



# Minutes

## Planning Services Committee

Wednesday 1 July 2026 6:00 pm



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## Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6:00pm and welcomed members of the public to the meeting.

The Presiding Member informed members of the public that the meeting was being recorded and streamed live on the internet. They further advised that while all care is taken to maintain privacy, visitors in the public gallery and members of the public submitting a question, may be captured in the recording.

## Attendance, apologies and leave of absence

### Attendance

|                           |                                                            |
|---------------------------|------------------------------------------------------------|
| Mr Ben Lawver             | Mayor                                                      |
| Cr Jemima Williamson-Wong | Coastal Ward/Presiding Member                              |
| Cr Melanie Clark          | North Ward / Deputy Presiding Member                       |
| Cr Andrew Sullivan        | Coastal Ward                                               |
| Cr Ingrid van Dorssen     | North Ward                                                 |
| Cr Pip Slaughter          | East Ward/Deputy Member ( <i>observing</i> )               |
| Mr Glen Dougall           | Chief Executive Officer                                    |
| Ms Chloe Johnston         | A/Director Planning, Place and Urban Development           |
| Mr Matt Hammond           | Director City Business                                     |
| Mr Graham Tattersall      | Director Infrastructure                                    |
| Mr Pete Stone             | Director Creative Arts and Community                       |
| Mr Justin Lawrence        | A/Manager City Planning                                    |
| Ms Melody Foster          | Manager Governance                                         |
| Mr David Settelmaier      | Manager Strategic Communications and Stakeholder Relations |
| Ms Kayla Goodchild        | Meeting Support Officer                                    |
| Ms Gabrielle Woulfe       | Meeting Support Officer                                    |

*There were 2 members of the public and no members of the press in attendance.*

### Apologies

Nil.

### Leave Of Absence

Nil.

## Applications for leave of absence



Nil.

## Disclosures of interest by members

Cr Jemima Williamson-Wong declared a financial interest in item numbers PSC2607-3 & PSC2607-4 as the items relate to a matter that she works on as a lawyer. Cr Williamson-Wong stated that she would not remain in the meeting for the discussion of the items.

## Responses to previous public questions taken on notice

Nil.

## Public question time

The following members of the public spoke in relation to item PSC2607-6:

Nicole Caesar  
Pathika Jones

## Petitions

Nil.

## Deputations

Nil.

## Presentations

Nil.

## Confirmation of minutes

Nil.

## Committee member communication

Nil.



## Reports and recommendations from officers

### PSC2607-6 ADOPTION OF AMENDED LOCAL PLANNING POLICIES 2.23: REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS AND 2.26: TREE RETENTION

|                                         |                                                                                                                                                                                                                    |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting date:                           | 1 July 2026                                                                                                                                                                                                        |
| Responsible officer:                    | Manager City Planning                                                                                                                                                                                              |
| Voting requirements:                    | Simple Majority Required                                                                                                                                                                                           |
| Decision making authority:              | Council                                                                                                                                                                                                            |
| Attachments:                            | <ol style="list-style-type: none"><li>1. Schedule of Submissions</li><li>2. LPP 2.26 Tree Retention - for adoption</li><li>3. LPP 2.23 Register of Significant Trees and Vegetation Areas - for adoption</li></ol> |
| Additional Information:                 | Nil                                                                                                                                                                                                                |
| <a href="#">(viewed electronically)</a> |                                                                                                                                                                                                                    |

#### SUMMARY

The purpose of this report is to provide Council with the outcomes of the community consultation for amendments to Local Planning Policy 2.23: Register of Significant Trees and Vegetation Areas, consider nominations to the Register of Significant Trees and Vegetation Areas and amendments to Local Planning Policy 2.26: Tree Retention.

This report recommends Council:

- Adopt amended Local Planning Policy 2.23: Register of Significant Trees and Vegetation Areas.
- Adopt amended Local Planning Policy 2.26: Tree Retention.
- Not include the trees nominated for addition to the Register of Significant Trees and Vegetation Areas.
- Remove three trees from the Register of Significant Trees and Vegetation Areas.

#### BACKGROUND

Retaining trees and vegetation is widely recognised for improving neighbourhood character and environmental outcomes. A recent *Urban Vegetation Mapping 2026 – City of Fremantle* report by ArborCarbon found a decline in the canopy cover on private land from 2015 to 2026. As shown on in the tables below, taken from the ArborCarbon report, the greatest loss of canopy cover was on private land calculated at 15.7% or 17.5ha. The main loss on private land was in the



vegetation with a height of 3-10m. The advertised policies seek to further protect existing trees and canopy cover on private property.

*Table 10: Change in vegetation cover across each land tenure (public and private) in the City of Fremantle between 2015 and 2026 (ha). Green indicates increase, red indicates decrease.*

| Tenure  | Area (ha) | 2015 – 2026 Difference (ha) |      |       |        |      |        |         |
|---------|-----------|-----------------------------|------|-------|--------|------|--------|---------|
|         |           | Non-Veg                     | 0-3m | 3-10m | 10-15m | >15m | Canopy | All Veg |
| Private | 1252.0    | 17.1                        | 0.5  | -17.4 | -0.9   | 0.8  | -17.5  | -17.1   |
| Public  | 738.3     | 0.2                         | -9.4 | 5.4   | 1.4    | 2.4  | 9.2    | -0.2    |

*Table 11: Change in vegetation cover across each land tenure (public and private) in the City of Fremantle between 2015 and 2026 as a percentage of the 2015 vegetation cover area (%). Green indicates increase, red indicates decrease.*

| Tenure  | Area (ha) | 2015 – 2026 Difference (%) |      |       |        |      |        |         |
|---------|-----------|----------------------------|------|-------|--------|------|--------|---------|
|         |           | Non-Veg                    | 0-3m | 3-10m | 10-15m | >15m | Canopy | All Veg |
| Private | 1252.0    | 1.7                        | 0.5  | -18.7 | -6.3   | 18.5 | -15.7  | -7.9    |
| Public  | 738.3     | 0.1                        | -6.2 | 7.4   | 4.9    | 14.2 | 7.8    | -0.1    |

Council, at its 8 April 2026 Ordinary meeting (C2604-7), resolved the following:

*Council:*

1. Endorse amendments to Local Planning Policy 2.26: Tree Retention (Attachment 1) for the purpose of advertising in accordance with Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Endorse amendments to Local Planning Policy 2.23: Register of Significant Trees and Vegetation Areas (Attachment 2) for the purpose of advertising in accordance with Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Acknowledge the nominations and comments received for the Register of Significant Trees and Vegetation Areas (Attachment 3 and 4) and notes a report will be brought back to Council to consider these nominations following the advertising of Local Planning Policy 2.26: Tree Retention and Local Planning Policy 2.23: Register of Significant Trees and Vegetation Areas.



The proposed amendments to the local planning policies (LPPs) adopted for advertising included:

Local Planning Policy 2.26: Tree Retention (LPP 2.26)

- Expanding the application of the policy to include residential lots coded R35 and R40.
- Addition on a list of undesirable species which would be exempt from requiring a development approval to be removed.

Local Planning Policy 2.23: Register of Significant Trees and Vegetation Areas (LPP 2.23)

- 1.2(iv) modified to reference LPP 2.26 - A tree which has only ecological value will not be considered for inclusion on the Register if it is protected by LPP 2.26.
- Addition of section 3: Exemption from Development Approval – this expands on the advice note in the current policy and outlines when tree-damaging activity does not require development approval. These provisions are adapted from LPP 2.26.
- Modifying the '2. Development application for sites including a tree / vegetation area on the Register' section to align with LPP 2.26.
- Strengthening the requirement for replacement trees to align with LPP 2.26.
- Addition of the definitions for 'Arborist report', 'Maintenance pruning', 'Tree-damaging activity' and 'Regulated Tree'.
- Removing 'Procedure for Administering the Register of Significant Trees and Vegetation Areas' and Appendix A – Nomination Form from the policy. This information is contained in a separate document which will accompany LPP 2.23.

The consultation now been undertaken. Following consultation Officers are proposing the inclusion of an additional tree species to the unwanted tree list in LPP 2.26 and the removal of three trees from the Register of Significant Trees and Vegetation Areas found in LPP 2.23. The Consultation and Officer Comment sections of this report will discuss the outcomes of this consultation, changes post advertising and provides recommendations relating to the Register of Significant Trees and Vegetation Areas.

