The applicant was advised that an arborist report would be required to justify any tree damaging activity based on clause 3.2 below. As detailed by Figure 4 below, there appeared to be several large trees which would likely meet the criteria to be considered a regulated tree under Local Planning Policy 2.26: Tree Retention (LPP 2.26). The City did not sufficient evidence to be able to determine how many, and what size, trees were on site. Under LPP 2.26:

*3.2 An arborist's report may be required in the following instances:*
*a) To justify tree-damaging activity to a regulated tree specifically considering the health of the tree and / or any safety risk it may pose to people or property; and*
*b) To explain any mitigation measures proposed to protect a regulated tree including works proposed within the tree protection zone (refer to Australian Standard 4970 – Protection of Trees on Development Sites for details on how to identify the tree protection zone).*

On 20 August 2025 a demolition permit was issued for the 'full site demolition of brick and metal house'. On or about 8 October 2025 the City was advised that several large trees were in the process of being removed along with the demolition of the existing house as detailed by Figure 5 below. When the Officers arrived on site, it was identified only two trees remained - a Jacaranda and Queensland Bottle Tree as detailed by Figure 6 below. There was no detailed information available to confirm what was on site and all debris had been removed from site prior to Officer's arrival, rendering Officers unable to determine whether the removed trees met the definition of 'regulated trees' under LPP 2.26. There was therefore insufficient evidence to progress compliance action. Whether the tree removal was due to a lack of communication between the consultant and the demolition contractor, deliberate removal, or whether the removed trees did not meet the definition of "regulated trees" is unknown.

Additional images of the site demolition works are included as additional information.

Figure 4 – Aerial image from 2 September 2025

Figure 5 – Demolition works being undertaken on or about 8 October 2025

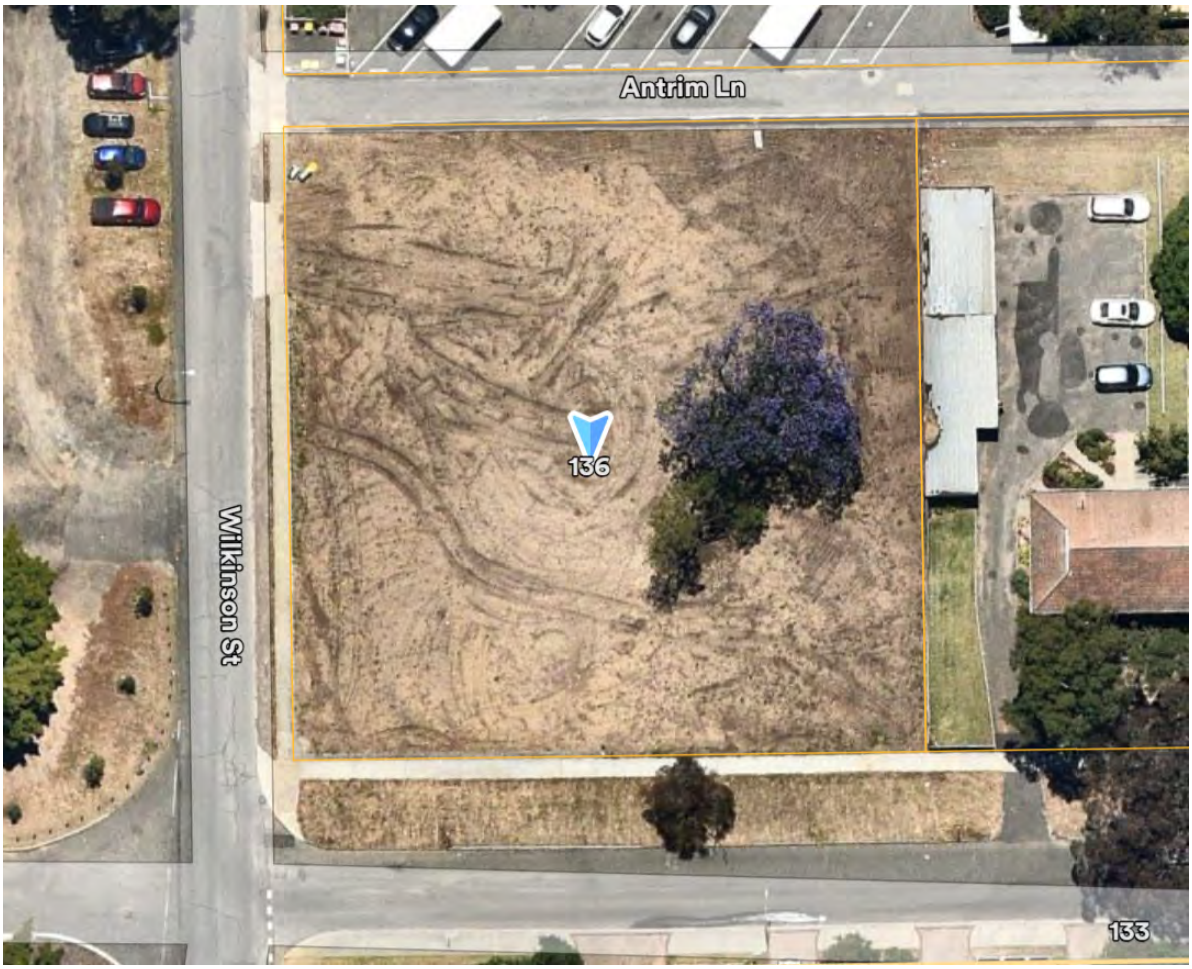



Figure 6 – Aerial image from 28 November 2025

Land Use

A Child care premises is an 'A' use in the Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

*(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*

*(c) any approved State planning policy*

*(g) any local planning policy for the Scheme area;*

*(k) the built heritage conservation of any place that is of cultural significance;*

*(m) the compatibility of the development with its setting, including —*

*(i) the compatibility of the development with the desired future character of its setting; and*

*(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

*(n) the amenity of the locality including the following —*

*(i) environmental impacts of the development;*

*(ii) the character of the locality;*

*(iii) social impacts of the development;'*

*(s) the adequacy of —*

*(i) the proposed means of access to and egress from the site; and*

*(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

*(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

*(y) any submissions received on the application;*

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

*Development within the residential zone shall —*

*(i) provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*

*(ii) safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*

*(iii) encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*

*(iv) recognise the importance of traditional streetscape elements to existing and new development,*

*(v) conserve and enhance places of heritage significance the subject of or affected by the development, and*

*(vi) safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.*

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

- The proposed development has been appropriately designed to ensure the character and amenity of the area is maintained.
- The proposal will complement the streetscape by virtue of adequate street and lot boundary setbacks, building height generally consistent with the surrounding built form, and a complimentary colour and material palette.
- The proposal includes the retention of an existing mature Jacaranda Tree and the transplanting of an existing Queensland Bottle Tree as well as substantial additional landscaping. It is considered that the proposed tree retention and landscaping will contribute to the environmental amenity of the site and area.
- It is not expected that the building bulk or scale from the single storey building will result in any significantly detrimental impact to the amenity of adjoining landowners or the streetscape.
- A Child care premises is considered complimentary to the residential character of the area and it will provide an essential service to the surrounding community.
- Management of noise, traffic and waste has been carefully considered to reduce any potential impact to the surrounding amenity of the area.
- The Scheme allows for a Child care premises subject to the granting of development approval and special notice being given in accordance with the Regulations. It is considered that Child Care Premises are common in residential areas and serve an important community purpose.

Car parking

| Element | Requirement | Proposed | Extent of Variation |
|---|---|---|---|
| Local Planning Scheme No. 4 cl. 4.7 – Vehicle Parking | 1: employee plus 1: 10 children allowed under maximum capacity<br><br>19 employees – 19 bays required<br>105 children – 11 visitor bays required | 16 employee bays<br>9 visitor bays | 3 employee bay & 2 visitor bay shortfall |
| | Delivery bays | N/A | N/A |
| | Bicycle racks | N/A | N/A |

In accordance with clause 4.7.3.1 of the City's LPS4, Council may waive or reduce the standard parking requirements specified in Table 2 of LPS4 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –

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

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

- Street parking is available on Wilkinson and Holland Street each day of the week except for Saturdays between April and September. It is considered that there will be less demand for parking for the Child care premises on Saturdays.
- A 30-bay public car park is located within 50m of the site.
- The site is located within 250m of high frequency bus stops on each side of Marmion Street.
- The proposed Child care premises is also suitably located to service the surrounding residential area which will minimise the requirement for people to utilise their vehicles.
- Two (2) visitor parking bays were removed from the original plans to allow for the retention of an existing Jacaranda Tree.

Built form

Clause 4.9.1 of LPS4 requires that *"non-residential development, where permitted in the Residential zone shall comply with the requirements of the Residential Design Codes".* The provisions of the Residential Design Codes deemed applicable to the assessment of the application are addressed in the table below.

| Provision | Requirement | Proposal | Variation |
|---|---|---|---|
| Primary street setback | 5m (as per LPP2.9) | 5m | Complies |
| Secondary street setback | 1.5m | 14.8m | Complies |
| Lot boundary setback | North: 1.5m | 5.5m | Complies |
| | East 5.4m | 13.2m | Complies |
| Open Space | 45% / 1058.4m$^2$ | 72% / 1694m$^2$ | Complies |
| Building Height | Wall: 7m | 7m | Complies |
| | Ridge: 8m | 7.2m | Complies |
| Visual privacy | External play areas:<br>7.5m<br><br>Internal rooms:<br>6m | External play areas:<br>North: 8m<br>East: 13.9m<br><br>Internal rooms:<br>North: 8.8m<br>East: 13.2m | Complies |

The proposed Child care premises satisfies the applicable deemed-to-comply requirements of the R-Codes and is considered to be generally consistent with the building height and setback of the surrounding properties. The proposal will be complimentary to the prevailing streetscape and the character and amenity of the area. A condition is recommended to obtain a final schedule of external materials, colours and finishes of the proposed development prior to the lodgment of a building permit application.

Local Planning Policy 2.8 - Fences

The City's Fencing Policy LPP2.8 is applicable to all areas zoned under LPS4 except where superseded by specific policy provisions applying to a local area. The provisions of LPP2.8 deemed applicable to the assessment of the application are addressed in the table below.

| Provision | Permitted | Proposal | Variation |
|---|---|---|---|
| Primary street setback | Visually permeable above 1.2m<br>Max. infill panel height 1.8m | Visually permeable above 0.8m<br>Max height of infill panels 2m | 0.1m-0.2m |

| | | | |
|---|---|---|---|
| | Max. pier height 2.0m | Max. pier height 2.1m | |
| Sightlines | 1.5m x 1.5m truncation provided on east and west side of new driveway | East side - Existing dividing fence to 1.8m in height adjoining proposed driveway<br>West side – 1.5m x 1.5m separation from buildings/ structures achieved | East sightlines not achieved |

The south and west street fencing is considered to meet the performance criteria of LPP2.8 in the following ways:

- A condition is recommended to achieve compliant sightlines on the east side of the driveway.
- The variation to the street fencing height requirements is considered minor and will not result in any significantly detrimental impact to the character and amenity of the streetscape.
- The design of the fencing is considered to complement the Holland and Wilkinson Street streetscape.

Local Planning Policy 2.26 - Tree Retention

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

Development approval is required for any tree-damaging activity to a regulated tree within the area identified in LPP2.26.

Under LPP2.26 tree-damaging activity means –

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

Under LPP2.26 a regulated tree means –

*A living tree that:*

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

The two existing onsite trees, a Jacaranda and a Queensland Bottle Tree illustrated in Figure 7 and 8 below, meet the requirements to be considered regulated trees. The City's Urban Forest Officers assessed the two (2) trees and found they were in good health and condition. The proposal seeks to retain the Jacaranda Tree and relocate the Queensland Bottle Tree.

The Tree Protection Report included as additional information found that the existing Jacaranda Tree was of a 'normal' health, condition and structural integrity for the species and the size and form makes it an ideal specimen to retain. The report indicated that the proposed garden bed for the Jacaranda in its current location was too small to preserve the structural root zone of the specimen. The applicant subsequently amended the plans to remove a car parking bay on either side of the tree and truncate the footpath to allow for greater deep soil area for the retention of the Jacaranda Tree. A condition is recommended that the Jacaranda Tree be protected through the construction process via the implementation of a tree protection zone.

The Tree Protection Report found that the existing Queensland Bottle Tree was in good health and condition and is of a size and quality that will lend itself to a successful relocation. The report states that the relocation of the tree will require a full relocation plan which must include a monitoring and maintenance schedule extending for a minimum of two (2) years after the transplanting has occurred. The report notes that the works for the transplanting will likely need to commence a minimum of six (6) months prior to the transplanting works commencing. A relocation plan will be required prior to any development commencing on site to address these requirements which is included as a recommended condition.

Figure 7 – Existing Queensland Bottle Tree.

Figure 8 – Existing Jacaranda tree.

Local Planning Policy 2.24 - Waste Management Plans

LPP2.24 requires a Waste Management Plan to accompany development applications involving non-residential/commercial land uses. The applicant has provided a WMP prepared by Urbii which is included as an attachment. The WMP seeks to demonstrate that the proposal can adequately cater for the anticipated volume of waste generated, includes adequate bin storage areas and allows for efficient collection of bins by appropriate waste collection vehicles.

The proposed development includes a separate bin storage room located towards the rear of site which will contain two (2) 660L general waste bins and two (2) 660L recycling bins. Waste from internal bins will be transferred directly to the bin storage area and deposited into the appropriate bins. A small rear loader waste collection vehicle will reverse from Holland Street into the subject site. Contractors will then wheel the bins from the bin storage area to the vehicle for emptying and return the bins once completed. The waste will be collected twice per week and will be scheduled for the middle of the day. The appropriateness of this frequency will be monitored on an ongoing basis.

The WMP has been reviewed by relevant City Officers and is considered appropriate to manage waste generated by the proposal. Compliance with the WMP will be secured via a recommended condition, should Council be of the mind to approve the application.

Traffic and access

In accordance with Planning Bulletin 72/2009 Child Care Centres, the proposed Child care premises is supported with the inclusion of a Transport Impact Statement (TIS) demonstrating that the traffic impact of the proposed development will be readily absorbed into the existing road network. The TIS was prepared by Urbii and found the following:

- There are no issues anticipated with car parking. Parents can drop-off or pick-up children any time during the operating hours of the facility. The supply of 27 car bays exceeds the peak anticipated parking demand of 23 bays.
- The proposed development will not generate significant service vehicle traffic. Smaller vehicles such as vans or utes will be utilised for deliveries to the site. These smaller vehicles can park in a visitor car parking bay for a brief time during ‘off-peak’ periods.
- Waste collection will be facilitated internally within the visitor car park. Swept path analysis was undertaken for a small rear loader truck to enter and exit the site. Waste collection will be scheduled for the middle of the day (outside the peak traffic periods).
- Waste vehicles will reverse from Holland Street into the car park. Holland Street is a minor access road carrying local traffic only. No issues are anticipated with reversing waste trucks into the site.
- Holland Street near the subject site is an approximately 6m wide, two-lane undivided road. A path for walking and cycling is provided on both sides of the road. Walk crossings are provided at nearby intersections, which include kerb ramps.

- Antrim Lane near the subject site is an approximately 4m wide laneway providing rear access for properties between Wilkinson Street and Coode Street. The proposed 90-degree staff parking bays are proposed to be set back 2.5m from the laneway, to provide sufficient turning apron width for entering and exiting vehicles.
- The subject site has access to the following bus services within walking distance:
  - Route 915: Fremantle Stn - Bull Creek Stn via Marmion St & Booragoon Bus Stn (High Frequency service).
- Public transport services provide a viable alternative mode of transport for staff and visitors to the proposed development.
- The closest bus stops are located on Marmion Street, less than 300m walk from the site (Figure 13). Bus services provide excellent coverage and connectivity to the rail network.
- The five-year crash history in the vicinity of the site was obtained from Main Roads WA. As detailed in Figure 18, three crashes were recorded in the last five years. The detailed crash history is presented in Table 4. The low traffic generation of the proposed development is unlikely to impact traffic safety in the area.
- It is concluded that the findings of this Transport Impact Statement are supportive of the proposed development. The proposal is expected to operate safely and efficiently within the existing transport network.

In accordance with the submitted TIS, the proposed Child care premises is suitably located in the context of the surrounding road network. Any increased traffic generation should therefore not result in a significantly detrimental impact to the amenity and safety of the area.

Noise

In accordance with the submitted Herring Storer Acoustics acoustic report, the premises will satisfy the relevant noise protection requirements, with the inclusion of the following:

- The *Environmental Protection (Noise) Regulations 1997* specify that noise sensitive premises (including a child care premises) can operate/produce noise between 7am and 7pm. Although the proposed child care premises plans to open at 6:30am to allow for staff to prepare for the day, the play area will not be used before 7am, resulting in the noise received at adjoining residences complying with the assigned day period noise level.
- The construction of a 1.8m high fence (Perspex material installed on the internal side) setback 8.3m in from the northern site boundaries to protect occupants of opposing dwellings from noise generated by the premises.

- The air conditioning condensing units have been assessed and it is considered they will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

A condition would be recommended to identify how the recommendations in the Acoustic Report prepared by Herring Storer Acoustics will be implemented in the development of the Child care premises, should Council be of the mind to approve the application.

## CONCLUSION

Approval is sought for a Child care premises at No. 136 (Lot 146) Holland Street, Fremantle. The proposal is not supported as it will result in the loss of tree canopy which provides significant social, economic, and environmental benefits to the community. It is considered that the trees are in good health and condition, do not pose a safety risk, and could potentially be retained subject to a revised design of the development. However, it is noted that the proposal will contribute to delivering positive social outcomes by providing an essential service regardless of not satisfying the relevant planning controls.

## 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

- 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, Child Care Premises at No. 136 (Lot 146) Holland Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 1 April 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. Prior to lodgement of a Building Permit application for the development hereby approved, a Tree Relocation Plan shall be submitted and approved, to the satisfaction of the City of Fremantle including the following:

   - Tree relocation preparation methodology and works schedule,
   - Details of a dedicated deep soil transplanting area,
   - Details of reticulation and mulch/soil treatment,
   - Tree protection measures during construction,
   - Monitoring and maintenance schedule for a minimum of two (2) years post transplanting,

   The approved Tree Relocation Plan shall be implemented in perpetuity, unless otherwise agreed by the City of Fremantle.

3. Prior to lodgement of a Building Permit application for the development hereby approved, details of a Tree Protection Zone for the existing onsite Jacaranda Tree, in accordance with Australian Standard 4970 – Protection of Trees on Development Sites, shall be submitted and approved, to the satisfaction of the City of Fremantle. The Tree Protection Zone shall thereafter be implemented and maintained for the duration of construction or unless otherwise agreed by the City of Fremantle.

4. Prior to lodgement of a Building Permit application for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

   a) Use of City car parking bays for construction related activities;

b) Protection of infrastructure and street trees within the road reserve;
c) Security fencing around construction sites;
d) Gantries;
e) Access to site by construction vehicles;
f) Contact details;
g) Site offices;
h) Noise - Construction work and deliveries;
i) Sand drift and dust management;
j) Waste management;
k) Dewatering management plan;
l) Traffic management; and
m) Works affecting pedestrian areas.

The approved Construction Management Plan shall be adhered to throughout the construction of the new development.

5. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZSC 1428, including parking bay/s (comprising visitor bays & disabled bays), aisle widths, circulation areas, driveway/s and points of ingress and egress.

6. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Amended Acoustic Report (Ref: 35293-2-25361), prepared by Herring Storer Acoustics, dated 13 February 2026 are to be implemented shall be submitted to the satisfaction of the City of Fremantle.

7. Prior to lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development shall be submitted and approved to the satisfaction of the City of Fremantle. The approved materials, colours and finishes shall thereafter be implemented and maintained in perpetuity, unless otherwise agreed by the City of Fremantle.

8. Prior to lodgement of a Building Permit application for the development hereby approved, fencing shall be truncated or reduced to 0.75m height within 1.5m of vehicle access points in order to

provide adequate sight lines and thereafter maintained to the satisfaction of the City of Fremantle.

9. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.

10. Prior to lodgement of a Building Permit application for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties and shall be implemented for the life of the development.

11. Prior to occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.

12. Prior to occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.

13. Prior to occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.

14. The waste management plan, prepared by Urbii Consulting, dated 10 November 2025 (U25.135.r02a) must be implemented at all times to the satisfaction of the City of Fremantle.

15. The maximum number of children in childcare at the site shall not exceed 105 at any one time.

16. For the duration of the development, the opening hours of the Child Care Premises are limited to Monday to Friday from 6:30am to 6:30pm.

17. 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.

18. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.

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

Advice note(s):

i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.

ii. 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.

iii. 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.

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

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

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

v. 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.

vi. The applicant is advised that an obstruction permit may be required from the City for any future obstruction of the Holland Street, Wilkinson Street or Antrim Lane road reserve. An application for obstruction permit can be found via https://www.fremantle.wa.gov.au/services-and-support/roads-and-footpaths/permits-and-application-forms-link-external/

vii. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which can be found via https://www.fremantle.wa.gov.au/planning-and-building/planning-and-building-applications/building/crossovers/

viii. The applicant is advised that the City's Infrastructure Business Services department can be contacted via Engineering-DA@fremantle.wa.gov.au or 9432 9999 for further advice on submitting a Construction Management Plan.

ix. 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.

x. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval.

Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via Engineering-DA@fremantle.wa.gov.au or 9432 9999.

xi. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.

xii. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an application to notify/register a food business. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

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

## C2605-5 DEFERRED ITEM: INITIATION OF SCHEME AMENDMENT 74 - NOS. 2-8 HARVEST ROAD, NORTH FREMANTLE

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Director Planning, Place and Urban Development |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Amended Scheme Amendment 74 Report<br>2. Amendment 74 - Schedule of Modifications |

### SUMMARY

This report discusses proposed Amendment 74 to Local Planning Scheme No. 4, which is an amendment submitted by the landowners to increase the density of Nos. 2-8 Harvest Road, North Fremantle, subject to specific criteria, and add additional land uses that may be considered.