## FINANCIAL IMPLICATIONS

Nil





## LEGAL IMPLICATIONS

The procedure for amending a local planning policy is set out in Schedule 2, Regulation 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

## STRATEGIC IMPLICATIONS

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

Liveable City - Sustainably designed and optimised urban and natural environments

- An increasing tree canopy that enhances biodiversity and helps cool our urban 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 two policies were advertised from 24 April – 17 May 2026. 12 submissions were received. The results are illustrated in the table below:

|                  | LPP 2.23 | LPP 2.26 |
|------------------|----------|----------|
| Support          | 4        | 3        |
| Somewhat support | 2        | 3        |
| Oppose           | 1        | 2        |
| Comment only     | 5        | 4        |

The following table contains a summary of the comments received during the consultation period and officer responses. Refer to Attachment 1 for full submissions and officer responses.

| Comment                                                                                          | Officer Response                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policies interfere with private property rights and may discourage residents from planting trees | The City already regulates development on private land through planning controls. Local planning provisions are needed to help protect urban canopy, as private canopy loss cannot be offset entirely on public |



|                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                       | land. Urban canopy also increases the value of neighbourhoods and decreases the urban heat island effect. Recent SAT decisions have confirmed that the removal of trees does constitute works, and local governments need to prepare policy to exempt and/or outline assessment provisions to manage this.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| LPP 2.26 should apply to all residential land, higher-density areas, and commercial land.                                             | Tree protection already applies through other planning controls in higher-density areas. The amended policy is intended as a practical, staged expansion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Support for tree removal without approval for certain undesirable species, such as the <i>Tipuana tipu</i> .                          | <i>Tipuana tipu</i> has been added to the undesirable trees list following consultation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Guidance should be provided for dealing with overhanging branches, root damage, risks to houses, maintenance, and neighbour disputes. | <p>Pruning a neighbouring tree branch or root back to the shared property boundary can occur without seeking approval, provided the branch is dead, or the pruning is done to balance the tree or thin the crown in a way that does not harm the overall health of the tree. The advice of a qualified arborist is encouraged.</p> <p>Guidance for landowners with regulated trees and neighbours is provided on the City's website. Officers are preparing additional guidance to be added to the website based on common queries received and will continue to update this information as required. The City also has an on-demand Duty Planner service that ensures residents can call or write with their specific queries.</p> |
| Arborist reports, approvals and ongoing obligations impose costs on homeowners, especially older residents.                           | Large tree maintenance already generally requires specialist expertise, and such costs are comparable to maintaining other property assets. Majority of tree removal applications received since the introduction of LPP 2.26 are part of the development approval process for other works.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Incentives such as free pruning, arborist support, green waste removal,                                                               | Council may wish to investigate incentives in future, however there are                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



|                                                                                                          |                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| or rates relief to encourage retention of large trees.                                                   | not matters than can be dealt with through planning policy.                                                                                                                                                                                                                                          |
| Comments relating to specific trees nominated for the Register of Significant Trees and Vegetation Areas | The nominated trees are not recommended for inclusion on the Register as the expanded Tree Retention policy would already provide protection for the retention of the tree. Inclusion on the Register would not provide any further protection. Further information is included in the report below. |

#### OFFICER COMMENT

##### LPP 2.23 and Register of Significant Trees and Vegetation Areas

Following advertising, Officers recommend that the Register be modified to only include significant trees which are of heritage / cultural significance, beyond being a regulated tree, or are located on private property not covered by LPP 2.26. Modifications to LPP 2.23 prior to advertising sought to ensure that the tree protections provided by the policy are consistent with LPP 2.26. Inclusion of trees to the Register which meet the definition of a regulated tree and located on properties covered by the expanded LPP 2.26 is unnecessary, as the two policies provide the same level of protection. For this reason, officers recommend that the four trees nominated for inclusion to the Register, listed below, not be added, as they are already protected through LPP 2.26.

| Nominated Tree                                      | Address                               | Zone / R-Code         |
|-----------------------------------------------------|---------------------------------------|-----------------------|
| Cape Lilac<br>( <i>Melia azedarach</i> )            | 8 Sumpton Street,<br>Hilton           | Residential<br>R20    |
| Spotted gum<br>( <i>Eucalyptus maculata</i> )       | 54 Hope Street,<br>White Gum Valley   | Residential<br>R20/25 |
| Flooded Gum<br>( <i>Eucalyptus grandis</i> )        | 2 Parmelia Street,<br>South Fremantle | Residential<br>R30    |
| Red River Gum<br>( <i>Eucalyptus camadulensis</i> ) | 18 Suffolk Street, Fremantle          | Residential<br>R35    |

In addition, officers are proposing that LPP 2.23 be modified to remove the following trees from the Register of Significant Trees and Vegetation Areas for the reasons outlined below:



| Tree ID | Common name and botanical name                       | Address                           | Reason                                                                             |
|---------|------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------|
| 19-06   | Rose Gum<br>( <i>Eucalyptus grandis</i> )            | 7/18 John Street, North Fremantle | Residential R35 property – covered by expanded draft LPP 2.26<br>No heritage value |
| 19-07   | River Red Gum<br>( <i>Eucalyptus camaldulensis</i> ) | 7/18 John Street, North Fremantle | Residential R35 property – covered by expanded draft LPP 2.26<br>No heritage value |
| 24-01   | Lemon-scented Gum<br>( <i>Corymbia citriodora</i> )  | 6 Douglas Street, Fremantle       | Residential R30 property – covered by current 2.26<br>No heritage value            |

The two trees which remain on the amended Register (19-01 and 19-02) have historical value and were removed from the City's Heritage List and placed on the Register in 2019. Officers are recommending that these trees remain on the Register until Heritage reviews are undertaken for the North Fremantle area or as part of the annual update.

#### LPP 2.26 Tree Retention

As a result of comments received during consultation an additional species has been added to the list of unwanted trees at Appendix 1 of the policy.

| Botanical name      | Common Name                           | Reason                                          |
|---------------------|---------------------------------------|-------------------------------------------------|
| <i>Tipuana Tipu</i> | Tipu Tree, Pride of Bolivia, Rosewood | Invasive root system. Outcompetes native plants |

#### Format

Both policies have been updated to reflect the City's new policy format.

#### VOTING AND OTHER REQUIREMENTS

Simple Majority Required

#### DECISION MAKING AUTHORITY

Council



## OFFICER'S RECOMMENDATION

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

Council:

1. Receives submissions made on Local Planning Policies 2.23 and 2.26, provided in Attachment 1.
2. Adopt amended Local Planning Policy 2.26 – Tree Retention, as provided in Attachment 2, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Adopt amended Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Remove the following trees from the Register of Significant Trees and Vegetation Areas:
  - a) 19-06 Rose Gum (*Eucalyptus grandis*) at 7/18 John Street, North Fremantle
  - b) 19-07 River Red Gum (*Eucalyptus camaldulensis*) at 7/18 John Street, North Fremantle
  - c) 24-01 Lemon-scented Gum (*Corymbia citriodora*) at 6 Douglas Street, Fremantle
5. Supports not adding the following nominations to the Register of Significant Trees and Vegetation Areas:
  - a) 8 Sumpton Street, Hilton – *Melia azedarach* (Cape Lilac)
  - b) 54 Hope Street, White Gum Valley – *Eucalyptus maculata* (Spotted Gum)
  - c) 2 Parmelia Street, South Fremantle - *Eucalyptus grandis* (Flooded Gum)
  - d) 18 Suffolk Street, Fremantle - *Eucalyptus camadulensis* (Red River Gum)



## PROCEDURAL MOTION

At 6.32pm the following procedural motion was moved:

Moved: Mayor Ben Lawver

Seconded: Cr Ingrid van Dorssen

The item be deferred for a decision at the next appropriate Planning Services Committee meeting to assess the eligibility of trees for the policies and registers, including the trees recommended for removal in this report.

The deferral motion was withdrawn at 6:47pm by Mayor Ben Lawver.

In accordance with clause 9.4 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the officer's recommendation in 5 parts:

### COMMITTEE RECOMMENDATION ITEM PSC2607-6 (Officer's recommendation – Part 1)

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

Council:

1. Receives submissions made on Local Planning Policies 2.23 and 2.26, provided in Attachment 1.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

## PROCEDURAL MOTION

At 6.40pm the following procedural motion was moved:

### COMMITTEE DECISION

Moved: Mayor Ben Lawver

Seconded: Cr Ingrid van Dorssen

Committee defer part 2 of the officers recommendation to the next appropriate Planning Services Committee meeting, to further review the trees recommended for removal, expand the tree retention policy to apply to all trees and species in the City of Fremantle, and review the scope of the policy.



Carried: 5/0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

COMMITTEE RECOMMENDATION ITEM PSC2607-6  
(Officer's recommendation – Part 3)

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

Council:

3. Adopt amended Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Carried: 5/0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

COMMITTEE RECOMMENDATION ITEM PSC2607-6  
(Officer's recommendation – Part 4)

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

Council:

4. Remove the following trees from the Register of Significant Trees and Vegetation Areas:
  - a) 19-06 Rose Gum (*Eucalyptus grandis*) at 7/18 John Street, North Fremantle
  - b) 19-07 River Red Gum (*Eucalyptus camaldulensis*) at 7/18 John Street, North Fremantle
  - c) 24-01 Lemon-scented Gum (*Corymbia citriodora*) at 6 Douglas Street, Fremantle



Carried: 4 / 1

For:

Cr Jemima Williamson-Wong, Cr Andrew Sullivan  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Mayor Ben Lawver

COMMITTEE RECOMMENDATION ITEM PSC2607-6  
(Officer's recommendation – Part 5)

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

Council:

5. Support not adding the following nominations to the Register of Significant Trees and Vegetation Areas:
- a) 8 Sumpton Street, Hilton – *Melia azedarach* (Cape Lilac)
  - b) 54 Hope Street, White Gum Valley – *Eucalyptus maculata* (Spotted Gum)
  - c) 2 Parmelia Street, South Fremantle - *Eucalyptus grandis* (Flooded Gum)
  - d) 18 Suffolk Street, Fremantle - *Eucalyptus camadulensis* (Red River Gum)

Carried: 4 / 1

For:

Cr Jemima Williamson-Wong, Cr Andrew Sullivan  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Mayor Ben Lawver





COMMITTEE RECOMMENDATION ITEM PSC2607-6

Council:

1. Receives submissions made on Local Planning Policies 2.23 and 2.26, provided in Attachment 1.
2. *(PART 2 DEFERRED)*
3. Adopt amended Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Remove the following trees from the Register of Significant Trees and Vegetation Areas:
  - a) 19-06 Rose Gum (*Eucalyptus grandis*) at 7/18 John Street, North Fremantle
  - b) 19-07 River Red Gum (*Eucalyptus camaldulensis*) at 7/18 John Street, North Fremantle
  - c) 24-01 Lemon-scented Gum (*Corymbia citriodora*) at 6 Douglas Street, Fremantle
5. Supports not adding the following nominations to the Register of Significant Trees and Vegetation Areas:
  - a) 8 Sumpton Street, Hilton – *Melia azedarach* (Cape Lilac)
  - b) 54 Hope Street, White Gum Valley – *Eucalyptus maculata* (Spotted Gum)
  - c) 2 Parmelia Street, South Fremantle - *Eucalyptus grandis* (Flooded Gum)
  - d) 18 Suffolk Street, Fremantle - *Eucalyptus camadulensis* (Red River Gum)

The above item is referred to the Ordinary Meeting of Council on 22 July 2026 for determination in accordance with the City of Fremantle Delegated Authority Register.



PSC2607-1 DEFERRED ITEM: FIELD STREET, NO.2 (LOT 55),  
BEACONSFIELD - DEMOLITION OF EXISTING SINGLE HOUSE  
AND CONSTRUCTION OF SINGLE STOREY SINGLE HOUSE -  
(CR DA0077/26)

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| Meeting date:                  | 1 July 2026                                      |
| Responsible officer:           | Manager City Planning                            |
| Voting requirements:           | Simple Majority Required                         |
| Decision making authority:     | Committee                                        |
| Attachments:                   | 1. Amended plans                                 |
| Additional Information:        | 2. <a href="#">Planning Report</a>               |
| <i>(viewed electronically)</i> | 3. <a href="#">Arborist Report</a>               |
|                                | 4. <a href="#">Council Report - 10 June 2026</a> |
|                                | 5. <a href="#">Site Photos</a>                   |

## SUMMARY

Approval is sought for demolition of existing Single house and construction of a single storey Single house at No. 2 (Lot 55) Field Street, Beaconsfield.

At the Ordinary Meeting of Council held on 10 June 2026, Council resolved to defer the decision for this item to allow for the submission of amended plans to address the key issues of concern.

The applicant has submitted amended plans which include the proposed retention of two additional trees, alterations to the proposed site works in the primary street setback area and reduction in width of the proposed driveway.

The application remains to seek discretionary assessments against the Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Tree retention
- Siteworks
- Driveway Width

The application was previously recommended for refusal due to the impact on the streetscape and adjoining properties due to the volume of siteworks and driveway width; and the proposed removal of regulated trees. While improvements have been made with the submission of revised plans, the application remains recommended for refusal.



## PROPOSAL

### Detail

Approval is sought for demolition of an existing Single house and construction of a single storey Single house at No. 2 Field Street, Beaconsfield (subject site). The initial proposed works include:

- Demolition of an existing Single house in a heritage area (non-contributory).
- Removal of six (6) regulated trees.
- Site works (fill) across site.
- Construction of single storey Single house.

The applicant submitted amended plans on 15 June 2026, which included the following changes responding to the deferral of the 10 June 2026 Council meeting:

| Deferral Reasons | Applicant Response                                                                                                                                                |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tree Retention   | Proposing to retain an additional two regulated trees. Altered location of pool and deck and removed proposed pool house to create additional space around trees. |
| Site Works       | Reduced total volume of fill in the primary street setback area – see assessment below.                                                                           |
| Driveway Width   | Reduced driveway width from 5.5m to 4.5m.                                                                                                                         |

An updated arborist report was not provided. Amended development plans are included as attachment 1.

### Site/application information

Date received: 25 February 2026  
 Submitted by: Insite Residential  
 Scheme: Residential R20  
 Heritage listing: South Fremantle Precinct Heritage Area / non-contributory  
 Existing land use: Single House  
 Use class: Single House  
 Use permissibility: P

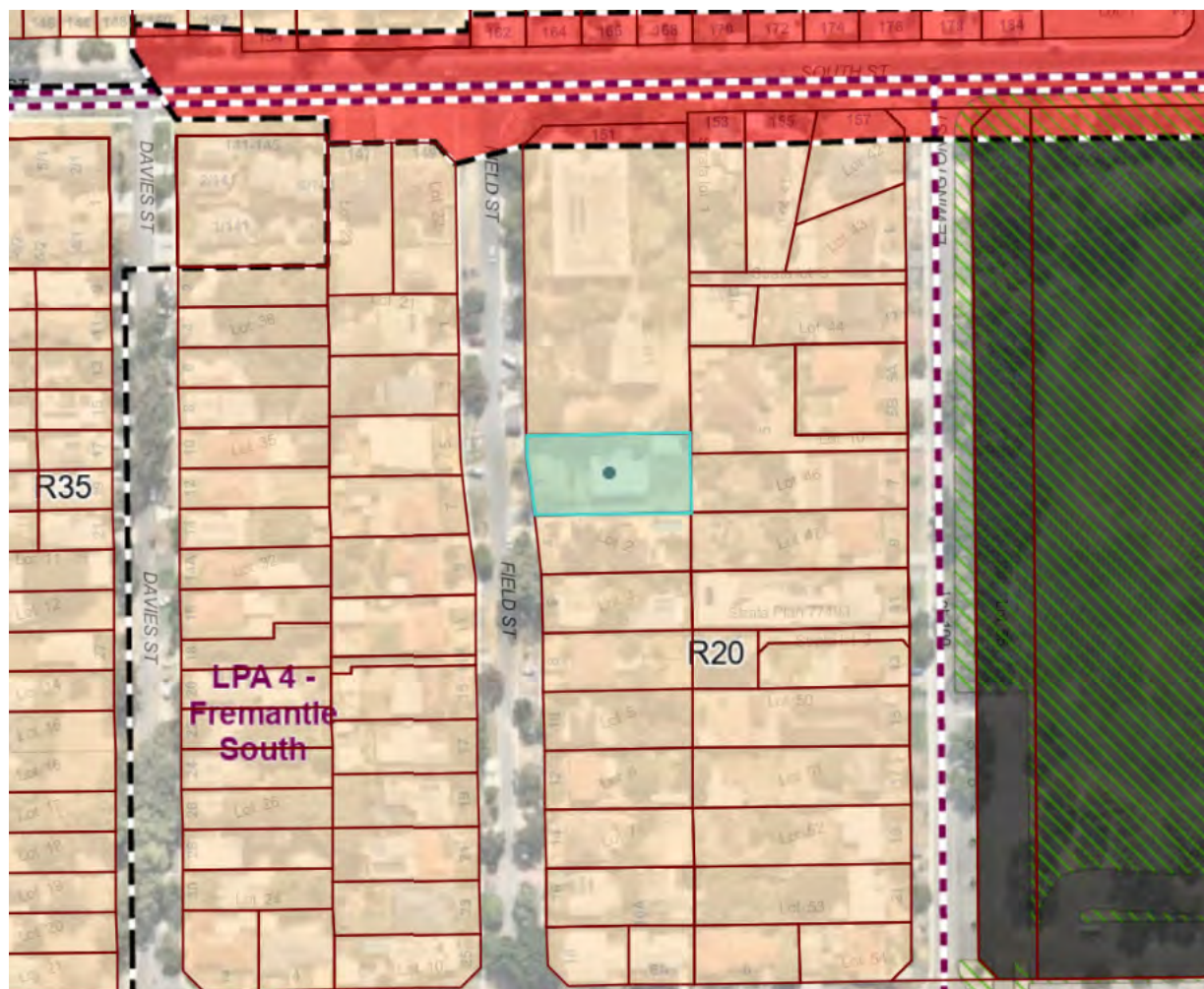


Figure 1 – Planning Context map

## CONSULTATION

### External referrals

Nil required.

### Internal referrals

#### *Heritage*

2 Field Street Beaconsfield has no Heritage Significance. It does not meet the threshold for inclusion on the Fremantle Heritage List and has not been included on the list of Contributory places in the South Fremantle Precinct Heritage Area.

#### *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.



No submissions were received when initially advertised, with some letters of support received from neighbours.

#### 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 the revised 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 and retention of three (3) regulated trees (previously proposed the removal of 5 and retention of 1).
- Site works (previously included greater levels of fill in the front setback area).
- Boundary walls (south)
- Vehicular access.

The above matters are discussed below.

##### Background

The subject site is located on the east side of Field Street. The site has a land area of approximately 1153m<sup>2</sup> and is currently a Single House. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed and located within the South Fremantle Precinct Heritage Area. It has also been listed as a non-contributory site to the Heritage Area.