Concurrent with this process, the City will initiate a transfer of land request to the WAPC to modify the boundaries of the rear accessway behind the site and within the reserve in preparation for dedicating it as a right of way (ROW) as part of any future development approval.

This item was deferred by Council at its meeting of 8 April 2026 for the following reason:

*To allow additional amendments to be prepared and considered prior to endorsement of the Scheme Amendment 74 for advertising.*

This report recommends that Council support the Amendment with modifications and initiate the land transfer process. It is noted that the applicant has not provided any changes or additional information for this item.

### BACKGROUND

Investigations for a potential re-zoning of subject lots have been ongoing since mid-2017, in response to a request from the owners of the lots expressing a desire to explore mixed-use development opportunities. At the time, officers highlighted the tension between allowing intensification of these lots and the ability to access them in a safe, functional and appropriate manner. The preferred solution identified was to utilise the adjoining vehicle access way to the rear of the lots which currently provides access to the adjoining larger reserve containing the North Fremantle Bowling Club, Community Centre and Gordon Dedman Park.

In order for a scheme amendment to be considered appropriate for these lots, rationalisation/formalisation of the rear access via its dedication as a public road was recommended.

As part of the initial investigations into the suitability of the vehicle access way to service the sites, some complexities in regards to its use were identified, relating to:

- its physical alignment compared to the reserve boundary
- the most appropriate road classification, should it be dedicated
- the upgrading implications and how these can be resolved.

Council also resolved to carry out additional investigation into appropriate scheme conditions pertaining to redevelopment of the sites to ensure an appropriate land use and built form outcome.

*Rear access*

There were many discussions with the applicants over the years on the appropriate mechanism to ensure the rear access would be appropriately upgraded prior to dedication and at the proponent's cost. The key sticking point was that the City required that the rear access be sufficiently upgraded prior to dedication, however, the landowners understandably did not want to pay for those upgrades until they could be sure that a development would be approved. Recently, the negotiations resulted in an agreement to carry out two processes simultaneously, being the access dedication and the Amendment, and to link the scheme amendment bonus development criteria to the upgrading of the rear access. The City will initiate the access dedication, which will include some boundary changes to the reserve area to clarify the accessway, as a separate land administration process concurrent with this Amendment. Once the dedication is conditionally approved, it will remain valid with no expiry date and will only be acted upon once development is approved on the residential lots and the future proponent upgrades the access to the City's specifications.

## FINANCIAL IMPLICATIONS

Nil – Costs for scheme amendments initiated by external parties are at the expense of those parties.

## LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)* set out the process for a local government to amend the local planning scheme. A local government must refer scheme amendments to the

Western Australian Planning Commission (WAPC), who make a recommendation to the Minster for Planning, who determines whether the amendment may be advertised with or without modifications.

The *Land Administration Act 1997* sets out the process for amending reserve boundaries and dedicating a parcel of land as a ROW.

## STRATEGIC IMPLICATIONS

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

Liveable City - Sustainable growth in city centre population

- Residential developments enable residents to minimise their environmental footprint.

## CONSULTATION

As a result of the discussions with the landowners above, at the March 2018 Council meeting, Council agreed to a set of principles which would form the basis of preliminary community consultation and development requirements for a new sub-area under Local Planning Scheme No. 4 (LPS4).

The City commenced preliminary community consultation on a potential amendment to LPS4, as well as dedication of a formal vehicle access way at the rear of the site. At the same time, officers drafted a set of development provisions which could apply to the subject lots based on the March 2018 Council resolution. At the time, the amendment proposed:

- Rezoning from Residential R25 to Mixed Use R60;
- Maximum height as per the R-Codes at the time (9m top of wall, 12m pitched roof);
- Height be focused away from the residential properties along Thompson Road; and
- mandatory inclusion of a residential component equal to a minimum of 25% of the floor area.

*Preliminary Community Consultation*

In December 2018, the City undertook preliminary community consultation on the idea of rezoning the subject lots to Mixed Use R60, and dedicating the existing vehicle access way as a formal laneway. This consultation provided insight into some of the opportunities and issues relevant to the scheme amendment.

Some of the prominent themes in submissions received for and against the proposal were as follows:

Comments in support:

- Proposal provides the opportunity for redevelopment and infill within an established area.
- Mixed use development is supported, given the potential for accessible facilities within easy walking distance to be of community benefit.
- Redevelopment of this area encouraged as it will enhance the entrance to the North Fremantle Centre.
- Support for improved access to the North Fremantle Community Centre and associated facilities via an upgraded laneway.

Comments against:

- Introduction of commercial uses will change the predominantly residential character of the area. Residential uses should be retained on the site.
- Opposition to the increased density proposed due to the existing impact of vehicle traffic along Harvest Road. Concern regarding traffic safety at the intersection of Harvest Road and Thompson Road. Concern also expressed regarding existing traffic congestion and safety issues at the Harvest Road and Stirling Highway intersection particularly during peak times.
- Upgrading the laneway at the rear of the site is not supported as it will be for the commercial benefit of developers and not the wider community. All capital costs associated with any private development must be met by the developer.
- At the 19 February 2019 ordinary Council meeting, Council resolved to proceed with the scheme amendment subject to the access way being fully funded. The potential amendment included the following criteria:
- Comprehensive and coordinated development of the site in accordance with an approved Local Development Plan;
- Non-residential tenancy size shall be restricted to ensure commercial scale appropriate to the site's context on the periphery of a centre, at the entry to a residential area;
- Minimum 2m street setback
- Building height in accordance with the R-Codes for R60;
- Any storey above the second storey is to be setback a minimum of 7m from any street boundary
- The ground floor to be no more than 600mm abutting street level;
- Minimum 12% of the development site area to be provided as a deep planting zone. This may be reduced to 8% if mature trees on site are retained within open space. The deep planting area may form part of the on-site open space requirements of the R-Codes.

- A minimum of 1 tree per 500m2 of development site area is to be retained or provided on site as part of site landscaping.
- Primary vehicle access to the site shall be provided from the rear access way. Limited visitor parking access from Harvest Road may be permitted subject to demonstration of its suitability from a safety and traffic management perspective.
- Contribution to the full cost of upgrade of the adjoining access way to be recouped as a condition of development approval, and ceding of land for a vehicle turning circle capable of accommodating a standard refuse vehicle, and construction of this.
- Vehicle parking shall not be provided in the street setback area.

This amendment never proceeded as proposed because a legal agreement could not be reached with the landowners to fully fund the rear access upgrades prior to initiation. Additionally, the R-Codes Volume 2 came into effect, which covers many of the individual criteria noted above, rendering them redundant.

Recently, the City, the landowners and the Department of Planning, Lands, and Heritage (DPLH) reached an informal agreement on how to proceed with an amendment in a way that would require the rear access be dedicated but without the access having to be upgraded until after a development was approved onsite. There have also been a number of other factors, including the current housing crisis and the need for the City to increase density in strategic sites as per the recently endorsed Local Planning Strategy, that would encourage higher density than originally envisaged.

The landowners subsequently lodged a formal scheme amendment (Amendment 74) proposing:

- retaining the zoning as Residential;
- increasing the density from R25 to R160 provided that a number of criteria around access, laneway preparation and building design considerations are met;
- allows consideration of Consulting rooms, Medical centre, Office, Restaurant/café and Shop as ‘D’ uses provided they are part of an R160 development.

If endorsed by Council, consultation on the latest iteration of the Amendment will occur in accordance with the Regulations should approval be granted by the Minister for Planning. The Amendment and report is included as Attachment 1. The City’s Schedule of Modifications is included in Attachment 2.

As part of the Land Administration Act process for the ROW dedication, the City will consult affected state agencies, such as Main Roads and Western Power, as well as existing leaseholders and determine the most appropriate way to address any possible encroachments.

OFFICER COMMENT

*Rear laneway*

The existing accessway at the rear of the properties services the North Fremantle Community Centre and the Bowling Club. The existing residential properties also use it for some vehicle access, as evidenced by the carports at the rear. However, the management order over the accessway is unclear as to whether the residential properties have a right to use it. Additionally, the cadastral boundaries of the rear accessway do not match up with the actual bituminised section of the accessway (the bituminised section is wider), and the accessway runs all the way through to Stirling Highway.

In consultation with the proponent and DPLH, the City has agreed to modify the boundaries of the accessway to conform to the existing bitumen and formalise the rear accessway into a right of way (ROW) through the Land Administration Act process concurrent with the scheme amendment process. The ROW will end at the Bowling Club, with the rest of the current access returned to the reserve. Note that these boundaries may be modified slightly as part of the consultation process with the affected stakeholders using the reserve and to deal with any encroachments.

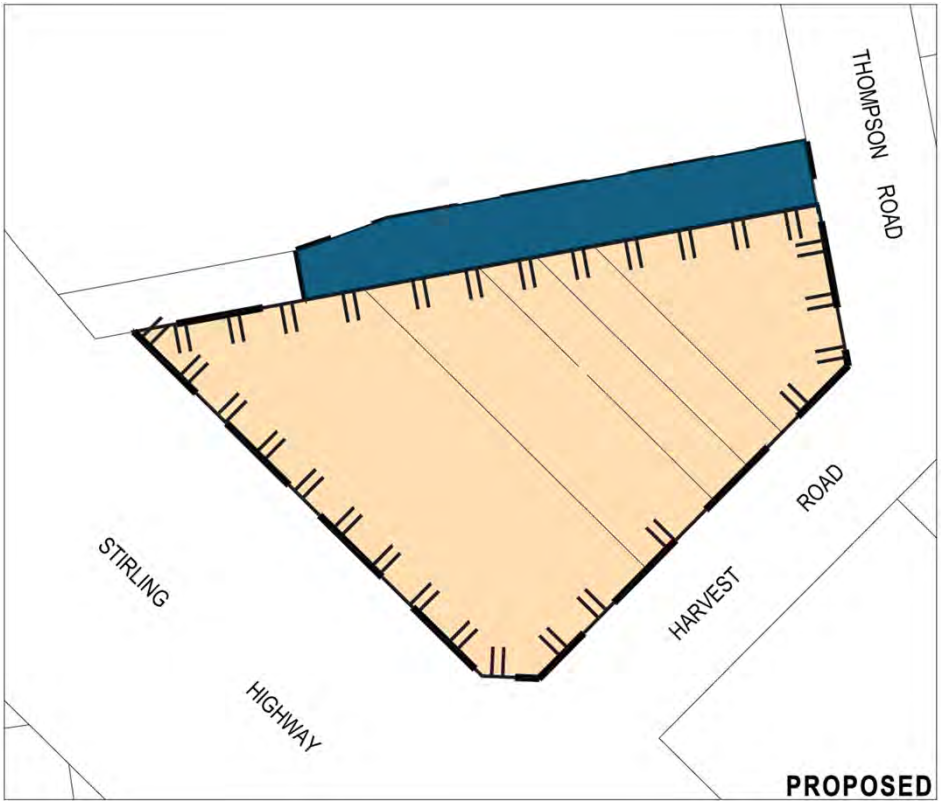



*Figure 1: Indicative new ROW boundaries in blue*

Once the ROW has been conditionally approved by the DPLH, the conditional approval does not expire and will not need to be acted upon until such time as a development is approved on the residential land and a proponent upgrades the accessway to the City's specifications.

This ensures that future redevelopment will be responsible for any costs associated with the upgrade but these costs will not have to be borne until a development is approved. These costs may have to include modifications to the pedestrian barriers of the North Fremantle Community Hall to clear sufficient space for vehicle access while providing for pedestrian safety. Exact details and specifications will be determined as part of any future redevelopment in negotiations between the City and the proponent. Once dedicated, the City will be responsible for maintaining the ROW.

The majority of vehicle access for any major new development would be required to be taken from this ROW, though there is ability in the amendment to consider limited access directly off Harvest Road for any non-residential uses (ex: a 15-minute stop for a café). Requiring the majority of vehicle access to use the ROW reduces the amount of hardstand on the street and reduces traffic conflicts on Harvest Road.

*Zoning*

The sites are currently located within a Residential zone. City Officers no longer think it appropriate to amend the zoning of the sites to Mixed Use in isolation. Any amendments to zoning should be implemented as part of a wider review of the North Fremantle District Centre Area as set out in the Local Planning Strategy.

However, given the close proximity of the North Fremantle Centre across Stirling Highway and the fact that these sites do not have immediately abutting residential lots, it is appropriate to allow consideration of some limited non-residential land uses in the absence of a wider review. These additional uses should be tied to future major redevelopment and not occur on the existing individual single house lots. The conditions within the Additional Uses table of the Amendment provide this certainty.

*Coding and height*

The Amendment proposes a density of up to R160. Under the R-Codes Volume 2, the Acceptable Outcomes for height for an R160 site is 5 storeys (18 metres) and plot ration is 2.0. Though with the discretion available in the R-Codes, a development could potentially be approved at an even greater height. The proponent's planning report (Attachment 1) demonstrates a 6 storey building:

*Figure 2: Proponent's modelling showing up to 6 storeys*

The sites are surrounded by predominantly single or two-storey dwellings. The only taller buildings are further north up Harvest Road and consist of a four storey aged care centre and a seven storey apartment building. Harvest Road rises in elevation towards the west, which amplifies the heights of these larger buildings. The North Fremantle Neighbourhood Centre is across Stirling Highway and consists of predominantly two-storey buildings, most of which are heritage listed, which limits future height increases.

To assess other options, the City Design Team has provided modelling of four and five storey buildings on the sites, and including the retention of two mature trees on the boundary of the site:

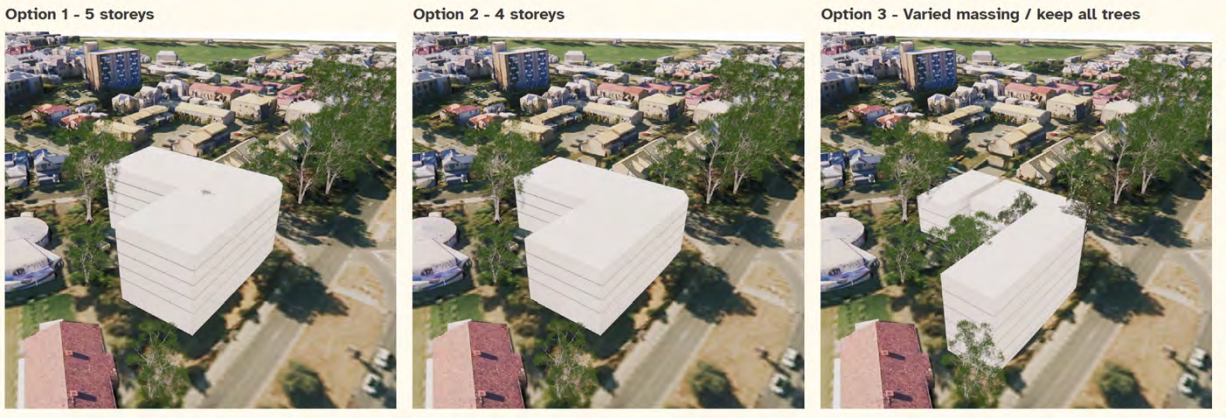



*Figure 3: Aerial View*

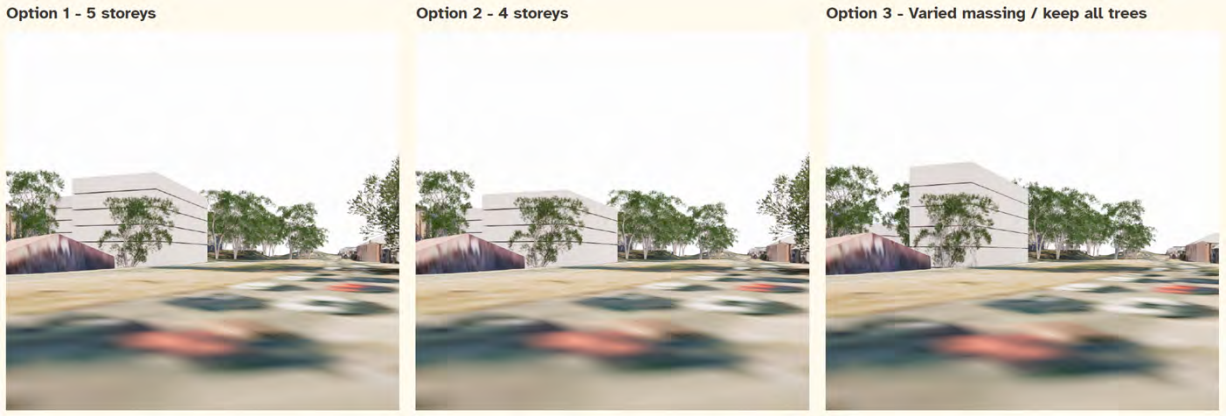



*Figure 4: Stirling Highway looking south*

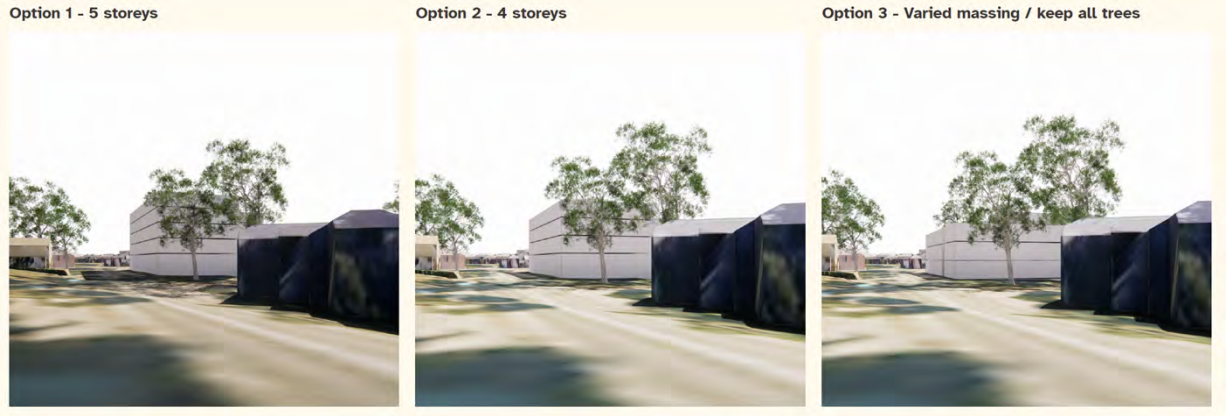



*Figure 5: Harvest Road looking west*

City Officers are concerned that a proposal above four storeys for the entirety of the subject site will dominate the landscape and overpower the Neighbourhood Centre, as well as the surrounding residential properties. The current tallest building, the old Weeties factory at 5 Burns Street, is only approximately 12m high at its highest point.

The lower heights are a more appropriate fit into the existing context and allow the development to transition towards the lower density without overpowering the more significant District Centre. It is therefore recommended that the “bonus” density be set at R100, which sets a plot ration of 1.3, to align with the 4-storey Acceptable Outcomes in the Residential Design Codes and that a maximum height of 4 storeys (15m) be set. Changes are set out in the schedule of modifications in Attachment 2.

## Other matters

City Officers have identified a number of large trees that would be considered ‘regulated trees’ under Local Planning Policy 2.26: Tree Retention (LPP 2.26) Two of these are located on the east and north boundaries of the site, with the one on the corner significantly contributing to the neighbourhood canopy and amenity (Figure 6 below).

*Figure 6: Trees with potential to remain*

Given their location on or abutting the boundaries, there is a high likelihood that they could be retained with a considered design response. One of the criteria to achieve the higher density is to have consideration for LPP 2.26 in the hopes of retaining one or both of these trees, particularly the tree on the corner.

Another criteria to be met in order to achieve the higher density requires that the site be designed so that a waste vehicle can enter and exit Thompson Road in forward gear. This may necessitate some or all of the turning circle to be within the cadastral boundaries of the subject sites.

Additional modifications shown in the Schedule of Modifications (Attachment 2) are as follows:

- Delete the scheme map – The amendment is to create a sub-area, not a change to the base coding. Further, the change to the northern reserve should not be initiated until the final boundary area is determined through the separate land transfer process.
- Add consideration for any other local planning policies – To clarify that a local planning policy will be used where it replaces an aspect of the R-Codes. Otherwise, the R-Codes will be the assessment instrument.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Determines that Scheme Amendment 74 is a 'Complex' Scheme Amendment as it is an amendment that is not addressed by any local planning strategy; and relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

2. Determines that the amendment does not require review by the Environmental Protection Authority under regulation 33C(2)(h) of the *Environmental Protection Regulations 1987*.

3. Proceed to seek approval to advertise Scheme Amendment 74 to Local Planning Scheme No. 4 (Attachment 1) as modified by the Schedule of Modifications (Attachment 2) under Regulation 46A of the *Planning and Development (Local Planning Schemes) Regulations 2015* and, subject to approval, proceed to advertise the amendment.

4. Authorise the Mayor and Chief Executive Officer to sign any necessary documentation required to enact the above resolutions.

5. Supports initiation of the Land Administration Act process to modify the boundaries of the rear accessway and, subject to being upgraded to the City's satisfaction, dedicate it as a ROW.

## C2605-6 DEFERRED ITEM: ADOPTION OF LOCAL PLANNING POLICY 3.1: FREMANTLE CITY CENTRE & NORTHERN GATEWAY

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. LPP 3.1 Schedule of Submissions<br>2. Draft LPP 3.1 - Fremantle City Centre & Northern Gateway<br>3. LPP 3.1.3 - Tracked Changes (revoke)<br>4. LPP 3.1.3.1 - Tracked changes (revoke)<br>5. LPP 3.1.5 - Tracked Changes (revoke) |

### SUMMARY

The purpose of this report is to provide Council with the outcomes of community consultation of draft Local Planning Policy 3.1: Fremantle City Centre and Northern Gateway.