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

- BP0041/22 – Addition of a Timber Frame Cabin

##### Land Use

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



## Site Works

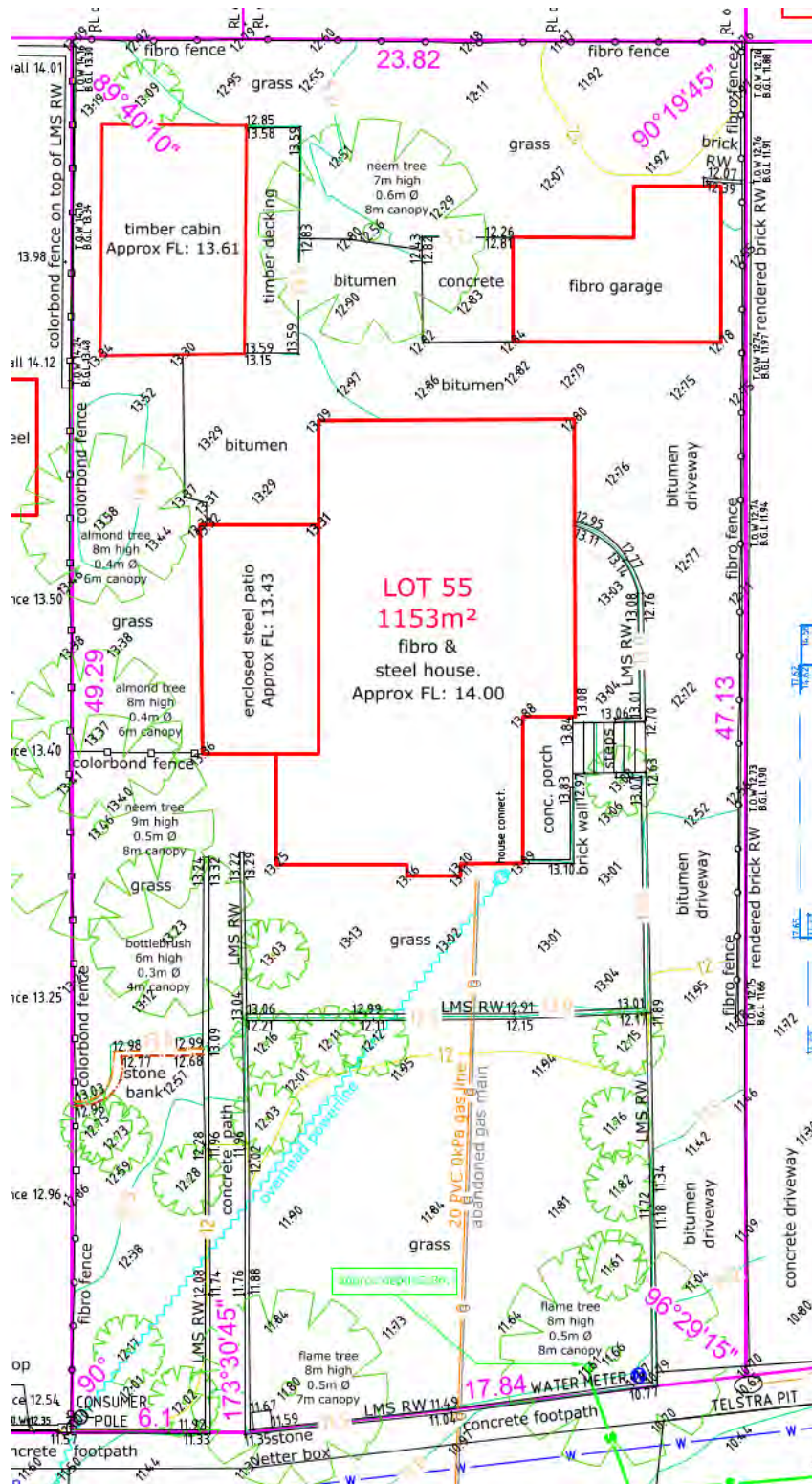
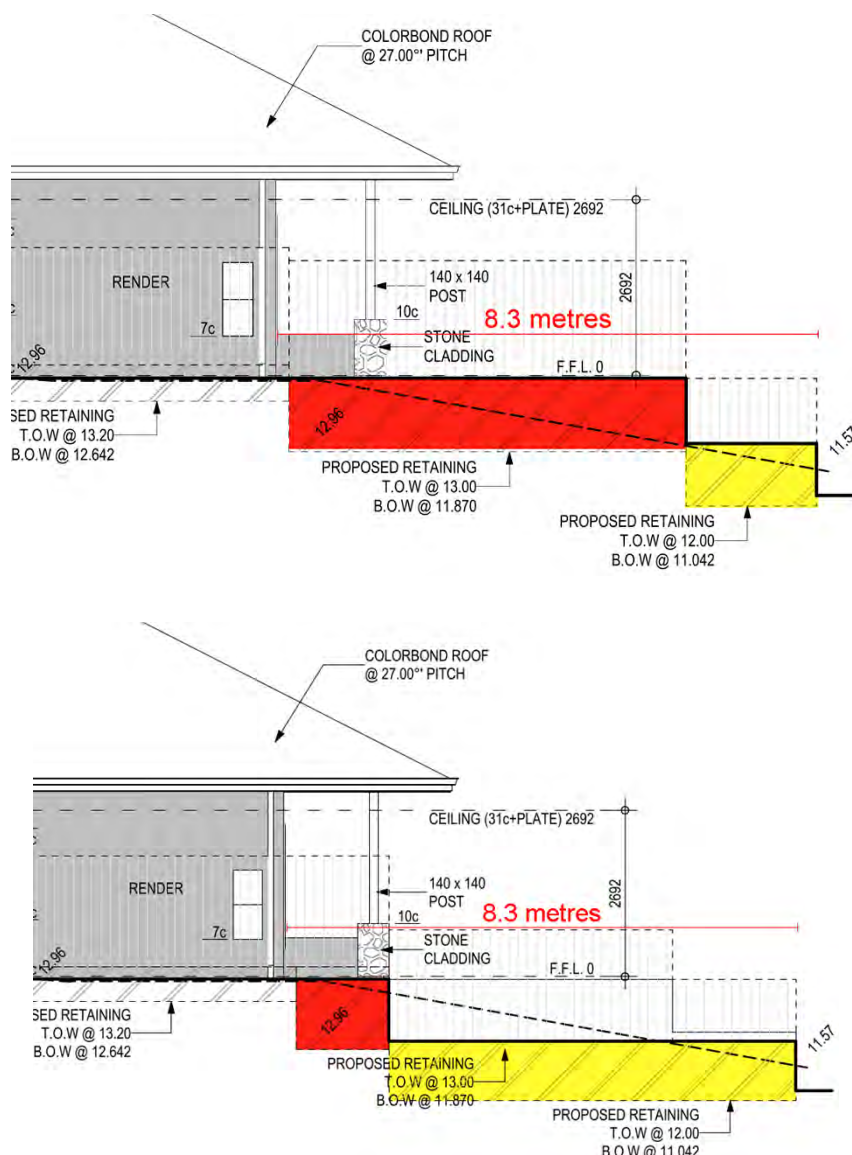


Figure 2 – Site survey of existing dwelling and levels



Figure 3 – Previous plans (above) and amended (below) compared. Yellow highlight of first tier of amended now proposed retaining with 0.1mm-0.5mm fill (compliant), red of second tier or retaining proposes 0.5mm-1.2m fill (discretion).





| Element                                                                                                                                                                                                                                                               | Requirement                                                           | Proposed                                              | Extent of Variation |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------|---------------------|
| <i>C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or</i> | Maximum retaining walls/infill/excavation in front setback area: 0.5m | Retaining walls/Infill/excavation: 0.5m – 1.2m infill | 0.7m                |





|                                    |  |  |  |
|------------------------------------|--|--|--|
| <i>natural light to a dwelling</i> |  |  |  |
|------------------------------------|--|--|--|

With consideration to the amended plans, the proposed siteworks in the front setback are now considered to meet the design principles of the R-Codes as follows:

- The extent of site works within the primary street setback area (see Figure 3) is not significant in comparison with the existing levels of the site.
- Proposed tiered retaining walls result in fill in the street setback area that works with the existing features and topography of the site, particularly from existing levels at the street boundary and toward the front (6m) of the site.
- Proposed higher infill is within 2m of the building envelope and does not present an excessive amount of infill when viewed from the street due to its compliant setback.
- Due to the increased setback of the larger volume of infill, the impact of the proposed siteworks on the streetscape is reduced to an acceptable level.
- Proposed siteworks in the primary streetscape does impact the usability of the site and has a reduced and acceptable impact on adjoining properties.
- The higher retaining proposed is effectively for the house and verandah rather than a large outdoor space, ensuring reduced impact on the streetscape.

| Element                                                                                                                         | Requirement                                                    | Proposed                                                                    | Extent of Variation |
|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------|
| <i>C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4.</i> | Maximum retaining walls/infill/excavation: 0.5m at nil setback | Excavation: 0.5m - 0.7m at nil setback<br>Infill: 0.5 - 1.2m at nil setback | 0.7m                |

The proposed siteworks to the rear is unchanged in the revised plans and the assessment below is unchanged from the previous report.

The proposed siteworks behind the street setback is not considered to meet the Design principles of the R-Codes in the following ways:

- Proposed excavation at the centre section on the southern boundary (highlighted in blue on figures 5 & 7) ranges from 0.5m to a peak of 0.7m and due to the length of it occurring along the driveway of the southern adjoining property, does not result in an a substantial impact on adjoining property. Additionally a minor variation of 0.2m excavation beyond the DTC requirements is considered to be an acceptable amount cut from the existing site levels.

- Proposed retaining wall with a max height of 1.2m and nil setback results in an excessive amount of fill that does not respond to existing and natural features of the site.
- Resulting wall or fence that would be required on top of the retaining walls (as shown indicatively on plans) will result in substantial building bulk contributed to southern and eastern neighbours as well as contribute to overshadowing of the southern neighbour Outdoor living area (pool area) (see figure 8).