This report recommends that Council adopt draft Local Planning Policy 3.1, without modification, and revoke the following policies which are consolidated into the draft policy:

- Local Planning Policy 3.1.3: Precinct 3
- Local Planning Policy 3.1.3.1: Precinct 3, Area 6: 7-15 Quarry Street, Fremantle
- Local Planning Policy 3.1.5: Precinct 5

This item was deferred at the 8 April 2026 Ordinary Meeting of Council to allow additional time to prepare and consider further amendments to the policy.

### BACKGROUND

At its Ordinary Council Meeting on 12 February 2025, Council received the Local Planning Policy (LPP) Review Timeline 2025–26, noting that the City then had 83 LPPs, many of which were outdated, duplicative, inconsistent with contemporary legislation, and difficult to apply. Three policies, providing design guidance for the City Centre and Northern Gateway areas, were reviewed as part of this process, with the aim of simplifying and consolidating provisions and, where appropriate, reverting to the Residential Design Codes (R-Codes), which now provide more detailed and contemporary design guidance.

The three polices reviewed were:

- Local Planning Policy 3.1.3: Precinct 3
- Local Planning Policy 3.1.3.1: Precinct 3, Area 6: 7-15 Quarry Street Fremantle
- Local Planning Policy 3.1.5: Precinct 5.

Draft Local Planning Policy 3.1: Fremantle City Centre and Northern Gateway (LPP 3.1), was prepared which sought to consolidate and simplify the local planning policies relating to this area. A more comprehensive area-based review is to be undertaken in the future, particularly through the preparation of a new local planning scheme.

Council at its 10 December 2025 meeting endorsed LPP 3.1 for the purpose of community consultation. Discussion of the outcomes of this process can be found in the Consultation and Officer Comments sections of this report.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

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

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.

Liveable City - A unique built heritage and history that is preserved, protected and shared
- The matters contained in this report align to the intent of this theme's outcome.

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 of a period of 21 days. Two submissions were received during this period. The main themes of the consultation process are outlined in the table below. Full submissions and officer responses can be found at Attachment 1 of this report.

| Submission | Officer Comment |
|---|---|
| I am concerned that any planned developments in the 'city triangle' (Sub-precinct E) stay in line with the lease agreement with the Perth Diocesan Trustees and St John's church. The Council does not have the right to erect any buildings or structures on the church's premises. | The policy does not seek to interfere with any lease agreement with the Perth Diocesan Trustees and St John's church or develop the church site.<br><br>The policy objectives are to support the City's Local Planning Scheme and provide guidance for new development within the City which complements and protects the heritage character of the precinct areas. |
| I object to Draft Local Planning Policy 3.1 in its current form and request substantial amendment before adoption. My objection is not to development or a higher density. It is to the reliance on discretionary height increases in sensitive heritage transition areas, and the long-term consequences that will follow. Fremantle is not a blank canvas.<br><br>Requested Amendments<br>The submitter formally requests that Council:<br>1. Remove Section 1.4 (Discretionary Additional Building Height), or substantially limit it.<br>2. Introduce parcel-specific envelope modelling.<br>3. Mandate comprehensive viewshed protection. | LPP 3.1 supports the provisions of the City's Local Planning Scheme No. 4. The intent of the review was to continue to align with the scheme provisions for this area, whilst consolidating and simplifying the relevant local planning policies. Many of these objections relate to existing scheme provisions which are simply reinforced in the policy.<br><br>The City has received approval from the Western Australian Planning Commission to commence preparation of a new local planning scheme which will provide the opportunity for a more comprehensive review of the provisions relating to this area.<br><br>Officers note and acknowledge the concerns highlighted, including discretionary building height, view |

| | |
|---|---|
| 4. Remove incentive-based height bonuses.<br>5. Strengthen heritage transition controls across all precincts.<br>6. Acknowledge governance arrangements relating to Church-owned land. | corridors and heritage protections. Concerns outlined will be considered as part of the preparation of the new scheme. |

OFFICER COMMENT

The draft LPP 3.1 consolidates three existing policies, these being:

- Local Planning Policy 3.1.3: Precinct 3
- Local Planning Policy 3.1.3.1: Precinct 3, Area 6: 7-15 Quarry Street Fremantle
- Local Planning Policy 3.1.5: Precinct 5

As part of adopting LPP 3.1, the three existing policies will be revoked.

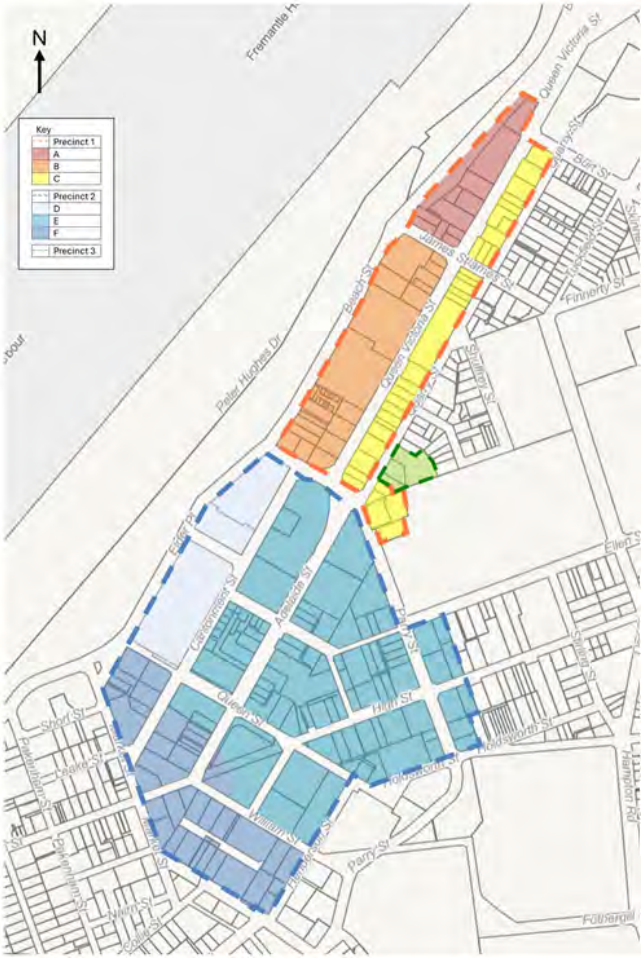



Figure 1: Local Planning Policy area

The areas covered by the policy, as shown in Figure 1 above, are subject to significant current and future development and represent key strategic locations within the City, particularly the City Centre and Northern Gateway precincts. Following a review of existing local planning policies, LPP 3.1 has been prepared to continue to support the preparation and assessment of development applications in these areas. LPP 3.1 consolidates three existing local planning policies into a single, contemporary, and more legible document while retaining the key provisions that support Schedule 7, Planning Areas 1 and 2 of Local Planning Scheme No. 4 (LPS 4). Minor amendments have been made to modernise the policy, including updated terminology, alignment with the R-Codes, the inclusion of stronger expectations for greening and sustainable development initiatives, and consolidating and updating maps.

Other changes include designating Cantonment Street as a primary street—reinforcing its strategic importance and applying higher built-form and public realm standards—and identifying Fremantle Oval and the William Street view corridor as major landmarks. Vehicle access and parking design provisions have also been strengthened to support a safer, more pedestrian-friendly environment. Provisions from LPP 3.1.3.1 have been carried over with minor refinements.

Overall, the intent and direction of the policy remain consistent with LPS4, with changes focused on consolidation, modernisation, and simplification to ensure the policy remains effective, clear, and fit for purpose. No fundamental changes have been introduced.

Given that LPP 3.1 supports the provisions contained in LPS4, currently the subject of review, Officers do not recommend any modifications to the draft policy at this time.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council:

1. Receive submissions made on LPP 3.1, provided in Attachment 1.

2. Adopt Local Planning Policy 3.1: Fremantle City Centre and Northern Gateway, as provided in Attachment 2, in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. Revoke the following local planning policies in accordance with Schedule 2, clause 6(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

    a. Local Planning Policy 3.1.3: Precinct 3
    b. Local Planning Policy 3.1.3.1: Precinct 3, Area 6: Quarry Street Fremantle
    c. Local Planning Policy 3.1.5: Precinct 5

# C2605-7 AMENDMENTS TO LOCAL PLANNING POLICY 1.9: DESIGN ADVISORY COMMITTEE AND PRINCIPLES OF DESIGN

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Draft LPP 1.9 - Design Advisory Committee and principles of design |

## SUMMARY

This report discusses minor administrative amendments to Local Planning Policy 1.9: Design Advisory Committee and Principles of Design (LPP 1.9). The amendments remove the fee listing within the policy and replaces it with a reference to the City's annual Fees and Charges, and amends LPP 1.9 and the Terms of Reference to reflect position title changes and correct scheme references.

This report recommends that Council adopt the amended policy without advertising.

## BACKGROUND

Clause 78B(6) of the City of Fremantle Local Planning Scheme No. 4 creates the Design Advisory Committee (DAC) to review development applications and relevant planning instruments such as structure plans. It sets out the types of applications that the DAC can consider and the criteria under which the DAC is to assess a proposal. LPP 1.9 is derived from Clause 78B(6) and provides further information on the process and the fees, as well as setting out the Terms of Reference for the Committee.

While LPP 1.9 needs to be overhauled to reflect contemporary design review legislation, this cannot occur until a new scheme is in place, as the current scheme includes the criteria for creation of the DAC and sets out the applications which the DAC is to assess. These cannot be superseded by a planning policy. In the interim, the policy will be maintained as is with only minor administrative changes.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Schedule 2, Regulation 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows local government to adopt amendments to local planning policies without advertising where it considers those amendment to be minor.

## 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

Nil

## OFFICER COMMENT

The proposed amendments to LPP 1.9 are administrative only, set out as tracked changes in Attachment 1, and summarised below:

| No. | Amendment | Reasoning |
|---|---|---|
| 1 | *Deleting clause 2:*<br><br>Once design advice has been provided at three (3) Design Advisory Committee meetings, the applicant will be charged a fee of $2,000 for each subsequent presentation prior to the meeting.<br><br>*Replacing with:*<br><br>Fees will be charged in accordance with the City's Schedule of Fees and Charges. | Fees should not be set out in a planning policy and should instead reference the City's Fees and Charges, as these are reviewed annually whereas a planning policy is reviewed every four years.<br>The City is currently reviewing the Fees and Charges Schedule for all planning items and will present any proposed changes through the appropriate review process. |

| | | |
|---|---|---|
| 2 | Changing all references in the policy and the Terms of Reference for position titles as follows:<br>Manager, Development Approvals to become Manager City Planning;<br>Director, Strategic Planning and Projects to become Director Planning, Place and Urban Development. | To reflect contemporary position titles. |
| 3 | Changing the scheme reference in the Terms of Reference from clause 11.8 to clause 78B(6). | To reflect the contemporary clause in the scheme. |

These changes are considered minor administrative changes that do not require community consultation.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council endorse Local Planning Policy 1.9: Design Advisory Committee and Principles of Design and the amended Design Advisory Committee Terms of Reference, provided in Attachment 1, without advertising in accordance with Schedule 2, Regulation 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

# C2605-8 ADOPTION OF LOCAL PLANNING POLICY 3.22: NORTH FREMANTLE

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. LPP 3.22 North Fremantle (for adoption)<br>2. LPP 3.22 North Fremantle - post advertising (tracked changes) |
| Additional Information: *(viewed electronically)* | 3. D.G.N1: Harvest Road, Corkhill and John Street & the Swan River<br>4. D.G.N2: Stirling Highway, John and Johanna Streets Local Area<br>5. D.G.N3: Stirling Highway, Thompson Road, Coventry Parade and Craig Street<br>6. D.G.N4: Stirling Highway, Tydeman Road, Jackson & Pearse Streets Local Area<br>7. D.G.N5: Eucla Court including lots facing Rule Street and Thompson Road, North Fremantle<br>8. D.G.N6: Northbank Development Guidelines<br>9. D.G.N7: North Fremantle Foreshore Plan<br>10. D.G.N8: Passmore Avenue (previously Lots 47 & 48 John Street)<br>11. D.G.N9: Rocky Bay Estate (Formerly State Engineering Works Site)<br>12. D.G.N11: Cypress Hill – Harvest Road, Corkhill Street and Alfred Road, Swan River<br>13. D.G.N12: Leighton Marshalling Yards Land Use and Development Policy<br>14. D.G.N13: Thompson, Alfred, Rule and Harvest Road Local Area<br>15. D.G.N14: Leighton Design Guidelines<br>16. LPP 3.10: Thompson Road, Craig Street and Lime Street<br>17. LPP 3.13: Minim Cove, North Fremantle |

## SUMMARY

This report presents submissions received during the advertising of the City's draft Local Planning Policy 3.22: North Fremantle (LPP 3.22). This report also identifies Local Planning Policies (LPPs) recommended for revocation.

This report recommends that Council adopt LPP 3.22 with minor administrative modifications post advertising and as a result revoke fifteen redundant and outdated LPPs relating to the North Fremantle area.

Many of the provisions that still apply and have not been superseded by more contemporary documents, have been improved and included in the new LPP 3.22.

BACKGROUND

At the Ordinary Council Meeting held on 12 February 2025, Council received the Local Planning Policy (LPP) Review Timeline 2025-26.

The aim of the review is to simplify the planning framework relating to these areas, remove superfluous and outdated criteria, and revert to the updated Residential Design Codes (R-Codes) where appropriate.

At the 11 June 2025 Ordinary Meeting, Council endorsed the draft LPP 3.22 for the purpose of advertising, as well as noting the intent to revoke a number of outdated and superfluous LPPs for the North Fremantle area upon the adoption of LPP 3.22.

LPP 3.22 was prepared following a review of the City's suite of policies relating to the North Fremantle area. LPP 3.22 consolidates and condenses the following policies:

- LPP 3.10: Thompson Road, Craig Street and Lime Street
- LPP 3.13: Minim Cove, North Fremantle
- D.G.N5: Eucla Court including lots facing Rule Street and Thompson Road, North Fremantle
- D.G.N6: Northbank Development Guidelines
- D.G.N11: Cypress Hill – Harvest Road, Corkhill Street and Alfred Road, Swan River

As a result of the review process, officers have identified 10 additional policies which contain outdated or superfluous criteria for the North Fremantle area and are to be revoked in their entirety. Many of these policies to be revoked were initially adopted in the 1990's, with revisions into the early 2000's. These policies largely contain provisions for the initial subdivision of areas or are better controlled by the provisions of the Residential Design Codes and the Local Planning Scheme No. 4. Additionally, a number of policies contain heritage provisions which are superseded by LPP 3.6: Heritage-Protected Places Built Form and Land Use (LPP 3.6).

As discussed in the report below, officers recommend fifteen existing policies relating to the North Fremantle area be revoked, with the retained and updated provisions forming the new LPP 3.22.

## 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 - Sustainably designed and optimised urban and natural environments

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

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 for a period of 21 days from 4 July 2025 to 25 July 2025. At the close of the advertising period two responses were received. Submissions and officer comments are included in the table below.

| Comments | City Response |
|---|---|
| Support | |
| Policy provisions have no impact on assets. | Noted |
| Do not support | |
| I vehemently oppose the revocation of the LPP 3.11: McCabe Street Area – Height of New Buildings. My home backs onto the old matilda bay brewery site and we already oppose the maximum height of 17m due to loss of privacy and overshadowing, amongst many other issues. In representing existing rate payers, the council should be doing all it can to | Any changes to this policy are on hold pending determination by the WAPC of the changes to the Structure Plan. |

| | |
|---|---|
| represent the concerns of every north freo resident who lives on the boundary of old matilda bay brewery site. NOONE wants a high rise building over our back fence and it is extremely concerning that you are seen to give up on policing the existing height restrictions and accept an EVEN HIGHER default position of 21 meters. This simply cannot be tolerated by existing residents. | |

OFFICER COMMENT

Modifications post advertising

Since this item was previously considered by Council, Officers are proposing minor administrative modifications to the proposed new policy LPP 3.22, including renumbering clauses and sub-areas. A copy of the policy with tracked changes, demonstrating the change between the previous Council item and this one, is included as Attachment 2.

The comments regarding the Matilda Bay site are noted, with no proposed change to the provisions proposed at this stage.

Element requiring WAPC approval

Clause B(i) of the new policy LPP 3.22 required approval from the WAPC prior to adoption of the policy by Council. The clause seeks to maintain provisions for rear setbacks for lots abutting the river foreshore and open space reserves which are included in a number of existing North Fremantle policies. LPP 3.22 proposes a 6m rear setback for lots abutting a river foreshore reserve. Doing so varies 5.1.3 C3.1 and 3.4 C3.4.1 of the R-Codes. The WAPC granted approval for this element late last year.

Policies to be revoked or retained

| Policy | |
|---|---|
| LPP 3.10: Thompson Road, Craig Street and Lime Street | Consolidate and revoke |
| LPP 3.13: Minim Cove, North Fremantle | |
| D.G.N5: Eucla Court including lots facing Rule Street and Thompsons Road, North Fremantle | |
| D.G.N6: Northbank Development Guidelines | |

| | |
|---|---|
| D.G.N11: Cypress Hill – Harvest Road, Corkhill Street and Alfred Road, Swan River | |
| D.G.N1: Harvest Road, Corkhill and John Streets & The Swan River Local Area | Revoke |
| D.G.N2: Stirling Highway, John and Johannah Streets Local Area | |
| D.G.N3: Stirling Highway, Thompson Road, Coventry Parade and Craig Street Local Area | |
| D.G.N4: Stirling Highway, Tydeman Road, Jackson & Pearse Streets Local Area | |
| D.G.N7: North Fremantle Foreshore Plan | |
| D.G.N8: Passmore Avenue (previously Lots 47 & 48 John Street) | |
| D.G.N9: Rocky Bay Estate (Formerly State Engineering Works Site) | |
| D.G.N12: Leighton Marshalling Yards Land Use and Development Policy | |
| D.G.N13: Thompson, Alfred, Rule and Harvest Road Local Area | |
| D.G.N14: Leighton Design Guidelines | |
| LPP 3.11: McCabe Street Area – Height of New Buildings | Retain |

Officers are recommending the following policies be revoked, including the five policies which were consolidated to form LPP 3.22:

Polices consolidated to form LPP 3.22

- LPP 3.10: Thompson Road, Craig Street and Lime Street

  The policy was adopted in 2008. This policy was developed to provide design guidance for the area bound by Thompson Road and Lime Street, North Fremantle. Guidance was provided for street setbacks, open space, open living areas and vehicle access.

  Officers are proposing that the 2.5m primary street setback for properties on Lime Street be maintained while street setbacks to Thompson Road revert to the setbacks provided in LPP 2.9: Residential Streetscapes for North Fremantle, being 5m for buildings with an external wall height of 4m or less, or 7m for an external wall height of greater than 4m. This replaces the current 4m setback in the policy and is more consistent with the existing constructed lots on Thompson Road, which have a setback of 5.8m due to an electrical easement. All except the dwelling at 84A Thompson Road are set back behind this easement line. Retained elements of this policy have been consolidated into Sub-Area 6 – Lime Street of the draft policy.

The single dwelling lots in the policy are coded R25, which requires a minimum site area of 300m2. All but one of the lots is undersized, ranging from 164 – 293m2. The policy sought a provision of 45% open space. It is proposed that the open space provision revert to the R-Codes requirement of 50% open space. A design principles assessment can be undertaken should a development application propose a lesser open space percentage.

- LPP 3.13: Minim Cove, North Fremantle

  This policy was adopted in 2009 and provides design guidance for overall built mass, scale and vehicle access for the area bound by McCabe Street and the Swan River. The land was undeveloped and had been approved for subdivision when the policy was adopted, with height and setbacks set out for individual lots and groups of lots. Redevelopment of this area has predominantly been completed in accordance with the existing policy.

  Land within the policy area is sloping, rising steeply from the river foreshore to McCabe Street. It is proposed that the primary street setbacks outlined in LPP 3.13 are maintained. The secondary street and rear setbacks are not carried over to the draft policy as these setbacks have been largely varied in the development of the area.

  The draft policy maintains the setback for garages for all lots except Lot 217 (Strata Plan 73153), which was excluded from the provisions of LPP 3.13. The retained elements of this policy have been consolidated into Sub-Area 1: Minim Cove of the draft policy. Remaining elements will be assessed against the R-Codes and LPS4.

- D.G.N5: Eucla Court including lots facing Rule Street and Thompson Road, North Fremantle

  This policy was adopted in 1988, with a subsequent amendment in 1998. D.G.N5 was prepared to provide guidance for the redevelopment of lots within the policy area. As redevelopment of the area has been realised, Officers are proposing that the height provisions of Schedule 7 of the Scheme and the R-Codes are generally appropriate to guide future development. The heritage criteria of D.G.N5 are superseded by LPP 3.6.

  The 4m primary street setback for Eucla Court as well as the primary street fencing provisions for Rule Street are to be maintained and included in Sub-Area 3: Eucla Court of the draft policy.

- D.G.N6: Northbank Development Guidelines

  D.G.N6 was adopted in 1987 and relates to the area located between Stirling Highway, Tydeman Road, Queen Victoria Street and the Swan River. The policy refers to providing consistency with Development Plan No. 8 and the City's Town Planning Scheme No. 3, both of which have been superseded by Schedule 7, Local Planning Area 3 of LPS4. As the majority of the policy area has been redeveloped, Officers are of the opinion that the policy provisions are redundant and are better served by the provisions of the R-Codes and specific City LPPs.

  The 4m primary street setback for single and grouped dwellings on Residential lots with a sole vehicle access to the primary street is deemed as still appropriate in lieu of the 5m/7m setback provision of the City's LPP 2.9 and has been included in the draft policy. Provisions relating to fencing are also carried over to the draft policy.

- D.G.N11: Cypress Hill – Harvest Road, Corkhill Street and Alfred Road, Swan River

  This policy was adopted in 1998, with amendments in 2000, to provide guidance for the redevelopment of the land bound by Harvest Road, Corkhill Street, Alfred Road and the river foreshore. Within the draft policy, Officers are proposing to retain the primary street setbacks and other provisions relating to the design of dwellings to deal with the sloping topography of the area. Fencing and retention of the limestone wall provisions are also carried over to the draft policy.