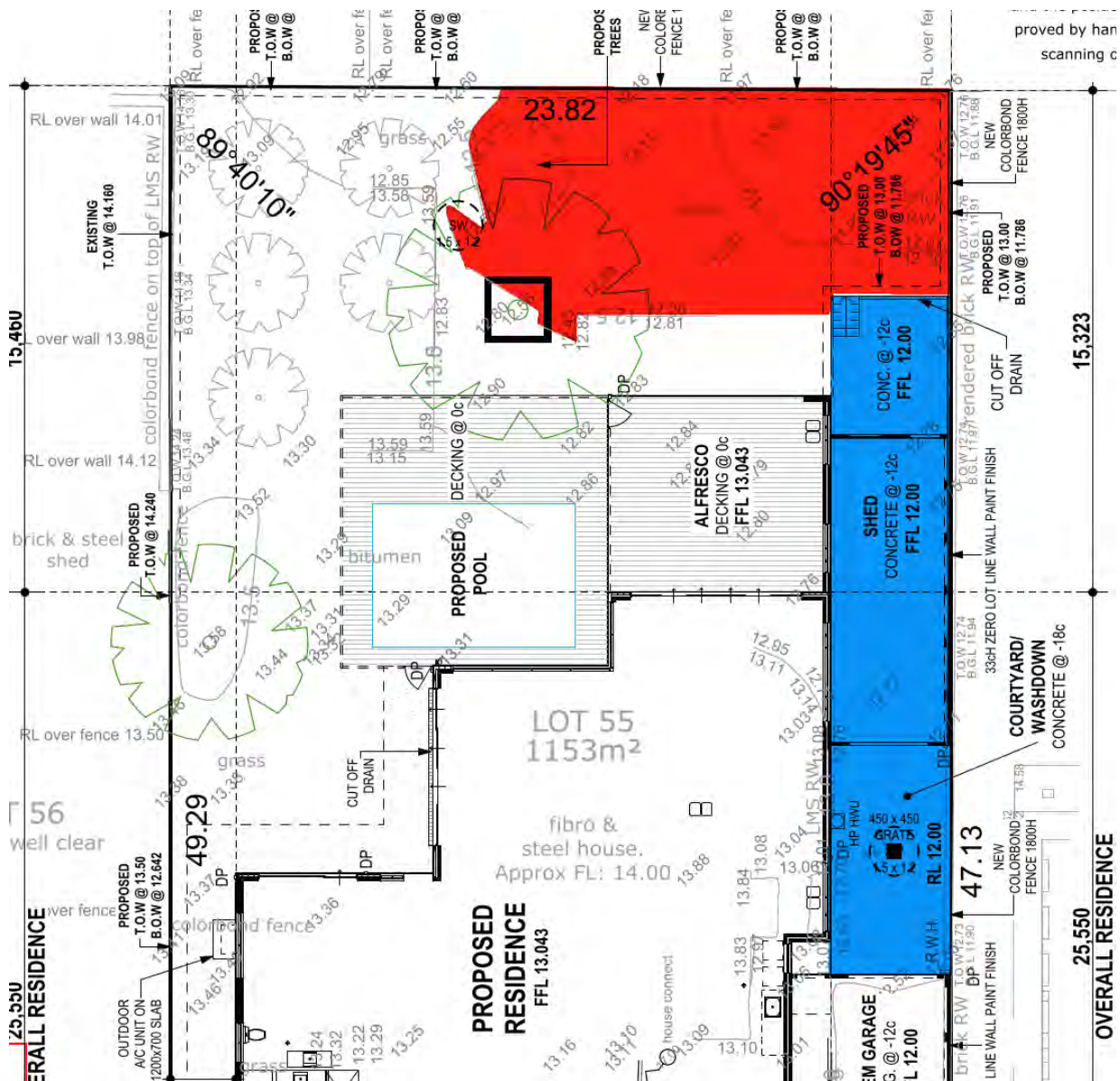


Figure 5 – Retaining/infill greater than 0.5m highlighted in red, excavation greater than 0.5m highlighted in Blue.



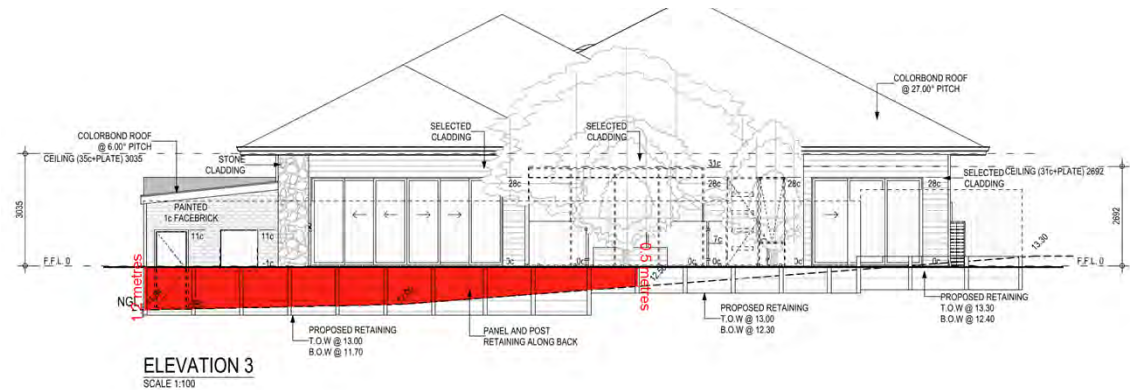


Figure 6 – Eastern elevation with retaining/infill greater than 0.5m in red.

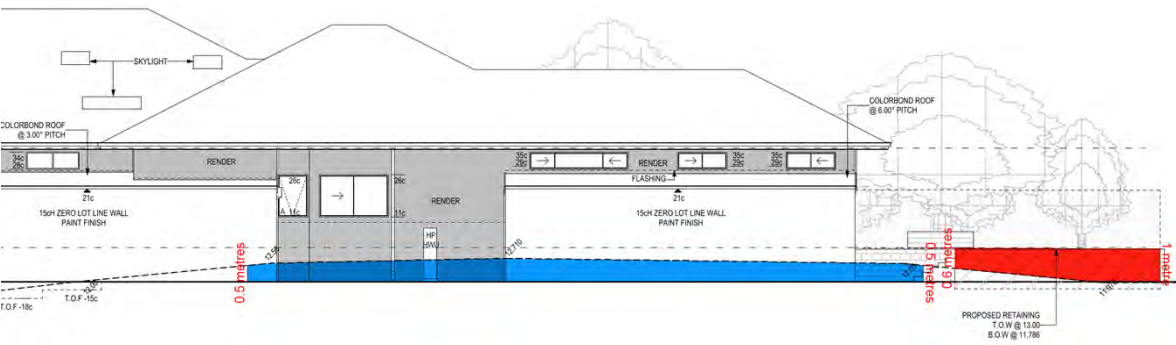


Figure 7 – South elevation of excavation greater than 0.5m in blue, 0.5m retaining/infill in red.



Figure 8 – Rear and side areas impacted by proposed to infill to rear highlighted.



## Local Planning Policy 2.26 – Tree Retention

| ID | Tree Species                  | Height | Canopy | Regulated | Removal / retained                           | Removal / retention Justification               |
|----|-------------------------------|--------|--------|-----------|----------------------------------------------|-------------------------------------------------|
| 1  | Erythrina indica (Coral tree) | 8.5m   | 7m     | Yes       | Removal                                      | Would not survive Site works and driveway width |
| 2  | Erythrina indica (Coral tree) | 8.5m   | 7m     | Yes       | Retained                                     | Retention plan provided                         |
| 3  | Melia Azederach (Cape Lilac)  | 10m    | 8m     | Yes       | Removal                                      | Would not survive Site works                    |
| 4  | Prunus dulcis (Almond)        | 9.5m   | 6m     | Yes       | Removal                                      | Would not survive Site works                    |
| 5  | Prunus dulcis (Almond)        | 10m    | 5m     | Yes       | Retained (Previously proposed to be removed) | No retention plan provided                      |
| 6  | Melia Azederach (Cape Lilac)  | 10.5m  | 7m     | Yes       | Retained (Previously proposed to be removed) | No retention plan provided                      |

The applicant had provided revised plans that indicate the intention to retain three (3) trees (previously only proposed 1). In reference to the above table, the additional trees (tree 5 & 6) proposed for retention were not supported by an updated arborist report to demonstrate that the proposed construction would not be to the detriment of their health or structure. At the applicant's request to move forward with development application, this report is written based on information provided.

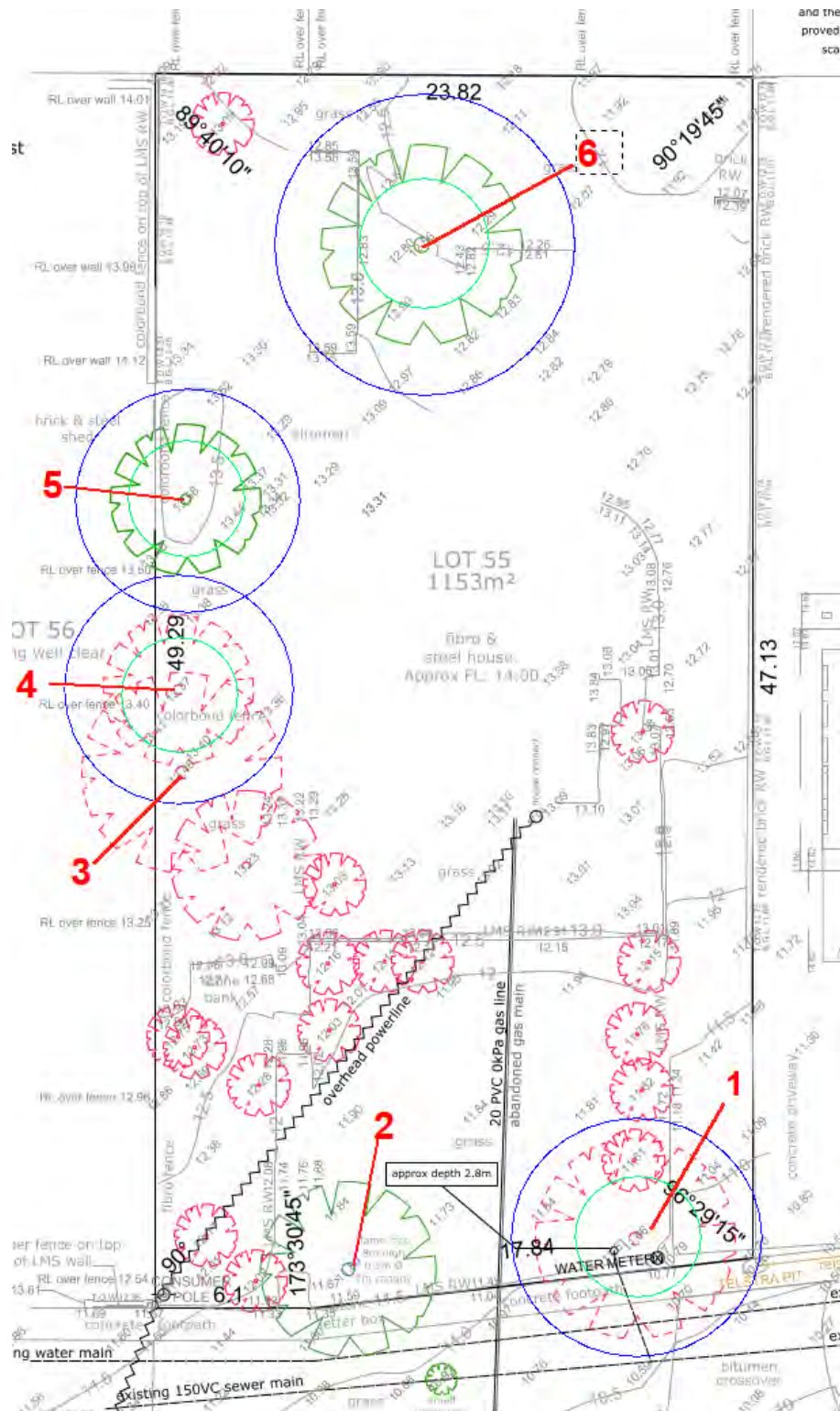


Figure 9 - Proposed existing trees for removal shown in red with regulated trees numbered as per provided arborist report. Tree protection zones outlined in blue circles, structural root zone outlined in green circles of regulated trees proposed for removal





Figure 10 – Previous plans (left) and amended (right) Identified regulated trees overlaid on proposed single house

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.