  The provision of building height is subject to Schedule 7, Local Planning Area 3 of LPS 4 and all other criteria revert to the R-Codes Volume 1 or relevant LPPs.

Policies to be revoked

- D.G.N1: Harvest Road, Corkhill and John Street & the Swan River

  This policy was adopted in 1993. It contains provisions for the built form and scale of development in the area and to maintain public access to the river. With revocation of this policy, Schedule 7, Planning Area 3 of of the City's Local Planning Scheme No.4 (LPS4), the R-Codes and the City's LPP 2.9: Residential Streetscapes will control new development. Public access to the river is maintained with the provision of existing public open space and reserves along the foreshore.

- D.G.N2: Stirling Highway, John and Johanna Streets Local Area

  This policy was adopted in 1988, with a subsequent amendment in 1999. The policy was developed to ensure subdivision and development protected the amenity of the area. The area has been partially subdivided and redeveloped. The policy area is covered by Schedule 7, Planning Area 3 of LPS 4, with future development of the area subject to the provisions of the Scheme, R-Codes and LPP 2.9.

  The heritage building referenced in the policy at Lot 1 John Street is listed on the City's Heritage List which ensures that development to the property conserves its heritage value. This method of protection currently supercedes the policy provision. Heritage provisions provided in D.G.N2 are superseded by LPP 3.6.

- D.G.N3: Stirling Highway, Thompson Road, Coventry Parade and Craig Street

  The policy was adopted in 1995. Land uses and height provisions set out in the policy are superseded by LPS4. The policy contains heritage provisions which have been superseded by LPP 3.6. Future development of the area is subject to the provisions of the R-Codes and LPP 2.9.

- D.G.N4: Stirling Highway, Tydeman Road, Jackson & Pearse Streets Local Area

  This policy was adopted in 1994. The policy sought to provide guidance for development and land use within the North Fremantle Local Centre, where this area is zoned mixed use, neighbourhood centre and residential. Much of this policy is contrary to LPS4. Future development of this area will be controlled by provisions within LPS4, the R-Codes and the City's suite of polices.

  D.G.N7: North Fremantle Foreshore Plan

  Adopted in 1986, and last amended in 2003, this policy has been superseded by the City's North Fremantle Foreshore Management Plan 2013.

- D.G.N8: Passmore Avenue (previously Lots 47 & 48 John Street)

  The policy was adopted in 1991. It outlines requirements relating to original site development, which has now been realised.

- D.G.N9: Rocky Bay Estate (Formerly State Engineering Works Site)

This policy was first adopted in 1992 with subsequent amendments in 1994 and 1997. The Policy has been superseded by LPP3.13 (partially adopted into the draft policy), the R-Codes and provisions in Schedule 7, 3.3 of the Scheme.

- D.G.N12: Leighton Marshalling Yards Land Use and Development Policy

  This policy was first adopted in 1998, with a subsequent amendment in 1999 and revisions in 2002 and 2005 which set the stage for the current legislative framework. This policy has been superseded by Schedule 9, Development Plan 17 – Leighton, North Fremantle, in the City's Scheme.

- D.G.N13: Thompson, Alfred, Rule and Harvest Road Local Area

  This policy was adopted in 2002. Development guidelines contained in the policy are satisfied by Schedule 7, Planning Area 3 of the Scheme and R-Codes.

- D.G.N14: Leighton Design Guidelines

  This policy has been superseded by Schedule 9, Development Plan 17 – Leighton, North Fremantle, of the City's Scheme. D.G.N14 was adopted in 2005 to guide development of the area bound by Curtin Avenue, Leighton Beach Road and Walter Place. The Detailed Precinct Plan has been carried over from D.G.N14 to Schedule 9 of LPS 4, along with the preferred and potential land use, building height and plot ratio provisions.

  Within the policy area, No. 35 (Lot 5) Leighton Beach Road and No. 9 (Lot 6) Cattalini Lane are the only undeveloped lots. No. 9 (Lot 6) Cattalini Lane received development approval through DAP in 2015 for one 6 storey and 2 five storey multiple dwelling buildings, with a two-year extension of time approved in 2020, which has now lapsed. An application for a three-storey, 30 multiple dwelling development has recently been lodged with the City. No development applications have been lodged for No. 35 (Lot 5) Leighton Beach Road.

  Unlike D.G.N14, Schedule 9 of LPS 4 does not provide guidance for building setbacks. Upon revoation of this policy, building setbacks will therefore be subject to the Acceptable Outcomes within the R-Codes Volume 2. Pursuant to clause 4.2.4 of the scheme, as there is no R-Code density applicable to the policy area, the R-AC3 provisions are to be applied. Developments will be

required to achieve the Element Objectives of 2.4 – Side and rear setbacks and 2.7 – Building separation.

The Acceptable Outcome outlined in table 2.1 of the R-Codes Volume 2 states that the minimum setback for the primary and secondary street is 2m (or nil if commercial use at the ground floor), and nil for side and rear setbacks. D.G.N14 was prepared prior to the gazettal of the R-Codes Volume 2 in 2019 and the subsequent 2024 revision which provides an improved contemporary framework for the design and assessment of multiple dwelling developments in high density areas. The controls in the current R-Codes are sufficient to control for amenity of all lots.

Leighton Beach has been included in the draft policy as Sub-Area 7 and simply refers to the development controls within LPS4.

Policy to be retained

- LPP 3.11: McCabe Street Area – Height of New Buildings

At the 11 June 2025 OCM Officers identified LPP 3.11: McCabe Street Area – Height of New Buildings for revocation. The Former Matilda Bay Brewery Site Structure Plan, which is currently with the DPLH for approval for amendments, relies on this policy to guide building heights on the site. Officers therefore propose that LPP 3.11 be retained until proposed amendments to the structure plan are determined. The amendments to the structure plan were endorsed by Council at the 11 February 2026 OCM (Item C2602-7).

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Adopt Local Planning Policy 3.22: North Fremantle, as provided in Attachment 1, and publish notice in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

2. Revoke the following local planning policies in accordance with Shedule 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
   a. D.G.N1: Harvest Road, Corkhill and John Street & the Swan River
   b. D.G.N2: Stirling Highway, John and Johanna Streets Local Area
   c. D.G.N3: Stirling Highway, Thompson Road, Coventry Parade and Craig Street
   d. D.G.N4: Stirling Highway, Tydeman Road, Jackson & Pearse Streets Local Area
   e. D.G.N5: Eucla Court including lots facing Rule Street and Thompson Road, North Fremantle
   f. D.G.N6: Northbank Development Guidelines
   g. D.G.N7: North Fremantle Foreshore Plan
   h. D.G.N8: Passmore Avenue (previously Lots 47 & 48 John Street)
   i. D.G.N9: Rocky Bay Estate (Formerly State Engineering Works Site)
   j. D.G.N11: Cypress Hill – Harvest Road, Corkhill Street and Alfred Road, Swan River
   k. D.G.N12: Leighton Marshalling Yards Land Use and Development Policy
   l. D.G.N13: Thompson, Alfred, Rule and Harvest Road Local Area
   m. D.G.N14: Leighton Design Guidelines
   n. LPP 3.10: Thompson Road, Craig Street and Lime Street
   o. LPP 3.13: Minim Cove, North Fremantle

# C2605-9 ADOPTION OF LOCAL PLANNING POLICY 3.3 FOR WHITE GUM VALLEY, SAMSON, AND BEACONSFIELD

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Draft LPP 3.3 Local Planning Areas (East)<br>2. Draft Amended Local Development Plan - Mouquet Vista |
| Additional Information: *(viewed electronically)* | 3. LPP 3.5 - Local Planning Area 5 Beaconsfield (revoke)<br>4. LPP 3.9 - Local Planning Area 9 Samson (revoke)<br>5. LPP 3.15 - Former Kim Beazley School Site White Gum Valley (revoke) |

## SUMMARY

The purpose of this report is to discuss adoption of new Local Planning Policy 3.3 – Local Planning Areas (East) (LPP 3.3).

This report recommends that Council adopts the new policy provided in Attachment 1 and amendments to Local Development Plan (LDP) - Lot 11 Mouquet Vista in Attachment 2. It is also recommended that the following policies be revoked, with key provisions of these policies forming part of the new policy:

- LPP 3.5: Local Planning Area 5 - Beaconsfield
- LPP 3.9: Local Planning Area 9 - Samson
- LPP 3.15: Former Kim Beazley School Site – White Gum Valley

## BACKGROUND

At the Ordinary Council Meeting held on 12 February 2025, Council received the Local Planning Policy (LPP) Review Timeline 2025-26.

This report focuses on the review of the planning policies and one Local Development Plan relating to part of White Gum Valley, O'Connor, Samson, and Beaconsfield. The aim of the review is to simplify the planning framework relating to these associated Local Planning Areas, removing superfluous and outdated criteria and reverting to the updated Residential Design Codes (R-Codes) where appropriate.

The review does not entail significant changes to the policy provisions. The draft policy consolidates, amends and replaces the following policies:

- LPP 3.5: Local Planning Area 5 - Beaconsfield
- LPP 3.9: Local Planning Area 9 - Samson
- LPP 3.15: Former Kim Beazley School Site – White Gum Valley

The draft policy covers the following areas:

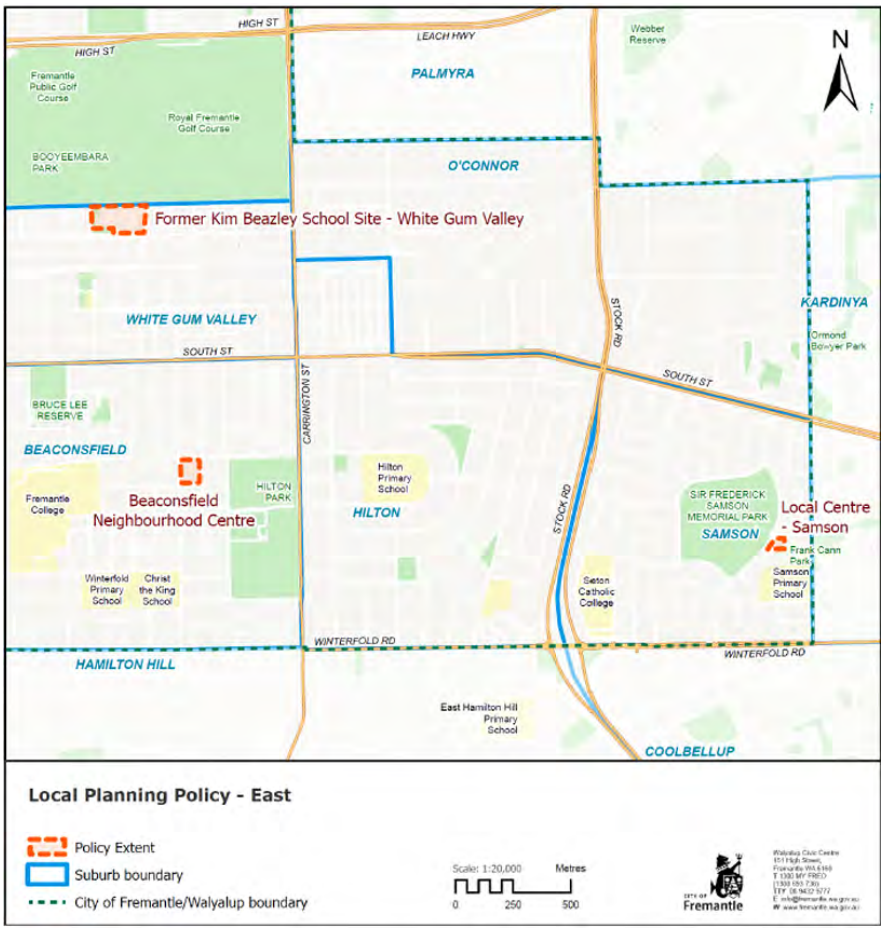



*Figure 1: LPP 3.3 Areas*

Council approval to commence advertising of the draft policy was granted on 13 August 2025. A summary of the Council resolutions from this meeting is below:

| Council Resolution | Outcome |
|---|---|
| 1. Endorse the draft Local Planning Policy 3.3: Local Planning Areas (East), as provided in Attachment 1, for the purpose of advertising, and seek approval from the Western Australian Planning Commission to vary the Communal Open Space criteria in accordance with Schedule 2, Regulation 4 of the | Advertised and referred to the WAPC for approval as per the Council resolution on 13 August 2025 |

| Council Resolution | Outcome |
|---|---|
| *Planning and Development (Local Planning Schemes) Regulations 2015*. | |
| 2. Endorse the amendments to Local Planning Policy 3.8: Local Planning Area 8 – O'Connor, as provided in Attachment 2, for the purpose of advertising, in accordance with Schedule 2, Regulation 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. | Adopted en bloc by Council on 12 November 2025 |
| 3. Endorse the amendments to the Local Development Plan – Lot 11 Mouquet Vista – White Gum Valley, as provided in Attachment 3, for the purpose of advertising in accordance with Schedule 2, Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015. | Advertised as per the Council resolution on 13 August 2025 |
| 4. Revokes Local Planning Policy 3.18: Beaconsfield and White Gum Valley Local Centre Areas in accordance with Schedule 2, Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and notes that advertising is not required. | Revoked by Council as per resolution 4 on 13 August 2025 |
| 5. Notes that, upon adoption of LPP 3.3 and LPP 3.8 above, LPP 3.5, 3.9 and 3.15 will be brought to Council for consideration, to be revoked. | Ongoing |

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

In accordance with Regulation 5, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) a local planning policy can be amended.

In accordance with Regulation 6, Schedule 2 of the Regulations, a local planning policy can be revoked without consultation, but the Local Government is to publish a notice of revocation.

In accordance with Regulation 59, Schedule 2 of the Regulations, a local development plan can be amended.

## 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

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

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

Advertising of the new policy occurred for 21 days from 29 August to 19 September 2025 in accordance with Local Planning Policy 1.1 - Planning Refunds, Amendments, and Community Consultation - Community Consultation on Planning Proposals and the Regulations. This entailed letter notification to all affected landowners and occupiers, a notice in the Fremantle Herald newspaper, and online advertising via the City's MySay platform.

The City did not receive any submissions but responded to community queries.

LPP 3.3 and the updated LDP were referred to the Western Australian Planning Commission (WAPC) for endorsement on 3 October 2025 following the public consultation period in accordance with clause 4 (3A), Schedule 2 of the Regulations as they included a variation to the Residential Design Codes on open space that required WAPC approval. This variation is in the existing policy and is being carried over into the new policy. It is the only policy aspect requiring approval from the WAPC.

As an outcome of discussions with officers at the Department of Planning, Lands and Heritage, minor amendments for clarity were made and clause 1.1.2 (setback requirements), which was erroneously carried over from the original policy in relation to lots that have since been developed, has been removed. The City received a response on 11 March 2026 advising that the WAPC had endorsed the policy without amendment.

## OFFICER COMMENT

Local Planning Policies 3.5, 3.9 and 3.15 have been updated and consolidated into Local Planning Policy 3.3 and the updated Local Development Plan, which will govern development within the aforementioned areas.

Amendments to the existing local planning provisions encapsulated in the consolidated draft policy and updated local development plan include:

- Removal of items that duplicate the Residential Design Codes of Western Australia (R-Codes) or are no longer applicable;
- Reducing the extent of the provisions once applicable in the former Kim Beazley School site of White Gum Valley to the remaining two undeveloped lots in the estate;
- Removing the provisions from Moltoni Quarry / Salentina Ridge Development in Beaconsfield as this estate is now complete;
- Introducing minimum landscaping and tree planting requirements for non-residential development;
- Enhancing built form and landscaping outcomes in non-residential development;
- Removing items of duplication from Local Planning Scheme No.4 (LPS4); and
- Updating the policy format to comply with contemporary templates.

The existing policies being consolidated will subsequently become redundant and are to be revoked.

The only material changes made to the version of the policy following advertising arose as an outcome of consultation with DPLH, which removed superseded Clause 1.1.2 (setback requirements) of the policy and clarifies that Clause 3.3 – Street boundary setbacks of the R-Codes is varied by the policy.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Adopt Local Planning Policy 3.3 – Local Planning Areas (East), as provided in Attachment 1, and in accordance with Schedule 2, Regulation 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. Adopt updated Local Development Plan – Lot 11 Mouquet Vista, as provided in Attachment 2, in accordance with Schedule 2, Regulation 55(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. Revoke the following local planning policies in accordance with Schedule 2, Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
   a. LPP 3.5: Local Planning Area 5 - Beaconsfield
   b. LPP 3.9: Local Planning Area 9 – Samson
   c. LPP 3.15: Former Kim Beazley school site - White Gum Valley

# C2605-10 ADOPTION OF AMENDED LOCAL PLANNING POLICIES 2.9: RESIDENTIAL STREETSCAPES AND 3.6: HERITAGE-PROTECTED PLACES BUILT FORM AND LAND USE

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Planning |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Amended LPP 2.9 - Residential Streetscapes (for adoption)<br>2. Amended LPP 3.6 - Heritage-protected Places Built Form and Land Use (for adoption) |
| Additional Information: *(viewed electronically)* | 3. LPP 2.9 - Residential Streetscapes (current) |

## SUMMARY

This report discusses advertised amendments to Local Planning Policy 2.9: Residential Streetscapes (LPP 2.9) and Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use (LPP 3.6). The advertising has concluded with no comments received and it is recommended that Council adopt both amended policies as advertised.

## BACKGROUND

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

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

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

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

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

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

At the 11 February 2026 Ordinary Council Meeting, it was resolved to advertise the amended policies for comment.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

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

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

Some R-Codes criteria require approval from the WAPC before the local government can modify them. The limiting of the driveway width to a maximum of 4.5 metres wide is one such criterion and was approved by the WAPC after the last LPP 2.9 update in 2018. This criterion is being maintained in the proposed updated policy and does not require further approval. None of the other currently proposed policy amendments require additional approval from the WAPC.

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

## STRATEGIC IMPLICATIONS

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

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

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

## CONSULTATION

Both policies were advertised from 1 March to 22 March 2026 and no comments were received.

## OFFICER COMMENT

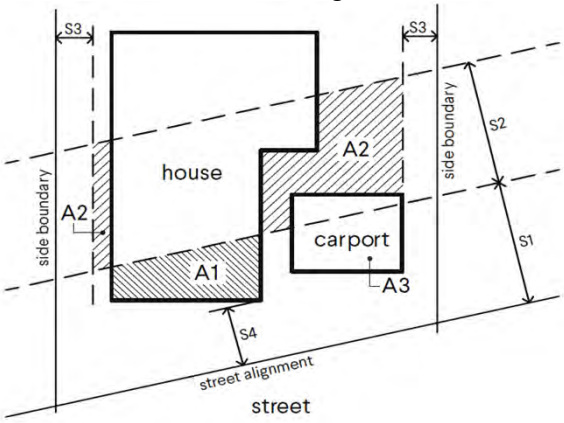
The amended LPP 2.9 is included as Attachment 1. The original LPP 2.9 is included as Attachment 3. The overall intent is to simplify the policy and align it with the R-Codes where such changes maintain the amenity of the area. LPP 2.9 is recommended to be adopted as advertised without further changes.

The advertised amendments are shown in the table below.