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 and the impact of other planning proposals on retained regulated trees 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 9, 10 and meet the requirements to be classified as regulated trees due to their height and/or canopy meeting or exceeding the requirements for regulated tree status.



Figure 11 - Tree 1 Erythrina indica (Coral tree)

Removal of tree 1 Erythrina indica (Coral tree), as identified in the arborist report, is not supported under the performance criteria of LPP2.26 for the following reasons:

- The arborist report confirms that the tree is of good health and structure and is only recommended for removal by the arborist, as the design of the development will be to the trees detriment.
- There have been no safety risks identified by internal referral to Parks and Landscaping team or within provided arborist report.
- As the existing driveway provides trafficable and accessible access to the property, tree removal due to an increase of driveway width at lot boundary and siteworks is not satisfactory reasoning for redesign to accommodate regulated tree is unfeasible as per clause 5.4c.
- Although driveway has been amended to a 4.5m width, it was to the south in order to create a garden bed. The reduction in width has not provided a better outcome for the existing tree.



Figure 12 - Tree 2 *Erythrina indica* (Coral tree)

Development within 5m of proposed retained tree 2 *Erythrina indica* (Coral tree), as identified in the arborist report, is supported. The arborist report provides clear methodology and justification to ensure the trees protection.



Figure 13 - Tree 3 *Melia Azederach* (Cape Lilac)

The removal of tree 3 *Melia Azederach* (Cape Lilac), as identified in the arborist report, is supported under the performance criteria of LPP2.26 for the following reasons:

- Tree 3 is identified in arborist report to have poor structural health, this assessment is further supported by parks and landscaping review of arborist report.
- Two (2) replacement trees provided on amended plans as per LPP 2.26 clause 6.1 requirements to offset its loss.
- Tree 3 meets requirement for tree damaging activity due to identified poor structural integrity and meets requirements for clause 5.4a.



Figure 14 - Tree 4 Prunus dulcis (Almond)

The removal of tree 4 Prunus dulcis (Almond), as identified in the arborist report, is not supported under the performance criteria of LPP2.26 for the following reasons:

- The arborist report confirms that the tree is of good health and structure and is only recommended for removal, as the design of the development will be to the trees detriment.
- There have been no safety risks identified by internal referral to Parks and Landscaping team or within the provided arborist report.
- The structural root zone is partially within the proposed building envelope and site works on the northern boundary are ~500mm. The tree could be avoided with further redesign on the large lot (see above figure 10).
- The provided reasoning is not satisfactory for tree removal as per clause 5.4c.





Figure 15 - Tree 5 Prunus dulcis (Almond)

Tree 5 Prunus dulcis (Almond), was previously indicated for removal. The applicant has provided revised plans to retain the tree, however shows encroachment into the previously recommended Tree Protection Zone detailed in the arborist report. The works are therefore considered not to meet the criteria of LPP2.26 for the following reasons:

- Arborist report states, based upon previous plans, that the Almond tree identified as tree 5 in figure 9 is recommended for removal due to development conflict with proposed site works and within envelope of proposed pool house.
- Although the pool house has been removed, the proposed site works, as noted in the provided arborist report would result in tree damaging activity.
- Proposed development within 5m of tree is not justified with supporting retention plan by qualified arborist report regarding the siteworks (500mm excavation) surrounding the tree.
- Provided information is not satisfactory to support approval of development within 5m of tree.
- The provided arborist report does explain retention methodology that is not indicated on provided plans and could reasonably be implemented. If the proposed development is approved, it is recommended a condition be added that ensures retained tree is protected during and after construction using an appropriate methodology.





Figure 18 - Tree 6 Melia Azederach (Cape Lilac)

Tree 6 Melia Azederach (Cape Lilac) was previously indicated for removal. The applicant has provided revised plans to retain the tree, however shows encroachment into the previously recommended Tree Protection Zone detailed in the arborist report. The works are therefore considered not to meet the criteria of LPP2.26 for the following reasons:

- The arborist report states, based upon previous plans, that the Cape Lilac identified as tree 6 in figure 9 is recommended for removal due to development conflict with proposed site works and within envelope of proposed Single house.
- There is still a substantial amount of siteworks (500mm-850mm fill) proposed within the structural root zone of the tree. Additionally, the proposed deck also falls within the tree protection zone.
- The provided information is not satisfactory to support approval of development within 5m of tree as per.
- If the proposed development is approved, it is recommended a condition to be added that ensures retained tree is protected during and after construction using an appropriate methodology.



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

### 11 Garages and Carports to All Residential Buildings

| Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Provided                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11.1 Do not introduce new crossovers, driveways or parking areas where it would involve the removal of significant fabric of a place or would negatively impact upon the significance of the wider streetscape.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Existing location of crossover proposed.                                                                                                                                                                                                                 |
| 11.2 Carports and garages are to be located behind the building, and visually unobtrusive.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Garage is ~0.5m further from lot boundary than front wall of dwelling. Supported                                                                                                                                                                         |
| 11.4 Notwithstanding the above carport and garage location requirements, the following arrangements may be considered for non-contributory properties, contributory properties, Level 3 listed places, and some Level 2 listed places (on a case-by-case basis):<br>c) A double garage located to the side of the existing or new house set back a minimum of 2m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The roof to the double side garage is to be flat, skillion or simple hipped or gable. The width of the structure is to be no more than 45 percent of the width of the front of the dwelling or 6 meters (whichever is the lesser). | Double garage with 1.7m setback from front wall of dwelling in lieu of 2m. Flat roof design.<br><br>Unchanged from previous plans. Supported.                                                                                                            |
| 11.7 Variations to the above may be considered where development meets one of the following criteria:<br>a) The proposal is consistent with the character of the prevailing streetscape (e.g. within a redevelopment precinct) and the proposal does not have a negative impact on the significance of the place or area; and/or<br>b) The proposed setback does not result in a projecting element into an established streetscape vista by virtue                                                                                                                                                                                                                                                                                                                                           | Site contains steep topography with various proposed infill and excavation. topography of proposed will reduce impact of garage allow for minor variation in garage setback from front wall of dwelling.<br><br>Unchanged from previous plans. Supported |



|                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| of the road and/or lot layout in the locality or the topography of the land.                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                       |
| 11.8 Access ways and car parking are to be designed to minimise the visual and physical impact on the heritage character of the place or streetscape (including landscaping) and are to be no more than 3.5m wide at the street crossover. | <p>The applicant has proposed a reduction in width of the driveway from 5.5m to 4.5m.</p> <p>The majority of driveways in the streetscape do not exceed beyond 4.5m at the lot boundary (see figure 20).</p> <p>The maximum driveway width proposed of 4.5m is consistent with the streetscape.</p> <p>Supported.</p> |



Figure 20 – Surrounding driveways of 2 Field Street highlighted

Lot Boundary Setback (Boundary Wall)



The revised plans have not altered the following assessment previously presented to Council.

| Element                                                | Requirement | Proposed | Extent of Variation |
|--------------------------------------------------------|-------------|----------|---------------------|
| South setback Garage/store (12.1m length, 3.5m height) | 1m          | Nil      | 1m                  |
| South setback shed (7m length, 2.2m height)            | 1m          | Nil      | 1m                  |

The South lot boundary setback of the garage/store is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed boundary wall is 3.5m max height with portions of the wall at a max of 2.7m due to the NGL with the southern adjoining property.
- Because of this, this should not result in any significant impact to the amenity of the adjoining property resulting from building bulk.
- The proposed Single house is well within Deemed to Comply for overshadowing and, southern shadow from proposed garage/store boundary wall will fall on driveway of southern adjoining backyard and will have little impact on solar access or ventilation (see figure 21 & 22).
- There are no visual privacy implications.
- The boundary wall will make more effective use of the site by reducing areas of unusable space.
- Proposed boundary wall of garage will fall short of major openings on either first or second floor of southern adjoining property due to separation created by driveway and proposed single storey wall height of garage/store (see figure 21 & 23 below).

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

- The proposed boundary wall of proposed shed is a 2.3m max height.
- Because of this, this should not result in any significant impact to the amenity of the adjoining property resulting from building bulk.
- The proposed single house is well within Deemed to Comply for overshadowing and, southern shadow from proposed Shed boundary wall will fall on driveway and setback area of southern adjoining backyard which results in little impact on solar access or ventilation (figure 21 & 21).
- No major openings are impacted by shed boundary wall (Figure 24)



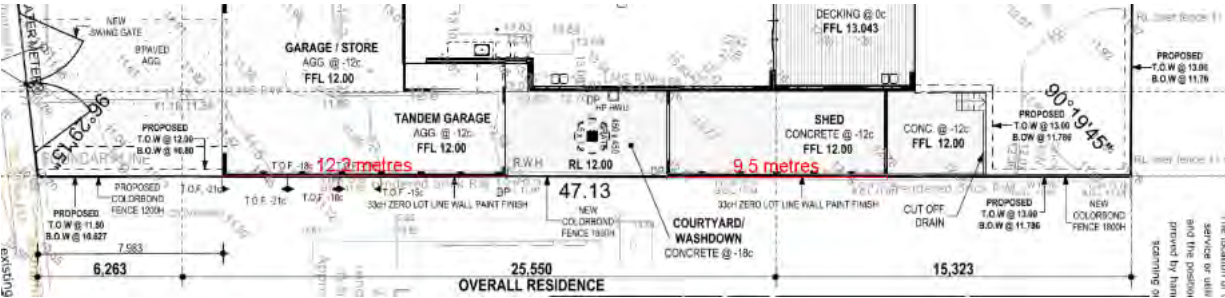


Figure 21 – Proposed southern boundary wall with measurements in red



Figure 22 – Field street identified with driveway hardstand outdoor living area running along shared boundary with 2 Field Street





Figure 23 – Southern adjoining property first and second floor openings

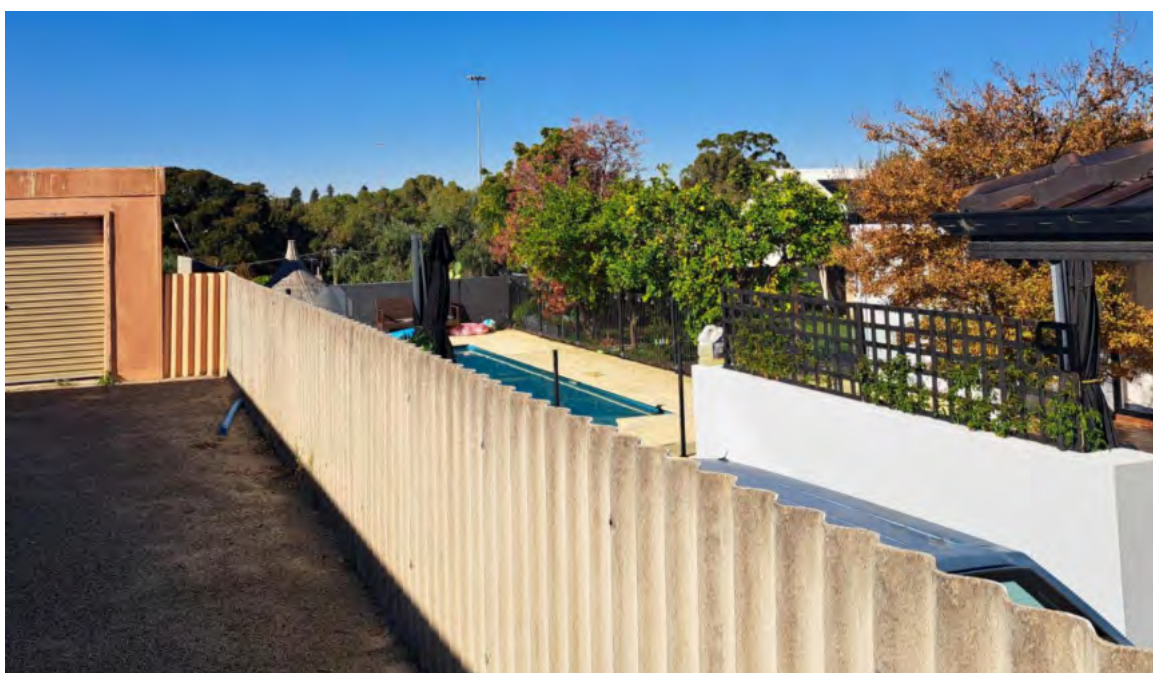


Figure 24 – Southern adjoining property with driveway and pool area



## CONCLUSION

Approval is sought for the demolition of the existing Single House and construction of a single story Single house at No.2 (Lot 55) Field Street, Beaconsfield, including the unsupported removal of two (2) regulated trees and retention of three (3) Regulated trees. While improvements have been made to the proposal and the level of departure from policy has been reduced, there remain outstanding issues that do not meet design principles or objectives. Specifically, issues in relation to rear siteworks, removal of regulated trees and proposed development within 5m of regulated trees is not supported, and the application remains recommended for refusal.

## STRATEGIC IMPLICATIONS

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

### Liveable City - Connected city

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

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

This proposal has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. The applicant is able to apply for a review of any Refusal or conditions of approval issued by Council in relation to this application, through the State Administrative Tribunal. Where not specifically detailed in the Regulations or City's policy, all works require approval and may be subject to compliance investigation and enforcement if approval is not sought prior to undertaking works.

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required



## DECISION MAKING AUTHORITY

Committee

## OFFICER'S RECOMMENDATION

Moved: Cr Ingrid van Dorssen      Seconded: Mayor Ben Lawver

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Demolition of Existing Single House and Construction of Single Storey Single House at No. 2 (Lot 55) Field Street, Beaconsfield as detailed on plans dated 15 June 2026, for the following reasons:

1. This 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 2 regulated trees and insufficient tree protection methodology to prevent tree damaging activity for another 2 regulated trees.
2. The proposal fails to meet the Residential Design Codes design principles of 5.3.7 Site Works due to the volume of fill proposed at the rear of the property not responding to the existing topography of the site and negative impact on adjoining properties.

Lost: 0 / 5

For:

Nil

Against:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen



In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following alternative motion, as provided in the additional documents:

COMMITTEE DECISION ITEM PSC2607-1  
(Alternative motion)

Moved: Cr Andrew Sullivan

Seconded: Cr Ingrid van Dorssen

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Demolition of Existing Single House and Construction of Single Storey Single House at No. 2 (Lot 55) Field Street, Beaconsfield, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 15 June 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
4. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.
5. Prior to lodgement of a Building Permit for the development hereby approved, a detailed landscaping plan in accordance with clause 5.3.2 of the R-Codes, including:
  - a) information relating to species selection of the required tree,
  - b) reticulation,
  - c) details of existing vegetation to be retained, and
  - d) treatment of landscaped surfaces (i.e. mulch, lawn, etc),shall be submitted to and approved by the City of Fremantle.
6. Prior to lodgement of a Building Permit for the development hereby approved, a detailed plan outlining how the existing regulated trees identified to be retained onsite as 'Tree 5' and 'Tree 6' on submitted





arborist report (prepared by Branch Arboriculture) dated 24 March 2026) will:

- a) be retained and subsequently maintained in a healthy state;
- b) be protected during the construction of the development in accordance with Australian Standard AS4970;
- c) proposed site works amended to ensure ongoing tree protection and
- d) only be maintenance pruned in accordance with Australian Standard AS 4373.

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

7. Prior to lodgement of a Building Permit Application for the development hereby approved, six (6) 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. The replacement trees shall be maintained in a healthy state for the life of the development, to the satisfaction of the City of Fremantle.
8. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
9. Prior to lodgement of a Building Permit for the development hereby approved, a detailed drawing showing how the rear backyard located on the eastern and southern elevations, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the new finished ground level, or
  - b) a dividing fence to a minimum height of 1.60 metres above the new finished ground level,

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



10. Prior to occupation/ use of the development hereby approved, the boundary walls located on the southern boundary shall be of a clean finish in any of the following materials:

- coloured acrylic or sand render

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

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

12. 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):

- A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- Fire separation for the proposed building works must comply with Part 9 of the Building Code of Australia.
- The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New / modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
- The significant trees identified on the approved plan shall be protected during all phases of development in accordance with AS4970-2009 – Protection of Trees on Development Sites.
- Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying



regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

Carried: 5/0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

Reason for alternative motion:

Due regard has been given to the draft changes to LPP 2.26 Tree Retention Policy list Coral trees as undesirable species. Further tree removal is supported due to redesign of the development being unfeasible



PSC2607-2 WESTMEATH, NO. 7 (LOT 23), NORTH FREMANTLE – TWO  
STOREY SINGLE HOUSE WITH ANCILLARY DWELLING - (LG  
DA0124/26)

Meeting date: 1 July 2026  
Responsible officer: Manager City Planning  
Voting requirements: Simple Majority Required  
Decision making authority: Committee  
Attachments: 1. Development Plans  
Additional Information: 2. [Site Photos](#)  
(viewed electronically) 3. [Applicant Cover Letter](#)

## SUMMARY

Approval is sought for a two storey Single house with ancillary dwelling at No. 7 Westmeath Street, North Fremantle.

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

- Building height (external wall height)
- Lot boundary setback (east)
- Visual privacy (east)
- Parking

The application is recommended for conditional approval.

## PROPOSAL

### Detail

Approval is sought for a two storey Single house with ancillary dwelling at No. 7 Westmeath Street, North Fremantle (subject site). The proposed works include:

- Construction of two storey Single house
- Construction of two car garage and vehicle crossover with access via Westmeath Street.
- Self-contained ancillary dwelling located across ground floor and level 1

Development plans are included as attachment 1.



### Site/application information

Date received: 7 April 2026  
Scheme: Residential R25  
Heritage listing: North Fremantle Precinct Heritage Area  
Existing land use: Vacant Lot  
Use class: Single House  
Use permissibility: P



Figure 1 – Planning context map



Figure 2 – Aerial image of subject site (April 2026)

## CONSULTATION

### External referrals

Nil required.

### Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes. The advertising period concluded on 12 May 2026, and one (1) submissions were received. The following issues were raised (summarised):

- Concerns relating to proposed building height, that the building height results in excessive visual bulk when viewed from neighbouring outdoor living space.
- The development will present as visually dominant when viewed from neighbouring outdoor living area.



- Proposed scale and massing will create an oppressive built edge and is inconsistent with the intended scale character of the locality.
- Proposed height will result in loss of views.