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

| | | |
|---|---|---|
| | amended and set out deemed-to-comply criteria. | Parts B (low density) and C (medium density).<br><br>Aligning the format and requirements with the state planning framework will also simplify the process for applicants. |
| 2. | New<br>Policy Objectives have been formulated, noting the existing policy does not have any.<br><br>The Policy aims to:<br>• Reduce the dominance of garages and carports on the streetscape;<br>• Maintain the traditional streetscapes of established areas;<br>• Ensure changes are not detrimental to the amenity of adjoining lots or the locality. | Objectives are needed to provide the underlying rationale for the policy criteria and should inform the Policy requirements. This assists decision makers when exercising discretion. |
| 3. | Modified<br>Application section has been amended to specify that this Policy does not apply to heritage-protected places, including heritage areas and individual places.<br><br>The section refers readers to equivalent provisions in LPP 3.6 for heritage-protected places.<br><br>Clarification is also included that the specified deemed-to-comply criteria in the Policy replace those of the R-Codes, and that any variation is to be assessed against the Design Principles of the R-Codes and the Objectives of this Policy. | To make clear that all heritage-protected places are assessed under LPP 3.6, and to clarify how an assessment under a local planning policy is carried out, reducing areas of conflict and contradiction. |
| 4. | Deleted<br>Ground and upper floor street setbacks have been deleted and now default to the R-Codes setbacks for South Fremantle, Samson, O'Connor and Hilton (where the place is not heritage listed nor in a Heritage Area).<br><br>Remaining suburbs retain the existing ground and upper floor setbacks. | The R-Codes provides a single setback number and does not differentiate between ground floor and upper floors. The existing policy sets out setbacks for these suburbs as follows: |

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

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

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| 8. | Modified<br>The criteria for carports within the primary street setback area to be deemed-to-comply have been modified to:<br>a) Require the entire carport to be set back 1.5m from the street boundary.<br>b) Allow increased dimensions of pillars/posts from 150mm to 450mm.<br>c) Change from an average maximum height of 2.8m to a total maximum height of 3m.<br>d) Permit attached doors, gates and fences/enclosures where they meet the deemed-to-comply criteria of the City's LPP 2.8: Fences.<br>e) Permit pillars and posts to be located on the boundary where a carport is less than 10m in length. | a) Under the current policy, roofs may have a nil street setback and do not take into account vehicle sightlines. The modifications allow for the R-Codes vehicle sightlines (1.5m setback) and street setbacks to provide safety and reduce building encroachment towards public footpaths.<br>b) To align better with the R-Codes. The marginal increase in dimension will have no impact on amenity.<br>c) In many situations it was unclear how to measure the 'average' height of a carport and so a set maximum is proposed for clarity.<br>d) Provided the carport enclosure has the same criteria as that of a fence, there is no need to require that the fence and gates be detached. This will allow for more simple carport approvals and a reduction in officer workload.<br>e) Officers commonly support placing posts on the boundary as this has little impact on the adjoining neighbours due to the fact that they do not comprise a solid wall and make more efficient use of space. The proposed 10m length matches that within the R-Codes for patios, which are similar-looking structures. Building codes may require that roofs be set back further. |
| 9. | Modified<br>Included the R-Codes vehicle sightlines diagrams and noted that they also have to be met. | For ease of reference and to draw the reader's attention to a R-Codes requirement not included or varied by this Policy. |

| | | |
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| 10. | Deleted<br>Building orientation section deleted. This section required that a building be oriented parallel to the boundary with front doors and windows clearly facing the street. | Allows for irregular shaped boundaries. It is also noted that it is extraordinarily rare for a building to not be aligned with the street front boundary as this most effectively utilises the lot (assuming the lot is fairly regular in shape).<br><br>The requirement for street surveillance from windows already exists in the R-Codes.<br><br>Any character or heritage requirements, are covered by LPP 3.6 requiring the dwelling orientation respond to the Heritage place. |
| 11. | Deleted<br>a) Deleted reference to Category B of Table 3 of the R-Codes.<br>b) Building height and scale variation criteria added as Local Housing Objectives except that criteria iii was deleted. | a) The R-Codes already defaults to category B unless otherwise stated in the local planning framework, rendering this clause superfluous.<br>b) Criteria iii is part of the existing R-Codes Design Principles criteria and therefore superfluous. |
| 12. | No change<br>The maximum driveway width of 4.5m has been carried over from the existing Policy in a way that ensures it applies to Parts B & C of the R-Codes. | For consistency and as a result of adapting the policy to the draft WAPC template. |

Other Policy Changes

Currently, Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use (LPP 3.6) refers to the existing LPP 2.9 criteria for parts of South Fremantle. Because the proposed changes to LPP 2.9 clarifies that heritage places are not covered by the policy, LPP 3.6 has been modified to delete reference to LPP 2.9. After advertising, minor typos were corrected as set out in (3) below. Amendments to LPP 2.9 are shown in Attachment 2 and summarised as:

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

*No additions or buildings to be located within the primary street setback, in front of a place, or within an established street setback area unless reinstating an original feature in the original architectural style or is a type of development set out elsewhere in this policy (ex: carports, fences, etc.).*

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

3. In cl 14, typos were corrected to replace some instances of the word 'industrial' with 'commercial'.

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

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

# C2605-11 PLANNING INFORMATION REPORT - MAY 2026

## 1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 13 May 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. Schedule of applications determined under delegated authority

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

## 2. UPDATE ON METRO INNER DEVELOPMENT ASSESSMENT PANEL (DAP) DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date: 13 May 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: Nil

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

| 1. Application Reference |
|---|
| DAP007/25 |
| Site Address and Proposal |
| No. 242 Marine Terrace, South Fremantle – Five storey Multiple dwelling development |
| Update and status |
| • At its meeting held on 4 March 2026, the Development Assessment Panel refused the application.<br>• On 25 March 2026 an Application for Review by the State Administrative Tribunal was lodged by the owner.<br>• Mediation has been scheduled between DAP and the applicant. |

| 2. Application Reference |
|---|
| DAP001/26 |
| Site Address and Proposal |
| No. 9 Cattalini Lane, North Fremantle – 3 storey (30 dwelling) Multiple dwelling development |
| Update and status |
| • On 4 February 2026 the City accepted an application for the above proposal.<br>• Community consultation for this item has closed.<br>• The applicant has agreed to stop the clock to respond to feedback prior to the City's RAR being finalised. At the time of writing this report, a new due date had not been confirmed. |

| 3. Application Reference |
|---|
| DAP002/26 |
| Site Address and Proposal |
| 6 Burns Street and 220 Queen Victoria Street, North Fremantle |
| Update and status |
| • On 25 March 2026 the City accepted an application for the above proposal.<br>• Community consultation is due to close on 2 June 2026.<br>• A Responsible Authority Report is due to DAP on 17 June 2026. |

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the following information reports for May 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

## C2605-12 WALGA CLIMATE CHANGE POLICY STATEMENT - ADVOCACY POSITION

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager City Design |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. WALGA Climate Change Advocacy Position Consultation Paper - 2026<br>2. WALGA Climate Change Policy Statement - July 2018 |

### SUMMARY

This report informs Council of the Western Australian Local Government Association's (WALGA) updated Climate Change Advocacy Position, provided in Attachment 1. It notifies the Council of the response that has been provided to WALGA, following discussion and broad support from elected members, generally endorsing the advocacy position but recommending the inclusion of stronger language regarding the climate crisis.

### BACKGROUND

The Western Australian Local Government Association (WALGA) has updated its climate change advocacy position to acknowledge changes in legislation, technology and climate science since the previous Climate Change Policy Statement was adopted in 2018 (Attachment 2). The draft advocacy position (Attachment 1) was provided to the City, seeking endorsement and/or feedback by 1 May 2026.

### FINANCIAL IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

Resilient City – An educated and empowered community that seeks to mitigate the causes and effects of climate change

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

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

- A roadmap to Net Zero emissions guides the protection of our community for future generations.

## CONSULTATION

With the short turn-around time to provide endorsement and/or feedback, elected members were engaged at the Informal Elected Member meeting on 27 April 2026 regarding the updated advocacy position. There was broad support from elected members for the advocacy position but also a desire that language regarding the climate crisis be strengthened.

## OFFICER COMMENT

The update to the advocacy position is modest but generally appropriate. The advocacy position broadly aligns with the City's Towards Net Zero commitment and Climate Emergency position statement.

The revised draft emphasizes the need for direct State and Federal government support to local government, which is admirable and supported. Dedicated funding of Local Governments to support emissions reduction and adaptation is more important than ever. This would support the City's community emissions reduction and coastal adaptation priorities. It would also enable the City to meet the requirements of the recently update Local Government Amendment Act 2023 which expanded the City's responsibilities regarding the promotion of sustainability in our community, mitigating climate change risks, and identifying and planning for long-term impacts.

The Consultation Paper supporting the advocacy position is a useful resource which aligns well with the City's climate change and sustainability priorities. It provides useful information and language to encourage better alignment between the City and other local governments regarding Climate Change and collective responses through policy improvements and practical initiatives.

The update however removes language referencing the scale and impact of the climate crisis, which was previously part of the 2018 advocacy position. The advocacy position would be improved by reinstating the previous content regarding the climate crisis.

As a result of discussion with elected members, feedback was provided to WALGA on behalf of the Council to meet their 1st May deadline, as follows:

*Recommendation*

*That WALGA be advised that the City of Fremantle:*

- *Generally supports the latest advocacy position statement.*
- *Suggests that it may be enhanced by adding by stronger language regarding the state of the climate emergency, and re-instates relevant content from the previous advocacy position:*
    - *Local Government acknowledges:*
        - *The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.*
        - *Climate change threatens human societies and the Earth's ecosystems.*
        - *Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.*
        - *Local Government is committed to addressing climate change.*

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council receive the updated WALGA Climate Change Advocacy Position and notes the response the City has provided to WALGA regarding the advocacy position on 1 May 2026.

# C2605-13 INFORMATION REPORT - FREMANTLE LIBRARY BI-ANNUAL REPORT OCTOBER 2025 TO MARCH 2026

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Director Creative Arts and Community |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Fremantle Library Bi-annual report infographic – October 2025 to March 2026 |

## SUMMARY

In accordance with the City's Memorandum of Understanding (MoU) with the Town of East Fremantle to provide a biannual report, this report provides information to the City of Fremantle and Town of East Fremantle Councils on the operation and performance of the Fremantle Library during the period from October 2025 to March 2026.

The City of Fremantle Library provides services to residents of the City of Fremantle and the Town of East Fremantle. The Town contributes to the provision of the City's library services as a participating body under the *Library Board Act 1951*.

This report recommends that Council receives the Fremantle Library bi-annual report and forwards the report to the Town of East Fremantle as agreed in the Service Level Agreement.

## BACKGROUND

The Fremantle Library was the first municipally funded public library in Western Australia, opening in September 1949. In 1955, an agreement was signed noting the contribution of the East Fremantle Municipal Council, the City of Fremantle, the Fremantle Road Board, and the Library Board of Western Australia to the delivery of the City of Fremantle Public Library. The Town of East Fremantle has continued to contribute to the provision of the Fremantle Library to the present day.
The City of Fremantle Library provides lifelong learning services to residents of Fremantle and the Town of East Fremantle.

## FINANCIAL IMPLICATIONS

The Fremantle Library and its services are jointly funded by:

- City of Fremantle – library operating, staff establishment and capital funding.

- Town of East Fremantle – contribution to library operating and staff establishment funding.
- State Library of Western Australia – provision of annual funding to support the supply of physical and electronic library resources. For local governments with a population of over 10,000, a percentage of the total state-wide materials funding is allocated based on their population. The allocation to the City of Fremantle for this financial year 2025/26 is $73,800 and is based on its combined population with the Town of East Fremantle.

## LEGAL IMPLICATIONS

The City of Fremantle and the Town of East Fremantle are each participating bodies under the Library Board of Western Australia Act 1951.

A five-year service level agreement for the provision of library services by the City of Fremantle to the Town of East Fremantle was signed on 2 September 2020 with a one-year extension signed in September 2025 (to August 2026).

## STRATEGIC IMPLICATIONS

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

Resilient City – Availability of services and support for the most vulnerable members of the community -

- Access to programs that connect vulnerable community members to services and support.
- Strong partnerships with relevant State Government agencies and service providers.
- A caring community supports, protects and accepts those who are most vulnerable.

Inclusive City – A welcoming and inclusive City for all members of community -

- The City's services, programs and places are welcoming, safe, accessible, and affordable.
- The LGBTQIA+ community is supported and celebrated in our community.
- A community that welcomes a diverse cultural mix and celebrates First Nations stories and our migrant connections.

Inclusive City – A Platform for engagement and participation for our youth and next generations of community leaders -

- Youth have access to facilities that encourage lifelong learning and active healthy lifestyles.

CONSULTATION

Nil

OFFICER COMMENT

Walyalup Civic Centre Library

Between October 2025 and March 2026, there were 95,855 visitors to Fremantle Library in the Walyalup Civic Centre location. The library has also welcomed 1,179 new members, with 9,372 members actively using the library, 716 of those active users being from East Fremantle.

Library staff have answered 19,872 customer enquiries during the six-month period. The top five enquiries received were regarding computer reservations including giving out guest passes, answering circulation questions like membership enquiries, helping with printing, photocopying, and scanning, taking payments, and helping with finding specific items or collections.

Library Update

From October 2025 to March 2026, the Lifelong Learning team delivered a diverse and engaging program of events that fostered creativity, learning, and community connection. A total of 294 programs were delivered during this time, attracting 8,645 attendees. Below is a snap shot of programs.

In October, as part of the Totally Lit Festival, *Flash and Fizz* featured a series of flash fiction workshops culminating in a lively evening event. Celebrated flash fiction writers shared readings of their work, followed by an open mic session where emerging writers presented their own flash and micro pieces to an engaged audience. Light refreshments supported a welcoming and social atmosphere.

Creative expression was further supported through Micro Memoir Workshops, which gave customers the opportunity to develop their submissions for the upcoming Freo Pride Fest exhibition. Two sessions, one focused on writing, and one combining writing and editing, were delivered by Night Parrot Press. These workshops supported the PrideFest library exhibition by guiding participants in developing and refining short memoir pieces.

Hands-on and wellbeing-focused programming included the Crochet to Okay workshop, which provided participants with crochet skills development alongside reflections on the wellbeing benefits of crafting. Games Foundry also engaged young people in collaborative game testing with creators, supporting feedback on new board game development.

Practical learning sessions included *Discover BorrowBox & Libby: Your Free Library eResources*, which supported participants in navigating digital library platforms, and *Resumes & Cover Letters: The Dynamic Duo*, which assisted attendees in building job application skills.

In November, programming included *Sunday Poetry: Readings on Inheritance & Change in a Volatile World*, which brought together local, national, and international poets following a three-day writing retreat.

As part of Freo Pride Fest weekend, the library also hosted an exhibition of community-submitted artworks including poetry, photography, and crochet, celebrating creativity and diversity.

In December, the monthly display theme, Staff Picks, remained highly popular and continued to attract strong borrowing and engagement. Programs including CoderDojo, Buster, Rhyme Time, and Story Time paused for the Christmas holiday period, with school holiday programs delivered in their place. These included boat-building activities, wind-powered beach buggy construction, Mario Kart tournaments, and recycled robot workshops as well as Buster special sessions, Toy Library outreach, and YPS-led workshops. The Teen Writers Group concluded its annual program, producing a strong body of short fiction, with further collaboration planned for 2026.

An eResources workshop delivered by the eLibrarian supported patrons in navigating BorrowBox and Libby, with a focus on troubleshooting and improving digital access skills. A fun bookbinding workshop was also held, which was well received, building on the success of a previous staff-focused session.

After-hours programming featured *Between the Books*, with a performance by local band Rocks and Rhubarb. The event included live music, open mic readings, refreshments, and after-hours access to the library space.

In January the display theme aligned with the SailGP event in Fremantle, encouraging patrons to “Sail into 2026” with a themed collection of maritime fiction and non-fiction. The Collections Librarian collaborated with youth services at Esplanade Park to deliver an Outdoor Library and Reading Room. This initiative provided shaded, informal reading spaces supported by festival seating, encouraging families and individuals to engage with library materials in a relaxed outdoor setting. Discarded stock was made available for community use.

The February display theme celebrated Library Lovers' Day, extended across the month with interactive engagement activities including book love notes, "date with a book" experiences, hidden rose searches, and children's creative activities.

Regular programs resumed, alongside new groups including a travel writing group, cursive handwriting group, and a writing group developed from previous Totally Lit Festival workshops. Two digital literacy sessions were delivered, supporting participants in developing mobile and computer skills.

The library's social media presence continued to grow through collaboration between the e-Librarian and Communications team. This has resulted in better engagement with our community through social media.

In March, the library delivered a range of adult programs supporting lifelong learning and community engagement. Weekly Tech Help sessions continued, with volunteers providing one-on-one assistance on Tuesday and Wednesday mornings. A mobile phone technology workshop was also delivered using resources from the Be Connected initiative.

The English Conversation Group continued to thrive following the summer break, supported by volunteer facilitators. Writing groups also remained well attended, including the Writers' Group, Cursive Handwriting Group, and Travel Writers' Group.

In recognition of International Women's Day 2026, the library hosted an author talk with Sophie McNeill. The session explored her career as a foreign correspondent for ABC and SBS and themes from her book *We Can't Say We Didn't Know: Dispatches from an Age of Impunity*.

In mid-March, the library commenced an eight-week program titled *Deconstructing Homelessness*, the second iteration of a pilot informed by academic research into homelessness in Australia. The program will continue through to early May.

History Centre

During October, the Fremantle History Centre progressed improvements to its exhibition space and public access services. Two new programmable displays were installed in the Local History exhibition area, positioned in each corner of the gallery. These displays are designed to showcase rotating themes including Indigenous history, heritage buildings, notable people, and other significant local history topics.

The History Centre also expanded its accessibility by introducing weekday drop-in hours, operating Monday to Friday from 9am to 1pm, providing improved public access to collections and reference support.

In November, the History Centre hosted a public talk with the editor of the Fremantle Herald. The session explored the history of the independent publication and its role in local journalism, highlighting its development as a trusted suburban newspaper. The event attracted over 40 attendees and was recorded for future inclusion on the History Centre website.

In December, approval was received for the installation of two projectors in the Local History exhibition space. These projectors will enhance the permanent exhibition by displaying curated local history content spanning pre-settlement to the present day and were installed in early February. During the same month, the History Centre hosted a Curtin University postgraduate practicum student for a three-week placement. The placement focused on photographing and cataloguing items from the civic collection in preparation for digitisation and upload to the History Centre website.

In February, the History Centre presented *Exploring Fremantle's Croatian History*, delivered by Norm Marinovich. The talk provided insight into the Croatian community's contributions to Fremantle's maritime, fishing, and cultural heritage, supported by historical photographs and personal stories. The event was well attended, with more than 70 participants.

Also in February, the History Centre launched the Heritage Place Records on its website. This resource replaces the Heritage Council's InHerit database and enables integration of photographic, reference, and oral history collections with property-based heritage records.

In March, the History Centre hosted an author talk by Robert Nicholson, great-grandson of Captain Robert Laurie. The presentation explored Laurie's influence on Fremantle's maritime history, including his rise from stevedore to Legislative Council member and his role as the first Chairman of the Fremantle Harbour Trust. The event attracted more than 40 attendees.

During the same month, and in partnership with the City of Fremantle Heritage team, the History Centre formally launched the expanded Heritage Place Records online resource. This database now includes over 3,500 listed heritage places and provides enhanced public access to property-based historical information, replacing the former Heritage Council InHerit database.

Homebound Delivery Service

The Fremantle Library Homebound Delivery Service supports residents of the City of Fremantle and Town of East Fremantle who are physically unable to visit the library in person. Deliveries are made once per month to registered members, with additional one-off deliveries and collections provided as required.

The service currently supports 32 members, including 24 residents of the City of Fremantle and 8 residents of the Town of East Fremantle. Items delivered include

books, large print books, audiobooks, CDs/DVDs, and magazines, ensuring continued access to library collections for community members unable to attend in person.

Toy Library

During October, the Toy Library delivered a range of community engagement activities, including the annual Children's Week community event. The event featured a variety of children's activities and service provider stalls, including Meerilinga, Fremantle Women's Health Centre, and Aboriginal Health services. The event supported early childhood engagement and strengthened connections with key community organisations. In addition, 14 families from the Town of East Fremantle accessed and used the Toy Library service during this period, demonstrating continued cross-boundary community engagement.

In November, the Toy Library joined the Hidden Disabilities Sunflower Program, supported by Toy Libraries Australia. A dedicated space was established at the entrance, with Sunflower lanyards and cards available for visitors to use while accessing the service. The initiative supports increased awareness of non-visible disabilities and helps families identify that assistance is available within the Toy Library environment. The service is listed on the Sunflower map, including location, hours, and accessibility information, and ongoing evaluation is being undertaken to monitor user engagement and program impact.

In December, regular Toy Library programming concluded in the week commencing 18 December in preparation for the Christmas closure period. Planning commenced for the summer school holiday program, including outreach activities scheduled across community locations.

In January, the Toy Library delivered a Summer Series program, providing mobile play-based activities across the community. Sessions were held at Fremantle Library and the Fremantle Leisure Centre, offering toys and structured activities for families during the school holiday period. A collaboration with the Leisure Centre supported delivery of a Twilight BBQ event on 16 January 2026, marking the second year of partnership. The event attracted strong community participation, with attendance exceeding 1,000 people and receiving highly positive feedback.

The Pop-Up Toy Library was also delivered over three weeks during the school holiday period. Sessions at the library attracted approximately 40 attendees across two sessions, while sessions at the Leisure Centre attracted over 300 attendees across two sessions, particularly during swim lesson periods. These sessions provided families with structured play opportunities and respite during the school holidays.

A board games day with sausage sizzle was delivered as a trial for a proposed after-school program, supporting future program development.

In February, the Toy Library introduced new pilot programs as part of its after-school and community engagement initiatives. Game On was launched as a weekly Thursday after-school program (3:30–5:00pm), offering board games and snacks, supported by PCYC Connect, which provides nutritious food and operational support.

In addition, Friday Jam was introduced as a mini “Stay and Play” program delivered alongside PCYC gymnastics sessions. The initiative is being trialled throughout the term, with potential for expansion through additional community partnerships subject to evaluation.

In March, the Toy Library hosted Paws with Purpose Storytime featuring children’s author Jessica and her trained service dog. The session provided children with an opportunity to learn about the role of service dogs in supporting people with disabilities, followed by a book reading and craft activities.

The Toy Library also supported the PCYC Youth Connect Beats by You event. The event brought together young people for an evening of music, food, crafts, and community stalls, contributing to strong youth engagement and positive community participation.

Buster

Buster is a program aimed at children 0 – 5 years old, and their parents/guardians. We encourage children and their parents/carers to play together. Buster operated across two weekly locations as part of Term 4 delivery, with Wednesday sessions at the Fremantle Arts Centre and Friday sessions at the PCYC Hilton. Both sites recorded steady attendance and strong family participation.

In November, Buster contributed to Fremantle Pride Festival, engaging more than 200 participants through interactive activities. A well-attended intergenerational session was also delivered during Seniors Week, which was positively received by attendees.

December programming included the annual Christmas celebration and participation in the Fremantle Arts Centre Bazaar, which attracted over 360 participants to Buster activities and Toy Library resources. Support was also provided through a quiet space and creative materials, including colouring and sensory resources.

A school holiday messy play session was delivered during the summer break and received strong engagement.

In January, additional messy play activities were delivered at the Fremantle Arts Centre in response to continued demand.

From February, Friday sessions moved to the library courtyard, a change that has strengthened engagement with the Children's Library. The program introduced borrowing incentives, including library bags and a reward card system, with mat time now held in the Children's Library to support early literacy. Wednesday sessions at the Fremantle Arts Centre continued to operate successfully.

An intergenerational morning tea brought together families, grandparents, and community members, including participants from library wellbeing programs, in a well-received social session.

In March, a Harmony Day themed session included multilingual storytelling and a Japanese language Storytime delivered by library staff.

### The Meeting Place

During the reporting period of October 2025 to March 2026, The Meeting Place community centre continued to serve as a popular hub for the Greater Fremantle community, attracting both local participants and a significant number of attendees from outside the area. Attendance increased steadily from term to term, alongside an expanding range of programs on offer. 412 participants were recorded during this period.

The Centre delivered a consistent program of 7–8 volunteer-led social groups, in addition to up to seven language classes across Levels 1–3 in both Italian and Spanish. Each term also included approximately 3–5 one-off workshops or short courses, developed in response to community feedback and proposals from prospective facilitators.

Recent offerings included journalling courses for women, introductory writing and character development workshops, and work-ready and business-focused training sessions, reflecting strong community interest in personal development and practical skills-building.

### Annual Customer Satisfaction survey

In November the annual Culture Counts survey was conducted to measure community satisfaction and service outcomes.

Key results included:

- 91% customer service satisfaction
- 87% overall satisfaction with library services

Benchmarking results indicated:

- 90% of respondents felt the library is an important part of where they live

- 89% reported increased reading as a result of their library experience
- 85% felt safe and welcome when using the library
- 82% felt the library supported creativity and lifelong learning

Individual comments included:
"It's a safe, beautiful, welcoming space where all my family are happy to spend time. I love the fact that my kids see it as a space to study and meet their friends. I always find something that interests me and the staff are friendly and helpful."

"I love Freo Library - lovely staff, nice vibe, community feel, I value third spaces, helps me to slow down - part of the slow lifestyle and community-focused life I want to live."

"I'm thrilled to learn about the homebound service as I miss being able to go to the library since acquiring a disability and living with chronic illness. Thank you!"

"I love the range of books, the ease of placing and collecting holds, it being a third space in which I can hang out and read, and the feeling of community it gives me to call in regularly."

"The staff are very welcoming and helpful (to all library visitors). So important for feeling inclusive and for people to access and hopefully meet their needs."

"The atmosphere. It's quiet but welcoming and gives me a feeling of community and belonging. It helps me to focus which I have difficulty with at home."

These individual comments reflect a strong sense of the library as a welcoming "third space" that supports wellbeing, belonging, and everyday life. Many respondents highlighted the importance of staff friendliness and support, as well as the library's role in providing an inclusive environment where people feel comfortable, safe, and able to access services.

Overall, feedback consistently shows that the library is highly valued not only for its collections and services, but also for its atmosphere and community role. It is seen as a place that supports reading, learning, and connection across all ages, while also providing a calm and welcoming environment that contributes positively to wellbeing and quality of life.

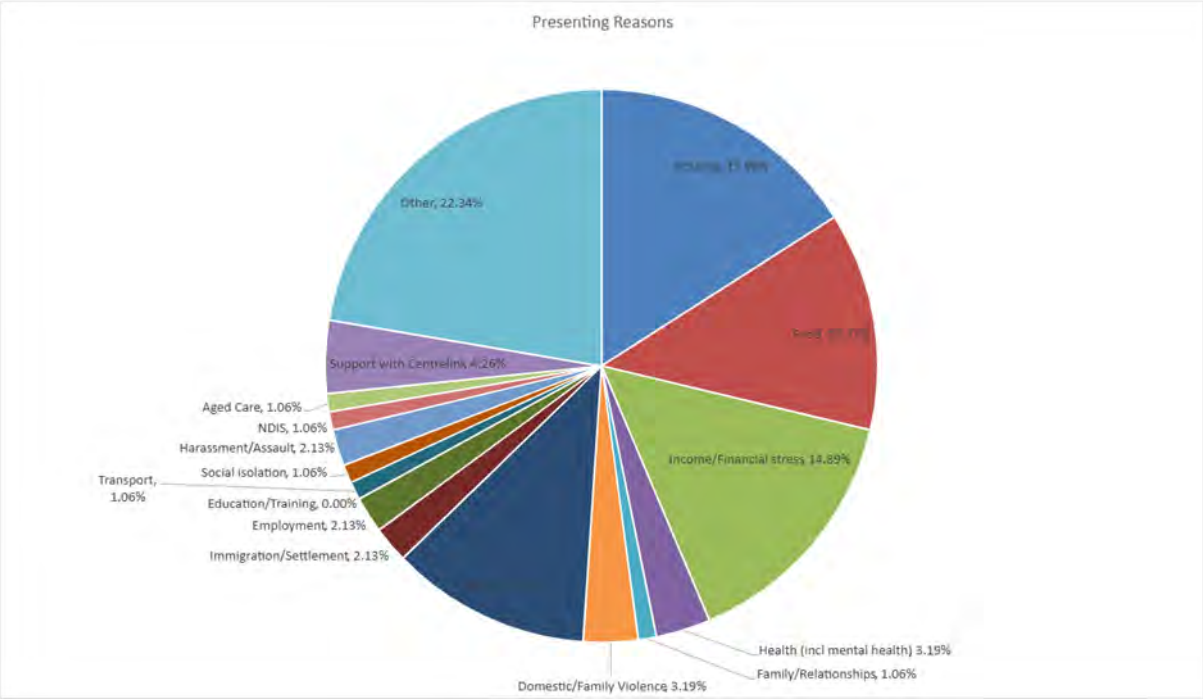
Library Connect

Across the six-month reporting period, the Library Connect Program delivered a consistent, low-barrier service supporting community members experiencing housing instability, financial hardship, and social vulnerability. A total of 137 contact sessions were recorded. Despite a period of staffing transition and data system changes between October and December, Library Connect maintained a strong presence within the library and broader community.

The program engaged a predominantly female cohort, with women representing the majority of clients (approximately 75% overall), while men accounted for a smaller but consistent proportion of presentations. Aboriginal and Torres Strait Islander people were also represented across the period, comprising approximately 15% of total contacts, highlighting ongoing engagement with priority community groups.

Most Common Presenting Issues:

- Housing stress and homelessness: 16%
- Financial hardship & income stress: 15%
- Food and basic needs assistance: 13%
- Legal issues and advocacy: 12%




Key Trends and Insights

The combined data shows that housing instability and financial hardship were the most consistent and significant drivers of service demand.

A defining feature of the program across the entire period was its role as a soft-entry point into the service system. Clients frequently approached for practical, low-intensity support—such as advice, vouchers, or help with forms—before engaging in deeper conversations about housing, legal, or personal issues.

The Library Connect Program continues to play a critical role in reaching individuals who may not engage with traditional services. The library setting provides a safe, neutral environment that enables connection with:

- People experiencing homelessness

- Individuals newly facing financial hardship
- Community members experiencing social isolation or distress
- Clients hesitant to access formal support services

Case Study 1: Restoring Access and Independence

Mary (not real name) sought assistance after losing essential identification documents while in unstable accommodation, preventing access to payments and services. Through Library Connect, the client was supported to initiate replacement documentation, connect with legal assistance, and navigate complex administrative processes.

Alongside practical support, the client was encouraged to engage directly with services, building confidence and independence.

Outcome:
The client successfully began restoring access to key documents, reduced immediate stress, and developed the skills needed to navigate systems independently.

Case Study 2: Building Trust Through Informal Engagement

A community member initially engaged with the service for basic needs support and information, without seeking ongoing assistance. Through multiple informal interactions over time, trust developed, and the individual later disclosed housing instability and personal challenges.

With this established rapport, the client accepted referrals to appropriate support services.

Outcome:
This engagement prevented further escalation of risk and demonstrates the effectiveness of relationship-based, early intervention support in a community setting.

Conclusion

The October 2025 to March 2026 reporting period demonstrates that Fremantle Library continues to deliver a highly valued, inclusive, and responsive service to the communities of both the City of Fremantle and the Town of East Fremantle. Strong visitation, membership growth, and high levels of customer satisfaction reflect the library's ongoing role as a key community hub for learning, connection, and cultural engagement.

A diverse range of programs and services spanning lifelong learning, digital literacy, creative expression, local history, and community wellbeing has supported broad community participation and engagement across all age groups. Targeted initiatives, such as the Homebound Delivery Service, Toy Library

programs, and outreach activities, have ensured equitable access and strengthened support for vulnerable and diverse community members.

Over the next six months the library service will focus on expanding its digital literacy options, curating the collection in response to feedback, and continuing a strong and dynamic events calendar for the local community. This will include hosting Geraldine Mellet as she launches her new novel, again participating in the Totally Lit Festival, collaborating on the annual Freo Builds LEGO trail in July, and providing access to a livestream of sessions from the Sydney Writers' Festival, further enhancing opportunities for community engagement and cultural connection. The service will also continue to consistently deliver great customer service to all patrons.

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council:

1. Council receive the Fremantle Library Biannual information report for October 2025 to March 2026.

2. Approve the Bi-annual report being forwarded to the Town of East Fremantle as agreed in the Service Level Agreement for the provision of Library Services.

## C2605-14 LIBRARY BOARD OF WA FREMANTLE REPRESENTATIVE

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Director Creative Arts and Community |
| Voting requirements: | Simple Majority Required |
| Attachments: | Nil |

### SUMMARY

In line with Section 5(4)(b) of the *Library Board of Western Australia Act 1951* (the Act), former Central Ward Councillor and Deputy Mayor Jenny Archibald has represented the City of Fremantle on the Library Board of Western Australia (the Board) from 5 May 2018. While Ms Archibald is no longer a City of Fremantle Elected Member, she is eligible to complete the full 4-year term as a Board member which expires on 25 July 2026.

Under Section 5(4) of the Act, the City may submit up to three nominations to the Minister to appoint one member as the City of Fremantle representative on the board.

The purpose of this report is to seek endorsement of up to three nominations for the appointment of the City of Fremantle representative on the Library Board of Western Australia, for a four-year term, ending July 2030.

### BACKGROUND

The Library Board of Western Australia Act was enacted in 1951 to establish a free public library system in Western Australia. It established the Library Board of Western Australia as a statutory body with management responsibility to oversee this process.

The Library Board of Western Australia consists of 13 members, and include representatives from the following bodies, as prescribed in the *Library Board of Western Australia Act 1951* (the Act):

- The Australian Library and Information Association;
- The City of Perth;
- The City of Fremantle;
- WALGA representing local government districts that are in the metropolitan area;
- WALGA representing local government districts that are cities or towns and are not in the metropolitan area; and
- WALGA representing local government districts that are shires and are not in the metropolitan area.

The City of Perth and City of Fremantle have direct representation on the Library Board due to being the main population centres in the metropolitan area in the 1950s, when the Board was established.

## FINANCIAL IMPLICATIONS

Nil.

## LEGAL IMPLICATIONS

Sections 4 and 5 of the *Library Board of Western Australia Act 1951* prescribe the City of Fremantle's eligibility to have a representative on the Library Board of Western Australia and the associated process of filling the office.

## 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'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.

## CONSULTATION

Nil.

## OFFICER COMMENT

### Library Board Process

In line with Section 5(4)(b) of the *Library Board of Western Australia Act 1951* (the Act), former Central Ward Cr Jenny Archibald has represented the City of Fremantle on the Library Board of Western Australia (the Board) from 5 May 2018. While Ms Archibald is no longer a member of the City of Fremantle Council, she is eligible to complete the full 4-year term as a Board member which expires on 25 July 2026.

Hon Simone McGurk, Minister for Creative Industries wrote to the Chief Executive Officer seeking nominations for the new term. Under Section 5(4) of the *Library Board of Western Australia Act 1951* (the Act), the City has the right to submit to the Minister a panel of names of three people from whom the Minister shall select one to be a member on the Board representing the City of Fremantle.

Nominees should have the capacity to contribute to the Board at a strategic level and across a range of areas, including financial and risk management, policy and governance matters, as well as areas of professional knowledge and interest.

The Board is currently seeking members with connections to Aboriginal or culturally and linguistically diverse communities; accounting qualifications; fundraising skills; marketing, media and public relations experience; and/ or strategic information technology (IT) skills and knowledge.

The Department of Creative Industries, Tourism and Sport have provided advice to the City that it is best practice to have a new representative, as Ms Archibald has completed 8 years of service by the end of her current term.

City of Fremantle Process

Council adopts the City of Fremantle Council Committees and Groups Register and appoint members to committees and internal and external groups at the first appropriate Ordinary Meeting of Council following each Ordinary Local Government Elections. Council adopted the 2025-27 memberships on 12 November 2025 (C2511-6) following the recent election.

It has been identified that the Library Board membership was not included in the 2025-27 register that was adopted by Council. However, the current member appointment is still active until it expires in July 2026. Once appointment of a new member has been confirmed by the Minister, this appointment will be included in the 2025-27 register, and either reconfirmed or appointed, as required following the Ordinary Local Government Elections as per normal process.

Previously, nominees have not always been Elected Members, as the criteria allows for independent representatives to be endorsed by the City. Although, the Department of Creative Industries, Tourism and Sport have provided advice to the City that it is best practice that a representative be an Elected Member or a City officer.

Nominations are now sought from Elected Members. Where no suitable nominations are received, the Council may authorise the CEO to nominate a suitable officer. If no nominations are received from Elected Members for endorsement of Council, Council may authorise the Chief Executive Officer to submit three suitable candidates for the Minister for Creative Industries for selection to the Library Board of Western Australia, seat of the City of Fremantle representative.

Maintaining representation on the Library Board of Western Australia, provides valuable connections within the library sector and aligns with the City's Strategic Community Plan and strategic objectives, therefore the following officer's recommendation is provided for Council consideration.

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council:

1. Endorse the following three nominations be provided to the Minister for Creative Industries, for appointment of one City of Fremantle board member representative on the the Library Board of Western Australia, for a term of four years:

| | |
|---|---|
| Nomination 1: | |
| Nomination 2: | |
| Nomination 3: | |

2. Note that the appointment will be reviewed following the 2027 Local Government Ordinary Elections, or as directed by the Minister.

## C2605-15 FWC ROAD TRANSPORT CONTRACTUAL CHAIN ORDER

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Manager Governance<br>Manager Commercial Services |
| Voting requirements: | Absolute Majority Required |
| Attachments: | 1. Road Transport Contractual Chain Order – Fuel Cost |

### SUMMARY

The purpose of this report is to present information to Council on the Road Transport Contractual Chain Order - Fuel Cost Recovery - 2026 (Order), made by the Fair Work Commission on 20 April 2026, operative from 21 April 2026, and provide an update on the impacts this order has on suppliers that are affected by increased fuel costs.

This report recommends that Council authorise the Chief Executive Officer to negotiate with relevant suppliers and implement a fuel costs recovery adjustment payment to be applied to relevant contracts, in accordance with the Order.

### BACKGROUND

On 2 April 2026 the Fair Work Amendment (Fairer Fuel) Act 2026 (Cth) Act commenced, enabling the Fair Work Commission (FWC) to make emergency Road Transport Contractual Chain Orders on an expedited basis.

On 2 April 2026 the Transport Workers' Union and the Australian Road Transport Industrial Organisation lodged an application with the FWC for an emergency Road Transport Contractual Chain Order relating to fuel cost recovery.

On 20 April 2026 the FWC issued its Decision and made the Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026 (Order) (See Attachment 2).

The Order took effect on 21 April 2026 and will cease to operate when the weekly average national price for diesel falls below $2.00 per litre.

The FWC is required to review the Order after one month and at three-monthly intervals thereafter.

After the Order was issued, officers obtained advice on its implications for the City and prepared an action plan to ensure compliance.

## FINANCIAL IMPLICATIONS

There will be financial implications for the City with relevant suppliers seeking recovery of increased fuel costs.

An approach to incorporating this provision in the annual budget will be included in the draft 2026/27 budget for consideration as part of the annual budget process.

36 contracts have been identified as primary contracts whereby the City is legally obligated to calculate and pay fuel price adjustments.

## LEGAL IMPLICATIONS

Legal advice was sought on 21 April 2026 regarding the Order. The legal advice recommends that the City take a structured and proactive approach to compliance by first identifying all contracts that fall within the scope of the Order. This involves auditing existing arrangements to determine which contracts involve the performance of work in the road transport industry, engaging with relevant counterparties, and reviewing contract terms to assess whether existing price adjustment mechanisms (such as fuel or rise-and-fall clauses) can be used to accommodate fuel cost increases.

Where such mechanisms exist, the City should apply or adapt them and consult with suppliers on an appropriate adjustment. Where no mechanism exists, the City should enter into discussions with contractors to agree on a reasonable method for calculating and applying fuel cost adjustments, noting that precise accuracy is not required but a reasonable, evidence-based approximation is sufficient.

Importantly, the advice recommends that the City does not amend contract terms, as the Order is temporary and contractual variation is unnecessary to make adjustments and comply with the Order.

In addition, it was advised that the City must take reasonable steps to ensure compliance throughout the broader contractual chain. This includes making inquiries with suppliers to identify where any downstream transport operators exist and seeking written assurance that appropriate fuel cost adjustments are being passed through. The advice recommends issuing standard communications to suppliers to request the relevant information and confirmation. Overall, it emphasises that the City must adopt a proactive approach, involving both the application of price adjustments where required and active oversight of compliance down the contractual chain, irrespective of whether suppliers have initiated a claim.

## 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'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.
- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

## CONSULTATION

In accordance with the Order and subsequent legal advice, officers wrote to all impacted (both directly and indirectly) suppliers on 5 May 2026.

## OFFICER COMMENT

On 20 April 2026, the Fair Work Commission (FWC) made an Emergency Road Transport Contractual Chain Order, which commenced on 21 April 2026. The Order responds to exceptional increases in fuel prices.

Attachment 1, the Road Transport Contractual Chain Order notes that evidence before the FWC demonstrated that many transport operators were unable to recover increased fuel costs under existing contracts, leading some to cease operating, with potential flow-on impacts to supply chains and essential services. To address this situation, recent amendments to the Fair Work Act 2009 (Cth) enabled the FWC to make time-sensitive emergency orders. On 2 April 2026, the Transport Workers' Union (TWU) and the Australian Road Transport Industrial Organisation (ARTIO) lodged an emergency application seeking mandatory fuel cost recovery arrangements across road transport contractual chains.

The resulting Order applies broadly to all work in the road transport industry, excluding only the cash-in-transit sector. It imposes mandatory obligations on parties within road transport contractual chains to ensure that increased fuel costs are recovered and passed through the chain.

The Order requires contract payment adjustments to ensure recovery of increased fuel costs measured against fuel prices on or before 6 March 2026, as defined in clause 2 of the Road Transport Contractual Chain Order (Attachment 1) and explained in paragraphs [66] and [77] of the Fair Work Commission Decision (Attachment 2).

Local Governments are covered by the Order because they commonly participate in road transport contractual chains via contracts such as waste services, civil works and materials, equipment and goods haulage. Where a Local Government

is a primary or secondary party in such a contractual chain, it has legal obligations under the Order to ensure fuel cost recovery mechanisms are in place. The Order is limited solely to regulating contractual fuel cost recovery arrangements in road transport supply chains. The Order will remain in force until the weekly national price for diesel falls below $2.00 per litre, at which point the mandatory obligations will cease. The FWC has indicated it will review the Order after one month and at three-monthly intervals thereafter.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Receives the information on the *Road Transport Contractual Chain Order - Fuel Cost Recovery - 2026*, made by the Fair Work Commission on 20 April 2026, operative from 21 April 2026.

2. Authorises the Chief Executive Officer, pursuant to sections 5.42 and 5.44 of the *Local Government Act 1995* and the City's Register of Delegated Authority, to:

   a) identify any City contracts to which the RTCCO applies; and
   b) negotiate on behalf of the City of Fremantle, a temporary fuel price cost recovery mechanism, for the payment of a fuel cost adjustment payments, in accordance with the requirements of the RTCCO;
   c) Implement the payment of a fuel cost adjustment payment to relevant suppliers in accordance with the RTCCO;
   d) cease the application of fuel cost adjustment payments, upon confirmation that the Australian Institute of Petroleum weekly average national terminal gate price for diesel has fallen below $2.00 per litre;
   e) execute any further variations, amendment or supplemental instrument required to give effect to any variation or replacement order made by the Fair Work Commission in place of or in substitution for the RTCCO.

3. Requests the Chief Executive Officer report the exercise of the delegation as specified in part 4, to the Audit, Risk and Improvement Committee, including a schedule of all Deeds of Variation executed and the total fuel cost adjustments paid.

4. Approve the following amendments to the adopted budget for 2025/2026, for expenditure related to the Fuel Cost Adjustment payments:

| Item | Account Details | 2025/26 Adopted Budget | Revenue Increase / (Decrease) | Expenditure (Increase)/ Decrease | 2025/26 Amended Budget |
|---|---|---|---|---|---|
| 1.1 | $50,000 to be reallocated to a new Fuel levy Surcharge expense account for 2025/26. | | | | |
| | Manage Financial Services group – Material General | (200,000) | | 50,000 | (150,000) |
| | NEW ACCOUNT – Fuel levy surcharge | 0 | | (50,000) | (50,000) |

## C2605-16 MICROSOFT ENTERPRISE LICENSE RENEWAL

Meeting date: 13 May 2026
Responsible officer: Manager Information Technology
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - Evaluation tables

### SUMMARY

The purpose of this report is to consider tender number WFCC140.26 for Microsoft Licensing Renewal.

This report recommends that Council accepts the tender submitted by Crayon Australia Pty Ltd in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

### BACKGROUND

The City of Fremantle's Microsoft Enterprise Agreement was due for renewal in April 2026. The City has been granted a ninety-day grace period from Microsoft to allow for a new Enterprise Agreement to be initiated.

### FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, and recommended tender price by Crayon Australia Pty Ltd for the renewal of the City's Microsoft Enterprise Agreement:

| | Current Year | Multi-year / forward years | | | Total project spend |
|---|---|---|---|---|---|
| Budget year: | FY25/26 | FY26/27 | FY27/28 | FY28/29 | |
| Budget allocation: | $370,000 | $500,000 | $500,000 | $500,000 | |
| Expenditure: | $477,378 | | | | |
| Commitment: | | $490,900 | $490,900 | $490,900 | |
| Total | -$107,378 | $9,100 | $9,100 | $9,100 | $1,472,702 (Total 3 Years) |

Sufficient funding provision has been allocated in the 2025/26, 2026/27, 2027/28 and 2028/29 financial year budgets to acquire these licenses within budget.

Given the nature of most the City's Microsoft licenses are a per user cost, future budget figures may fluctuate as the number of users changes.

This service spans multiple years therefore a commitment to suitable budget provision for future years must be considered.

## LEGAL IMPLICATIONS

The Tender request was advertised on 20/03/25 using a tender exempt purchase method as per Regulation 11(2)(b) of the Local Government (Functions and General) Regulations 1996, which states:

Tenders do not have to be publicly invited according to the requirements of this Division if:(b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program.

## 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'

- Deliver ICT solutions that enable the City to deliver for the community.
- The matters contained in this report align to the intent of this theme's outcome.

## CONSULTATION

This tender was advertised through the WALGA Vendor Panel and sent to all vendors associated with PSP001-025 – Information and Communication Technologies – Microsoft Enterprise Agreements. This category contains the following vendors:

- Crayon Pty Ltd
- NTT Data
- Datacom
- Insight
- Data#3

## OFFICER COMMENT

### Detail

Tender WFCC140.26 for Microsoft License Renewal was advertised on 20 March 2026 and closed on 31 March 2026.

Essential details of the contract are outlined below:

| | |
|---|---|
| Contract type | Fixed Term |
| Contract duration | 3 Years |
| Commencement date | June 2026 |
| Completion date | June 2029 |

Tender evaluation

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

- Crayon Australia Pty Ltd

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

The tender evaluation panel comprised:

- Manager IT, Systems & Strategy
- IT Operations Team Leader
- Manager Commercial Services
- Contracts Lead
- Contracts Officer
- Contracts Officer

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

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

| Item No | Description | Weighting |
|---|---|---|
| 1 | Relevant Experience | 50% |
| 2 | Key Personnel, Skills and Resources | 30% |
| 3 | Demonstrated Understanding | 10% |
| 4 | Sustainability | 10% |

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

One conforming tender submission was received.

The tender submitted by Crayon Australia Pty Ltd scored the highest qualitative rating with 30 points.

The results of the qualitative evaluation and pricing for delivery of tender number WFCC140.26 are shown in the Confidential Attachment.

Given that there was only one response to this tender, testing value for money across multiple vendors was not possible. To ensure that the City is getting a competitive rate, a portion of tendered pricing was tested against Microsoft's publicly advertised rate which has shown the following:

| License Type: | Tendered Price: (Per User/Per Year) | Microsoft Advertised Price: (Per User/Per Year) | Variance: |
|---|---|---|---|
| Microsoft E1 (91 Licenses) | $185.20 | $180.00 | +$5.20 (2.89%) |
| Microsoft E3 (420 Licenses) | $666.56 | $681.60 | +$15.04 (2.26%) |
| Microsoft E5 (5 Licenses) | $1,055.26 | $1,023.60 | +$31.66 (3.09%) |

Noting that Microsoft will only provide licenses through a vendor, the City accepts that tendered prices will include a markup from the vendor. Given that all tendered pricing was within an average variance of 2.75%, the City believes that this represents an acceptable price fluctuation and therefore deems the pricing submitted for this tender as competitive.

Crayon Australia Pty Ltd, the recommended tenderer, was assessed as having the capacity, resources and experience to provide the licenses as described in the specification, in accordance with the terms of the tender document. Crayon Australia Pty Ltd are also the City's incumbent vendor, for three years, for the supply of Microsoft Licenses.

## Environmental considerations

Given that this tender is for the provision of electronic licenses only, there were no environmental considerations required, other than that Crayon Australia Pty Ltd provided confirmation that their sustainability objectives align with the City.

## Risk consideration

An assessment undertaken by Dun and Bradstreet indicates that Crayon Australia Pty Ltd have the financial capacity to undertake the contract.

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

## References

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

Reference 1 - Manager - Technology and Digital Transformation / Greater Shepparton City Council (VIC)

- Have been using Crayon to provide their Microsoft licensing for quite a few years now.
- Has found their quality of work to be at a high level. Microsoft licensing can be quite confusing, and Crayon always have someone available to discuss options with you and help determine the best option for your company.
- Response times are quite fast. We have an account manager who we can reach out to at any time. A response is generally received the same day and they put us in contact with the right people within a very short time frame.
- Have engaged them to help with a few projects. They provide consultancy hours to help us transition from System Centre to Intune for our Windows fleet. We have also worked with them to convert our Microsoft licensing from an Enterprise Agreement to a CSP. Throughout that process, we worked with someone who was able to give us statistics on our use and suggest changes. We were able to downsize some licenses and are now saving a considerable amount of money each year.
- There have been no issues with personnel, contracts, licenses or timeliness.
- Their Customer Service is great and they deliver exactly what they promise.

COF statement:

- The City has used Crayon Australia Pty Ltd for their expiring Microsoft Enterprise agreement. This has been a three-year engagement, established in April 2023.

- Crayon Australia Pty Ltd have always responded to the City's requirements in a timely manner and have actioned these requirements without issue.

Comment

The City has been impacted by Microsoft's pricing restructure, which was introduced in January 2026, the impact of this to the City's operational budget is $120,000 in comparison to the 24/25 Financial Year budget. In February 2026 Microsoft announced further price increases, averaging 10.5% on the licenses in the Tender Evaluation, pricing comparison table, starting 1 July 2026. The City will not be subject to this price increase if this contract is awarded prior to July 2026.

With an Enterprise Agreement, the City can ensure that Microsoft licensing costs will be fixed for the three-year duration of the agreement. As such the City will not be impacted by CPI adjustments or current or future price increases introduced during the contract term.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Accept the tender from Crayon Australia Pty Ltd for Microsoft License Renewal (WFCC140/26) at the rates tendered for a period of 3 years.

2. Delegate Authority to the Chief Executive Officer, to approve the option to extend the contract for up to 3 years providing Crayon Australia Pty Ltd have performed satisfactorily in accordance with the terms of the contract.

## C2605-17 ADVERTISING THE PROPOSED DIFFERENTIAL RATE FOR THE 2026/27 FINANCIAL YEAR

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Director City Business |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Statement of Objects and Reasons 2026-2027 |

### SUMMARY

The purpose of this report is for Council to consider approval for advertising the proposed differential rate categories, rate in the dollar and minimum payment as detailed in the Objects and Reasons for differential rates (shown in Attachment 1) for the proposed 2026/27 budget, in accordance with the provisions of the *Local Government Act 1995*.

This report recommends that Council endorse the proposed 2026/27 differential rate categories, rate in the dollar and minimum payment and approve advertising of these proposed 2026/27 differential rates.

### BACKGROUND

The power to raise local government property rates is set out under the Local Government Act 1995 (Act). In adopting its annual budget, the Council must consider its current Strategic Community, Corporate Business and Long-Term Strategic Plans and, subject to the rating provisions under the Act, the Council is at liberty to use its rating powers to raise rate revenue at the level it determines appropriate. To determine this level requires the Council to assess the current and future service needs, aspirations of the community and their capacity and willingness to pay for those services.

### FINANCIAL IMPLICATIONS

Differential rates represent a strategic approach to rating which is Council's major revenue source.

### LEGAL IMPLICATIONS

Under the *Local Government Act 1995* section 6.33 and 6.34 allows Council to impose differential rates and minimum payment. Section 6.36 requires Council to give notice of certain rates and consider submissions before imposing differential rates.

## 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

This recommendation is the City's intention to advertise the proposed differential rates for public comment prior to the adoption of the 2026/27 budget.

This advertising will occur for a minimum 21 days and allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process.

## OFFICER COMMENT

### Economic Context and City Response

While the second half of 2025 began to indicate a path to more stable economic conditions, geopolitical tensions and the escalation of conflict in the Middle East saw volatility return in early 2026. Global supply issues relating to the current conflict have triggered increases in fuel prices as well as uncertainty around future supply. This is widely expected to have flow on affects further throughout the supply chain and broader economy.

WALGA's Local Government Cost Index (LGCI) is based on statewide cost data collected from across WA Local Governments. WALGA's economic briefing for the March quarter of 2026 has identified the following key observations in relation to the LGCI.

- Local Governments have not been immune from the impact of inflation in recent years with the LGCI increasing 4.4% in 2022-23, 3.6% in 2023-24, and 3.8% in 2024-25. Over the year to December, the LGCI increased by 4.8%, however it has started to slow with the 0.9% increase recorded in the December quarter.

- Growth in construction costs, which comprise around a quarter of the index, have continued to stabilise primarily driven by the construction market moving closer to a balance between supply and demand, linked to a range of factors including a moderation in supply chain challenges and the completion of major public infrastructure projects, in particular the Metronet program.

- *Macro monitor* forecasts annual construction cost growth in Western Australia for Non-Residential Building, Non-Road Infrastructure, and Road and Bridge Construction to sit within a range of 2-3.5% over the three-year period between 2026-27 and 2028-29.

- The LGCI is forecast to end 2025-26 up 3.1% and remain at this level in 2026-27. Subsequently, annual growth of the LGCI is forecast to decline marginally to 3% in 2027-28 and to 2.8% in 2028-29.

- WALAG advises that given current conditions, Local Governments should adopt flexible budgeting strategies, incorporate contingencies, and use adaptive procurement approaches to manage volatility.

Notwithstanding current forecasts within the LGCI and noting that the full impacts of the Middle East situation have yet to fully flow through this index - the WALGA economic briefing has also provided the following scenario analysis with respect to oil price impacts on Local Governments.

- Fuel supply has emerged as an area of significant concern for the Local Government sector in Western Australia and across the nation.

- There are a wide range of services provided by Local Government which rely on fuel and are subject to the pressure of increased prices, including urgent road repair, waste services, and water and sewerage operations. As a specific example, diesel is critical for all stages of road construction and maintenance, from aggregate heating and drying at asphalt plants, to the operation of pavers, rollers, and bitumen sprayers, to material haulage from quarry to site.

- The impact of price movements in the oil price extends beyond diesel prices, and flows through to other critical inputs used widely throughout the WA economy, a number of which are critical to Local Government sector, such as bitumen.

- Australia imports the majority of its bitumen supply for asphalt and bitumen spray seal applications, primarily from Asian refineries in South Korea, Singapore, and Thailand, which depend on Middle Eastern crude oil as

feedstock. It is understood a number of those suppliers may have cancelled supply commitments or invoked force majeure provisions in response to current conditions.

- Bitumen is just one example of what are clear and observable relationships between movements in the price of oil, the price of fuel, and associated input and output prices which impact on the costs faced by the Local Government sector in WA. ACIL Allen developed and applied the following shocks to selected sub-components for calendar year 2026 (on a quarterly basis) within the *Macro monitor* forecasts:

    - Material costs: 12% (6% in the March quarter of 2026, then 2% in each subsequent quarter)
    - New Construction Equipment: 20% (5% in each quarter of 2026)
    - Plant Hire: 8% (2% in each quarter of 2026)
    - Fuel: 80% (quarterly changes of 75%, 25%, -10%, -10%)
    - Freight: 15% (quarterly changes of 5%, 10%, 0%, 0%)

- The application of the shocks under this scenario to the selected sub-components would result in a 4.8% increase in the LGCI in 2025-26 (compared to 3.1%) and to 3.3% in 2026-27 (compared 3.1%).

The City is continuing to monitor economic information provided by WALGA as well as other key sources of information to ensure the 2026/27 budget (and future years) is responsive to and reflective of the current situation. Other emerging matters such as restricted supply of preferred fertilizer products and plastic based products such as reticulation supplies is also being monitored.

In response to the current situation and the data currently available, the City is anticipating and planning for increases to the cost-of-service delivery, however, also acknowledges parts of the community have been and will continue to be impacted by current cost of living pressures being faced across the Western Australian Economy.

Following the adoption of the City's Long Term Financial Plan (LTFP), our focus has been on continuing to grow investment into the renewal of our existing assets, growing our financial reserves, and planning/budgeting for capital programs that
are in line with our capacity to deliver. This has resulted in the City continuing to maintain a strong financial position.

While there have been positive steps towards the achievement of strategies set out in the LTFP, the City has given strong consideration to the current global economic situation and ongoing cost of living pressures being faced by the community and as such is proposing an increase to revenue generated by rates that is in line the estimated Consumer Price Index (CPI) at time of budget adoption. This will form the basis for the delivery of a responsible and considered budget in June, with the intent that where possible this approach minimises the passing on of cost escalations to the community.

Targeted Underground Power Project

The 2026/27 financial year will see the continuation of the Targeted Underground Power Project (TUPP) being delivered by Western Power for the South Fremantle and Fremantle South project area. This will be the second year the City collects a service charge from properties within the project area to fund the resident and Western Power owned infrastructure being delivered as part of the project.

While this does not impact the proposed differential rates, the service charge will be advertised with the differential rates to ensure the community remains aware of the project and associated charges.

In 2025/26 the City collected $1.79m in service charges from property owners for the South Fremantle Underground Power project. The funds are held in the South Fremantle Underground Power Reserve. Any interest generated on the funds being held is contributed back into the project. The funds will be drawn down upon by Western Power as and when they make cash calls at varying stages throughout the project.

The total project cost is currently estimated by Western Power at approximately $53.8m (+/-30%). Based on the number of properties in the project area, this roughly equates to a cost of $24,000 per property however Western Power are substantially subsidising the project to the tune of around 80%. This means the City will only be required to recover an estimated cost to ratepayers of approximately $14.3m. This cost is being recovered via the collection of the service charge as part of annual rates notices over a 7-year period. This does not include any interest costs, as it is still the City's intent not to take on any borrowings for this project.

Two service charges are collected from residential and commercial property owners within the project area, being the property connection service charge and the transmission infrastructure service charge. Further information about how service charges are applied to different categories of property is available at www.fremantle.wa.gov.au/tupp

The table below provides an overview of estimated service charges by category for year 2 (2026/27), noting that costs may be subject to change pending any scope or cost changes applied to the project by Western Power and will be assessed annually.

| Category | Estimated Number of properties | Estimated Transmission Service Charge per property | Estimated Connection Service Charge per property (if applicable) | Estimated Total Service Charge Yr 2 |
|---|---|---|---|---|
| Single Residential | 1162 | $421.40 | $612 | $971,923 |
| Multi-Dwelling (2-4 Units) | 485 | $339.31 | $612 | $380,601 |
| Multi-Dwelling (5-10 Units) | 188 | $240.80 | $612 | $109,530 |
| Multi-Dwelling (10+ Units) | 416 | $218.91 | $612 | $147,983 |
| Micro/Shop House | 104 | $421.40 | $612 | $76,873 |
| Commercial Small | 42 | $842.80 | $612 | $50,698 |
| Commercial Medium | 38 | $1,264.20 | $612 | $52,935 |
| Commercial Large | 3 | $1,685.60 | $612 | $5,669 |

All funds collected via the service charge will be placed in a reserve and drawn upon to fund the project. The project remains in the design stage and the City will continue to keep the community updated as Western Power progresses with the project.

Gross Rental Valuation (GRV) Revaluation Year

The gross rental value (GRV) is the total annual rent a property might reasonably be expected to earn each year if it was rented out.

The GRV is determined by the Valuer-General for all rateable and leviable properties in Western Australia. Landgate provides these figures to Local

Governments who use it to work out the rates, service charges, and levies that property owners must pay.

To determine rates charges Local Governments set their own rate in the dollar to be charged. The rate in the dollar figure is then multiplied by the GRV to determine the charge.

Every three years the Valuer General conducts a revaluation of the GRV attributable to each property. Depending on market conditions this will either result in a reduction or increase in the GRV, which is then used to calculate rates.

A GRV revaluation has recently been completed and therefore updated GRV values will apply to 2026/27 rating. Due to the strength of the Western Australian property market, this year's revaluation has seen a relatively strong increase in GRVs across most residential properties within the Fremantle LGA.

The City is adjusting the rate in the dollar (RID) by the average valuation change in each rate category to ensure rates generally remain within current levels and to keep the average increase per property in line with the general increase to rating revenue required to be raised.

Short Term Accommodation Differential Rate

The City currently applies a short-term accommodation differential rate to properties that utilise part or all their home for the purposes of short-term holiday rentals.

Tourists utilising short term accommodation access and utilise infrastructure, facilities, and services across the City and not just at the properties they are staying in so it’s important that there is mechanism to cover the additional cost of providing this.

Commercial properties that provide tourism related services such as hotels cover the cost of this additional service delivery via payment of commercial rates, as well as contribute significantly to the promotion of Fremantle as a tourism destination via their own investment in marketing, promotion and visitor servicing.

The short-term accommodation differential rate is therefore applied to the owners of residential land used for the commercial purpose of short stay accommodation to ensure those properties contribute to the additional service delivery required to service tourism activity.

Following changes to State legislation in 2024, all properties listed on short-term accommodation platforms (i.e. AirBnB, Stays) are required to be listed on the State Government's Short Term Rental Accommodation (STRA) Register.
As a result of this change, the City applied its short-term accommodation differential rate to all properties appearing on the State's STRA register.

Following the implementation of this change, the City received feedback from a number of residential short-term accommodation providers who provide hosted accommodation options (i.e. they remain living in the home but make 1 or 2 rooms available for guests). Feedback suggested that the application of the differential rate in its current form to providers of 'hosted' accommodation was making it difficult to remain viable for community members making only parts of their property available, with many retirees suggesting they also use it as an opportunity to socialise and stay connected with people.

Upon consideration of this feedback, the City is proposing a change to the objects and reasons for the short-term accommodation differential rating category for 2026/27, to only include properties on the STRA register that provide un-hosted accommodation options (entire house is made available for the purpose of commercial accommodation).

Notwithstanding the need to cover the additional cost of service delivery associated with these properties, housing pressures that are currently being faced across Western Australia may also be exacerbated by entire residential properties being made available for short term accommodation, when they could be providing suitable longer term rental accommodation – particularly as Fremantle continues to see positive growth in commercial hotel investment across its key tourism precincts.

## Rating Information

The following section provides information regarding proposed rating for the 2026/27 financial year. The tables and chart to follow provide the estimated rate revenue and proposed rate in the dollar (RID) for inclusion in the 2026/27 draft budget.

| Rate Description | Budget Estimate 2026/2027 | Rate in the Dollar | Proposed Minimum Payment |
|---|---|---|---|
| Residential Improved | $36,434,069 | 0.071562 | $1,925 |
| Residential | $1,563,059 | 0.140000 | $1,925 |

| | | | |
|---|---|---|---|
| Short Term Accommodation | | | |
| Commercial & Industrial General | $21,320,857 | 0.109900 | $1,925 |
| City Centre Commercial | $10,064,666 | 0.109900 | $1,925 |
| Vacant Residential Land | $810,678 | 0.143053 | $1,925 |
| Vacant Commercial & Industrial | $418,846 | 0.143053 | $1,925 |

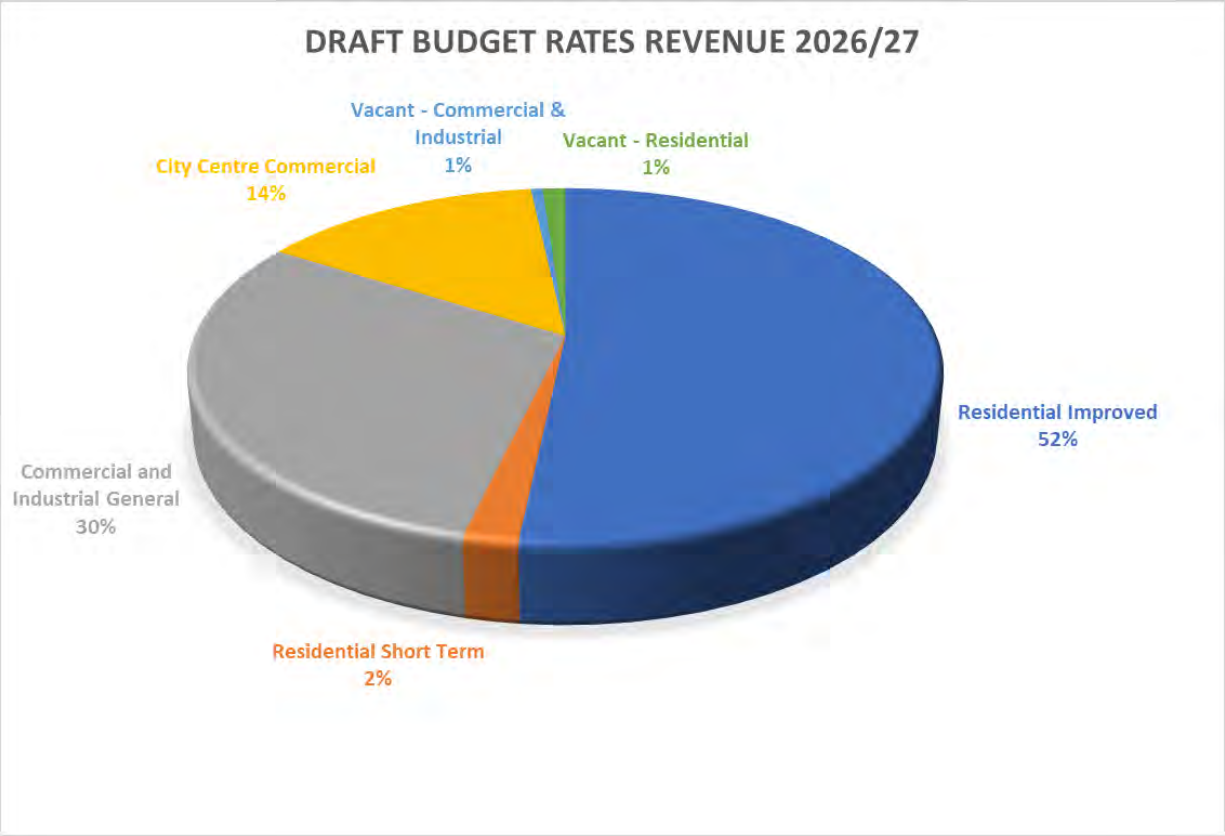
Proposed RIDs have been calculated on the basis of the current economic context, consideration of movement in the GRV of properties as result of the recent revaluation, and the operational requirements of the City for the 2026/27 budget.

A range of payment options will be made available to ratepayers including alternative arrangements for those experiencing financial difficulty.

Options include:

- Pay in one lump sum
- Pay over four instalments

Ratepayers can also opt in to a direct debit arrangement either weekly or fortnightly for all instalment options.
Those experiencing financial hardship can contact the City to discuss an alternative payment arrangement. A number of payment options are available including instalment plans. The City also has a hardship policy in place to support those in our community who may be experiencing difficulty.




It is recommended that the proposed differential rate categories, rate in the dollar and minimum payment as detailed in the attached 2026/27 Objects and Reasons for differential rates be endorsed and advertised.

As part of the process for the 2026/27 draft budget, it is proposed to continue to apply differential rating.

Before Council can impose differential rates across the City, Council must advertise the proposed differential rates for a minimum of 21 days. This period of advertising allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process.

Public advertising of the proposed rate in the dollar and minimum payment does not bind Council to these when adopting the 2026/27 budget. The advertising process does not prohibit Council from amending the rate in the dollar and minimum payment at budget adoption. The proposed advertising date is 16 May 2026.

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

1. Council endorse the proposed 2026/27 differential rate categories, rate in the dollar and minimum payment as outlined below and approve advertising of the proposed 2026/27 differential rates.

| Rate Description | Budget Estimate 2026/2027 | Rate in the Dollar | Proposed Minimum Payment |
|---|---|---|---|
| Residential Improved | $36,434,069 | 0.071562 | $1,925 |
| Residential Short Term Accommodation | $1,563,059 | 0.140000 | $1,925 |
| Commercial & Industrial General | $21,320,857 | 0.109900 | $1,925 |
| City Centre Commercial | $10,064,666 | 0.109900 | $1,925 |
| Vacant Residential Land | $810,678 | 0.143053 | $1,925 |
| Vacant Commercial & Industrial | $418,846 | 0.143053 | $1,925 |

2. Council endorse the Objects and Reasons for differential rates as provided in Attachment 1.

# Statutory reports

Nil.

# Committee and working group reports

## PFC2604-1 LOCAL PLANNING SCHEME NO. 5 PROJECT OVERVIEW

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Director Planning, Place and Urban Development |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Planning Committee and Workshops Schedule |

## SUMMARY

This report sets out the project overview for the new Local Planning Scheme No. 5 (LPS5) and recommends that a series of internal workshops be held to guide development of scheme provisions.

## BACKGROUND

On 20 January 2026, the Western Australian Planning Commission (WAPC) resolved that the City of Fremantle (the City) required a new local planning scheme. The current Local Planning Scheme No. 4 is 19 years old and has been subject to over 80 amendments. Since the inception of the Scheme, state planning has progressed to the extent that many provisions are outdated, redundant or no longer work well together. Additionally, the scheme is required to be reformatted to fit the Model Scheme Text provided in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Officers intend to present a draft of the new scheme by the end of 2026 to avoid increasing risks of having an outdated scheme. These risks include decision-makers such as the state development assessment unit not giving due regard to provisions, inconsistency with contemporary state legislation, inappropriate controls hindering development, and lack of appropriate guidance for desired urban growth.

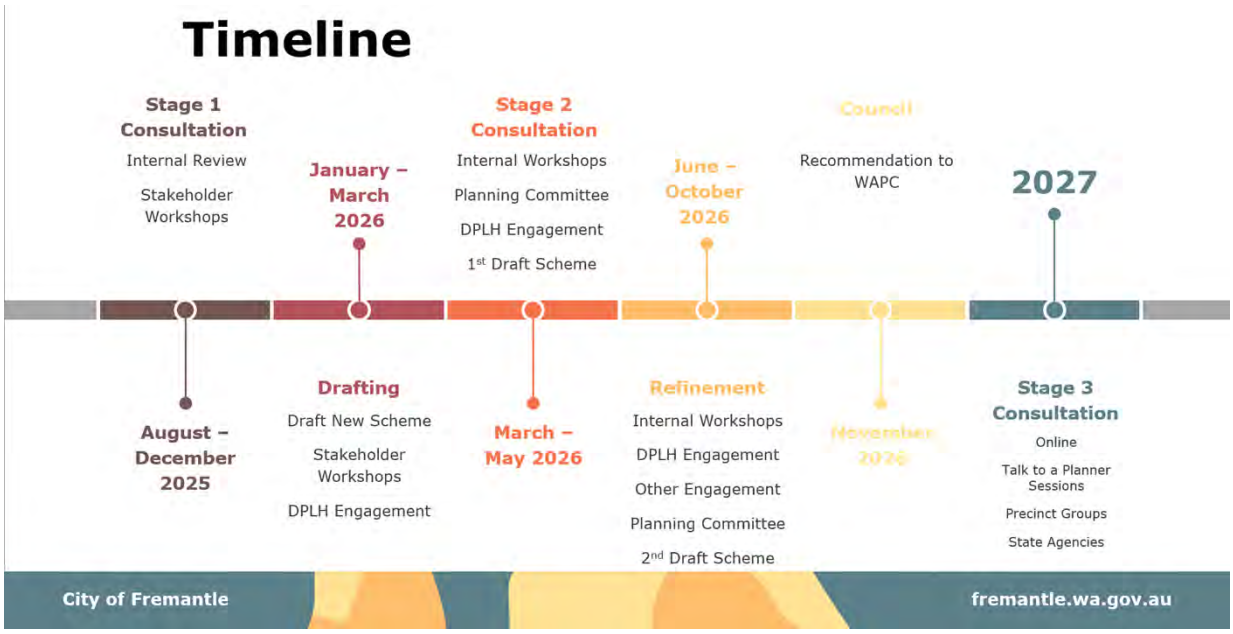
## OFFICER COMMENT

City Officers have been reviewing the existing provisions to determine which should be carried over (with or without amendments) and what new provisions may be needed. This review also includes assessing the land use permissibility in zones as well as density coding throughout the City.

Advice from WAPC Officers and from other local governments going through this process is that the new scheme should be streamlined, with many provisions removed and, if necessary, placed in local planning policies. Additionally, any deviations from the model scheme text will require extensive justification and face a high bar for approval from the WAPC and the Minister. City Officers have operated in line with this approach, noting that the timeframe to amend the Scheme can be 18 months or more while local planning policies can be nimbler and more responsive to changing circumstances.

To receive Elected Member input and feedback on draft provisions, Officers propose a series of internal workshops with Officers and Elected Members. Officers will present different topics and guide a discussion on draft scheme provisions. This will allow Elected Members to guide the final draft scheme, review officer recommendations, and discuss any potential outcomes that Officers may have missed. It is suggested that these workshops occur monthly in line with a schedule of topics provided by Officers (Refer to Attachment 1 for indicative topics). These workshops will be in addition to scheduled Planning Framework Committee meetings, Council items and external engagement with stakeholders and the general public.

Given the extensive time it takes to receive final approval for a scheme, Officers intend to refer the final draft of the scheme to Council before the end of this year, in line with the schedule below:



Following referral to the WAPC and while awaiting approval from the Minister to initiate advertising of the draft Local Planning Scheme (Stage 3 in the schedule above), Officers will turn to the development and improvement of local planning policies or other statutory instruments that will complement the scheme. In particular, the City Centre requires special investigation and will be the subject of a structure plan led by Officers utilising outside consultants for specialised reports. This structure plan will be an extensive document setting out land use and built form for the City Centre area, which is proposed to extend from its current area up to the intersection of Queen Street and Beach Street, in line with the City Centre: City Plan.

Attachment 1 provides a proposed schedule and list of items for discussion. The major topics include discussion on density and built form outcomes within the City Centre and other targeted areas, land use and strategic objectives for the O'Connor industrial area and buffer zone, existing scheme provisions proposed to be removed or amended, and heritage protection.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

The WAPC has endorsed creation of a new local planning scheme under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## 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

Formal community consultation on any new draft scheme can only occur after endorsement from the Minister for Planning.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

**Moved: Mayor** Ben Lawver **Seconded: Cr** Andrew Sullivan

Council receive the project overview and support the schedule of monthly internal workshops, as provided in Attachment 1.

In accordance with clause 9.7 of the Meeting Procedures Policy, Cr Andrew Sullivan moved the following amendment at the Planning Framework Committee meeting, accepted by the Presiding Member:

AMENDMENT

**Moved: Cr** Andrew Sullivan **Seconded: Cr** Melanie Clark

To amend the officer's recommendation to read as follows:

Council receive the project overview and support the schedule of monthly internal workshops, as provided in Attachment 1, *with the City to refine the content of the workshops to take into account the input from the Committee and subsequent conversations.*

Amendment Carried: 5/0

For:
Mayor Ben Lawver, Cr Andrew Sullivan, Cr Jemima Williamson-Wong, Cr Melanie Clark and Cr Ingrid van Dorssen

Against:
Nil

Reason for amendment:

There are various topics that Council would like added to the schedule and officer's can amend the schedule accordingly.

COMMITTEE RECOMMENDATION PFC2604-1
(Amended officer's recommendation)

Moved: Mayor Ben Lawver Seconded: Cr Andrew Sullivan

Council receive the project overview and support the schedule of monthly internal workshops, as provided in Attachment 1, *with the City to refine the content of the workshops to take into account the input from the Committee and subsequent conversations.*

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Jemima Williamson-Wong, Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

# PFC2604-2 FREO ALTERNATIVE REVIEW 2026

| | |
|---|---|
| Meeting date: | 13 May 2026 |
| Responsible officer: | Director Planning, Place and Urban Development |
| Voting requirements: | Simple Majority Required |
| Attachments: | 1. Freo Alternative Review 2026 |

## SUMMARY

The purpose of this report is to provide Council an overview on the outcomes of Special Control Area 5.7 (the Freo Alternative) in light of its upcoming expiration.

It is recommended that the Freo Alternative be allowed to lapse, and work continue on developing new mechanisms to promote housing innovation and opportunities in the new local planning scheme.

## BACKGROUND

In 2018, Council resolved to adopt amendment 63 to the City of Fremantle Local Planning Scheme No.4, known colloquially as the “Freo Alternative” for the purpose of improving design and environmental outcomes within character infill areas of the City under Special Control Area 5.7.

Scheme amendment 63 was gazetted on 12 February 2019 subject to a sunset clause restricting its length of operation, which the State Government has since approved an extension to, concluding on 12 February 2027.

The Freo Alternative is an innovative planning response to the pressure of delivering infill housing density while endeavouring to protect neighbourhood character and tree canopy. It represents several years of extensive internal and external work for the purpose of improving design and environmental outcomes within character infill areas of the City. Development arising from the Freo Alternative was intended to demonstrate reduced housing size, decreased car parking provision, and an additional dwelling offered on sites that ordinarily would not be permitted to accommodate an extra dwelling under the applicable density code. The development of the provisions for the Freo Alternative was an extensive and significant project, that sought to find new ways to promote good density.

The Freo Alternative is applied under clause 5.7 - Special Control Area 5.7 under Local Planning Scheme No.4 and supplemented by Local Planning Policy 3.20. The area contains portions of White Gum Valley, Hilton, Beaconsfield, and O’Connor.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* set out the process for amending the local planning scheme.

## STRATEGIC IMPLICATIONS

Liveable City - Sustainable growth in city centre population

- Residential developments enable residents to minimise their environmental footprint.
- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

Liveable City - Sustainably designed and optimised urban and natural environments

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

## CONSULTATION

Formal community consultation on any new scheme will occur after endorsement from the Minister for Planning.

## OFFICER COMMENT

It is acknowledged that the Fremantle Alternative has the potential to result in better quality development that fits into existing areas and is an improvement over the Residential Design Codes (R-Codes). However, only three projects have been delivered under the program despite the extension to the scheme's initial sunset clause. The low take-up of the Fremantle Alternative is evident that the approach is not effective in increasing housing stock and has serious implementation issues.

The main reason for the lack of uptake is likely a combination of:

- High upfront costs and inability to subdivide until after construction;
- Greater than normal design and planning expenses (DAC review, sustainability measures, etc.);

- Planning framework complexity and rigidity versus easier development pathways through the standard processes;
- Higher costs and lower profits relative to standard R-Codes subdivision;
- General rising costs of development; and
- Lack of appropriate lots.

The engagement process to develop the planning framework for the Fremantle Alternative was an innovative initiative for its time that was well regarded and even received an urban planning award. It attempted to integrate density into existing urban areas in a way that would maintain the sense of place, enhance vegetation, increase community, and improve sustainability outcomes. At the time, there was little legsilation in place that promoted these virtues. However, in the 7 years since the inception of the Freo Alternative operation, state planning controls have been improved to reduce minimum lots sizes required for subdivision, increase the ways lots may be subdivided even further, and eased the restrictions on ancillary dwellings (granny flats) to make them available on more lots. Further, the Residential Design Codes were augmented with new medium density codes that require developers have more regard for internal and external amenity and vegetation. At the local level, a local planning policy was introduced by the City introducing development controls for large trees. All of these changes have further made the complexity of the Freo Alternative a less compelling development pathway while also enshrining some of the project's original objectives into standard contemporary legislation.

The City's recently endorsed Local Planning Strategy identified that Fremantle will meet its density targets without blanket upcoding, and that a new scheme should focus on targetted density around nodes. City Officers are focusing on this approach in drafting a new scheme and do not recommend the Freo Alternative be pursued further at this time. It is intended that the scheme project include considerations of ways to support housing innovation and sustainability measures. This may be within the scheme or other future planning instruments such as local planning policies. The related policy, LPP 2.20: Special Control Area Provisions for Small Infill Development, should be also revoked when the SCA lapses.

The full report on the Freo Alternative is available as Attachment 1.

## CONCLUSION

Given the history to date, it is unlikely that amending the Freo Alternative further would encourage additional compatible projects to be delivered without substantial revision and it is equally unlikely the Western Australian Planning

Commission would assent to an additional extension to the sunset clause for SCA 5.7 without substantial justification and evidence of efficacy.

The City is drafting a new scheme in alignment with the recently adopted Local Planning Strategy and other modern planning instruments. This will include targeted efforts to concentrate increased density around key activity nodes. In the interim, the Freo Alternative has served its purpose and should be allowed to lapse.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION PFC2604-2
(Officer's recommendation)

Moved: Cr Andrew Sullivan Seconded: Mayor Ben Lawver

Council:

1. Allow clause 5.7 of the Local Planning Scheme No. 4 (the Freo Alternative) to expire.

2. Upon expiry of clause 5.7 of the Local Planning Scheme No. 4, revoke Local Planning Policy 2.20: Special Control Area Provisions for Small Infill Development under regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

3. Notes that the work on Local Planning Scheme No. 5 will go some way towards addressing housing options.

Carried: 5/0
For:
Mayor Ben Lawver, Cr Andrew Sullivan, Cr Jemima Williamson-Wong, Cr Melanie Clark and Cr Ingrid van Dorssen

Against:
Nil

## PFC2604-3 MIXED USE AREAS REVIEW

Meeting date: 13 May 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. Report: Mixed Use Areas Review 2025

## SUMMARY

This report provides the Planning Framework Committee with the Mixed Use Areas Review 2025 report (Attachment 1). The report progresses work outlined in the Local Planning Strategy to review the current provisions of the Mixed Use zones throughout the scheme area, and identifies opportunities for improvement.

This report recommends that Council note the Mixed Use Areas Review 2025 report outcomes will be incorporated into the scheme preparation.

## BACKGROUND

The City's Local Planning Strategy (the Strategy) identifies the need to review the function of and development within the City's Mixed Use areas, many of which were rezoned through the gazettal of Local Planning Scheme No. 4 (LPS4) and have since undergone development. As shown below, Table 8: Neighbourhood, Mixed Use & Local Centre Planning Actions, in Part 1 of the Strategy outlines this as an action.

**Table 8: Neighbourhood, Mixed Use & Local Centre Planning Actions**

| Plan Ref | Area | Planning Direction | Action | Matters to be considered | Rationale | Timeframe |
|---|---|---|---|---|---|---|
| Activity centre – Neighbourhood and Mixed Use<br><br>Activity centre - local | Neighbourhood, Local and Mixed Use zoned land | Strengthen and define the City's lower order Activity Centre hierarchy to ensure the scheme's zones function effectively and efficiently. Avoid ribbon or out of centre commercial development | • Review the large areas of existing Mixed Use zones within the City (such as the South Terrace corridor, Hampton Road and land in proximity to Stirling Highway) to understand its function and determine whether updates are required to the local planning scheme to define Neighbourhood Centres or Local Centres in these locations. | • Appropriate density<br>• Height requirements<br>• Aboriginal and Historic Heritage<br>• Preferred land uses and location of land use i.e. ground floor or upper floors<br>• Servicing infrastructure capacity<br>• Traffic impacts<br>• Local character<br>• Site specific issues | Reference: SPP7.2, CoF SCP<br>Part 2: 4.3.1 Activity centres | Short and ongoing |

| Plan Ref | Area | Planning Direction | Action | Matters to be considered | Rationale | Timeframe |
|---|---|---|---|---|---|---|
| Activity centre – Neighbourhood and Mixed Use South Fremantle | South Fremantle | Facilitate South Fremantle Neighbourhood Centre as a vibrant neighbourhood centre that encompasses weekly and convenience retailing and other amenities to service the diverse needs of the local community. | • Conduct a comprehensive land use review of the South Fremantle centre to ensure zoning and development standards can accommodate future demand. | • Appropriate density<br>• Height requirements<br>• Aboriginal and Historic Heritage<br>• Preferred land uses and location of land use i.e. ground floor or upper floors<br>• Servicing infrastructure capacity<br>• Traffic impacts<br>• Local character<br>• Site specific issues | Reference: SPP7.2, CoF SCP<br>Part 2: 4.3.1<br>Activity centres | Medium |

4.3.1 of Part 2 of the Strategy provides further rationale for the need to conduct a review of the mixed use areas:

*In some locations, mixed use areas have evolved as a quasi extension of local centres, such as along South Terrace where the differentiation between centre and mixed use is blurred. In other mixed use zone areas, uptake has either heavily slanted towards either residential or commercial development. Review of the purpose and function of each of the City's mixed-use areas could assist in resetting expectations and may, in some areas, justify a change to ground floor retail requirements or rezoning.*

This review examines the current performance of all Mixed Use areas within the City, assesses their alignment with scheme objectives, considers whether their intended purposes remain appropriate, and identifies options to better achieve desired outcomes. The scope of this review encompasses all Mixed Use zones established under LPS4.

Earlier this year the Western Australian Planning Commission (WAPC) resolved that the City requires a new local planning scheme, as LPS4 is 19 years old, has undergone more than 80 amendments, and contains outdated or redundant provisions. The scheme is required to align with the Model Scheme Text (MST) as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The MST provides objectives for zones within the scheme area that should not be varied by local governments.

Under State Planning Policy 4.2: Activity Centres the City contains a Strategic Centre, a District Centre, as well as a number of Neighbourhood Centres and Local Centres. Under the current scheme, the City's network of neighbourhood, mixed use and local centres was intended to create walkable communities or, in some places, serve as a buffer between more industrial uses and purely residential zones. Over time, changing retail and residential patterns have blurred distinctions, necessitating a review of roles and zoning to clarify activity centre hierarchy and land use coding, and rationalise it to match the development that

has actually occurred. As identified in the Strategy, priorities include strengthening the City Centre, supporting local centres and enabling appropriate medium and higher density development around centres to facilitate commercial activity, local character and housing diversity.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* set out the process for amending the local planning scheme.

## STRATEGIC IMPLICATIONS

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

Liveable City - Sustainable growth in city centre population

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

## CONSULTATION

Formal community consultation on any new scheme will occur after endorsement from the Minister for Planning.

## OFFICER COMMENT

Many of the City's urban areas are characterised by precincts that accommodate a diverse mix of residential, commercial and service-based uses, particularly in North and South Fremantle, and are recognised as Mixed Use areas. The City formally committed to promoting Mixed Use development in its 2001 Local Planning Strategy and, in 2007, applied Mixed Use zoning across several urban areas through the gazettal of LPS4. The recently endorsed Local Planning Strategy continues to highlight the importance of these Mixed Use areas in providing areas of transition, concentration of land uses, co-location of residential and non-residential land uses and promotion of vibrancy and density.

Sufficient time has now passed to allow an informed assessment of how these areas are currently operating, with the City recognising that some may be functioning as originally intended while others may not be achieving their planned

purpose. In addition, the initial objectives for several Mixed Use areas may no longer align with contemporary community aspirations, presenting an opportunity to evaluate their ongoing relevance and identify alternative approaches where needed.

The review of these areas identifies locations where mixed use areas are functioning as intended in line with LPS4 objectives and considers where this designation may no longer be relevant. The analysis and findings contained in the report will inform the preparation of Local Planning Scheme No. 5 Map. Refer to the Mixed Use Areas Review 2025 report, at Attachment 1, for a full discussion of findings and recommendations.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

**Moved: Mayor** Ben Lawver **Seconded: Cr** Melanie Clark

Council receives the Mixed Use Review Report, provided in Attachment 1, and note that its findings will inform the drafting of a future local planning scheme.

In accordance with clause 9.7 of the Meeting Procedures Policy, Cr Andrew Sullivan moved the following amendment at the Planning Framework Committee meeting, accepted by the Presiding Member:

AMENDMENT

**Moved: Cr** Andrew Sullivan **Seconded: Mayor** Ben Lawver

To amend the officer's recommendation to read as follows:

Council:

1. Receives the Mixed Use Review Report, provided in Attachment 1, and note that its findings will inform the drafting of a future local planning scheme*, and*

2. *Note that each mixed use zone may require bespoke scheme and policy settings that are appropriate to deliver the preferred character of the area.*

Amendment Carried: 5/0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Jemima Williamson-Wong, Cr Melanie Clark and Cr Ingrid van Dorssen

Against:
Nil

Reason for amendment:

To ensure that each mixed use area has sufficient planning controls to protect local character and also encourage appropriate location-specific development.

COMMITTEE RECOMMENDATION PFC2604-3
(Amended officer's recommendation)

Moved: Mayor Ben Lawver Seconded: Cr Melanie Clark

Council:

1. Receives the Mixed Use Review Report, provided in Attachment 1, and note that its findings will inform the drafting of a future local planning scheme*, and*

2. *Note that each mixed use zone may require bespoke scheme and policy settings that are appropriate to deliver the preferred character of the area.*

Carried: 5 / 0
For:
Mayor Ben Lawver, Cr Andrew Sullivan, Cr Jemima Williamson-Wong, Cr Melanie Clark and Cr Ingrid van Dorssen

Against:
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