Concerns relating to building height have been addressed in detail in the Officer comment section below.

## 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:

- Building height (external wall height)
- Lot boundary setback (east)
- Visual privacy (east)
- Parking

The above matters are discussed below.

### Background

The subject site is located on the northern side of Westmeath Street situated on a vacant corner lot, fronting the Swan River foreshore reserve. The site has a land area of approximately 425m<sup>2</sup> and is currently a vacant lot. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Precinct Heritage Area.

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

- DA0178/15 – Two Storey Single House
- DA0316/21 – Three Storey Single House with Basement
- DA0218/24 – Two Storey Single House with Ancillary Dwelling

### Land Use

A Single house is a 'P' use in the Residential Zone, which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.





Building height (external wall height)  
Schedule 7 of LPS4 provides the building height requirements in Local Planning Area 3, Sub Area 3.3.1 (Rocky Bay) which is provided in Table 1 below. In addition to these height requirements, Schedule 7 states that:

*In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following—*

- a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally,*
- b) the proposal would not be detrimental to the amenity of adjoining properties or the locality,*
- c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and*
- d) any other relevant matter outlined in Council's local planning policies.*

*Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.*

Table 1 – Permitted and proposed building height

| Element                                               | Requirement                                                          | Proposed                                                             | Extent of Variation |
|-------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------|---------------------|
| LPS4 Schedule 7:<br>LPA 3, Sub Area 3.3.1 (Rocky Bay) | Maximum external wall height: 7m<br><br>Maximum building height: 10m | 6.6m -7.2m external wall height.<br><br>Maximum building height 7.2m | 0.1m – 0.2m         |

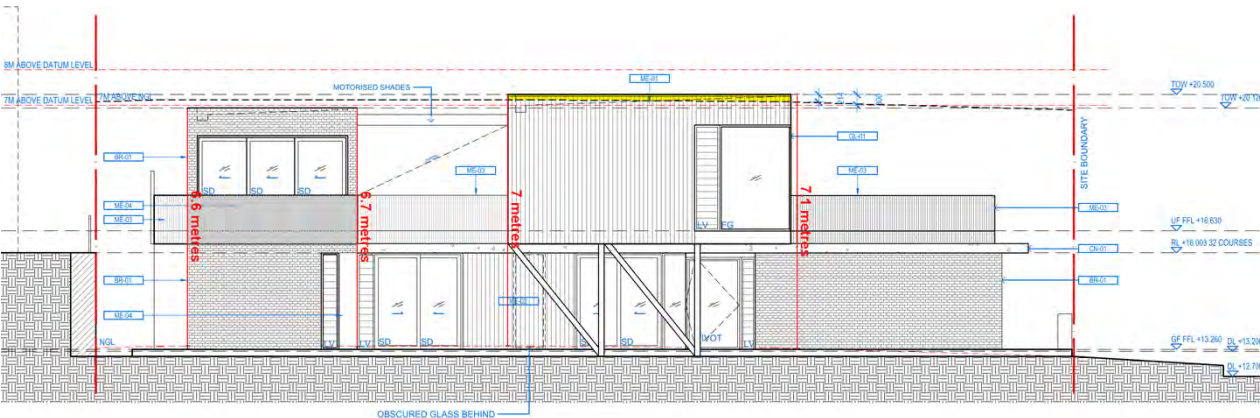


Figure 3 – Portion of over height external wall, highlighted yellow (western elevation)

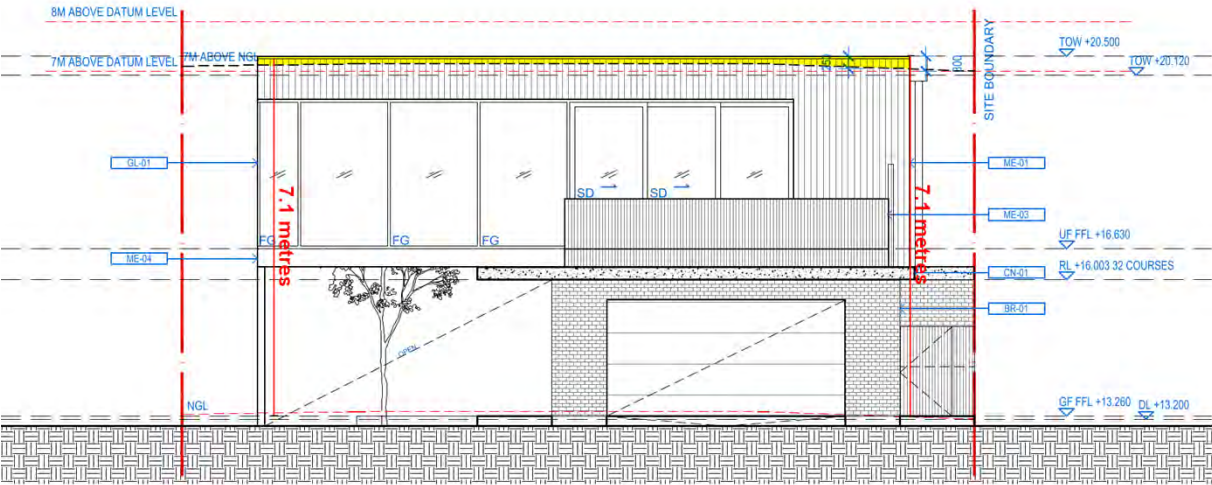


Figure 4 – Portion of over height external wall, highlighted yellow (southern elevation)

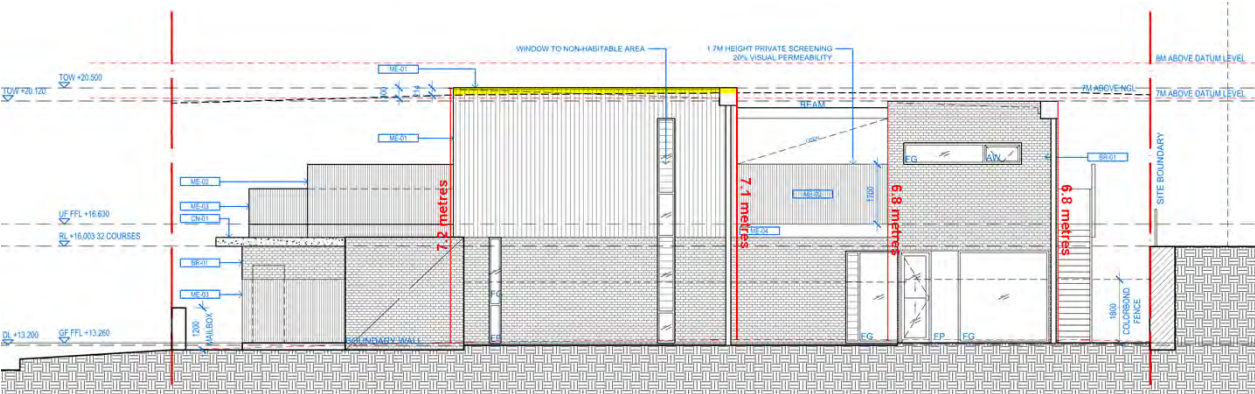


Figure 5 – Portion of over height external wall, highlighted yellow (eastern elevation)

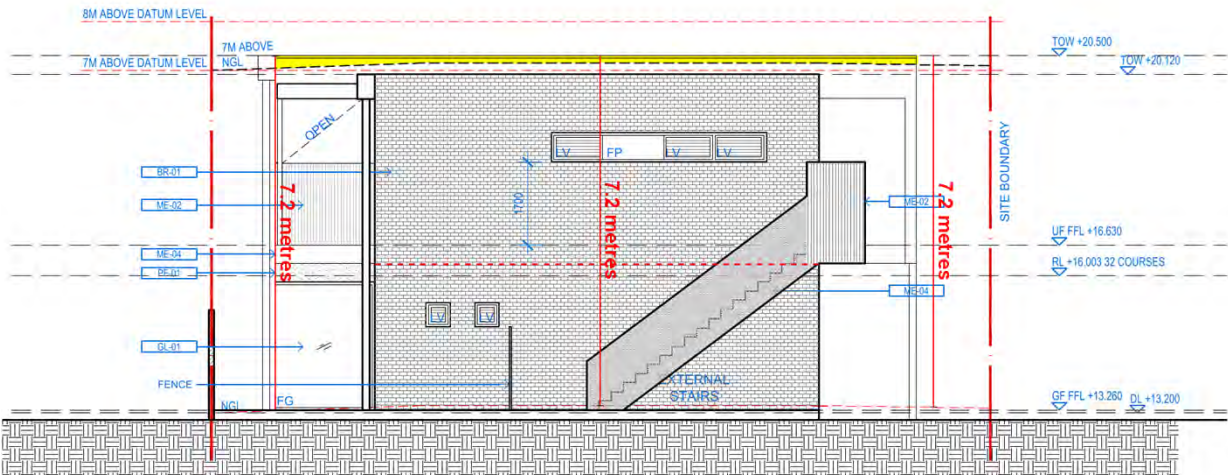


Figure 6 - Portion of over height external wall, highlighted yellow (northern elevation)





The proposed maximum external wall height of 7.2m, as detailed by Figures 3 – 6 above, exceeds the permitted building height specified in Schedule 7. Variations to the building height required under Schedule 7 can be considered pursuant to clause 4.8.1 of LPS4 which states as follows:

*4.8.1 Variation to height requirements*

*4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following —*

- a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
- b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
- c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
- d) any other relevant matter outlined in Council's local planning policies.*

To consider variations under this clause, Council must first be satisfied that “sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7”.

This requirement is satisfied by the subject site being located adjacent to the following buildings which exceed the 7.5m building height specified in Schedule 7 of LPS4 –

- 39 Mathieson Avenue features 8m external wall height.
- 38 Mathieson Avenue features 8.5m external wall height.

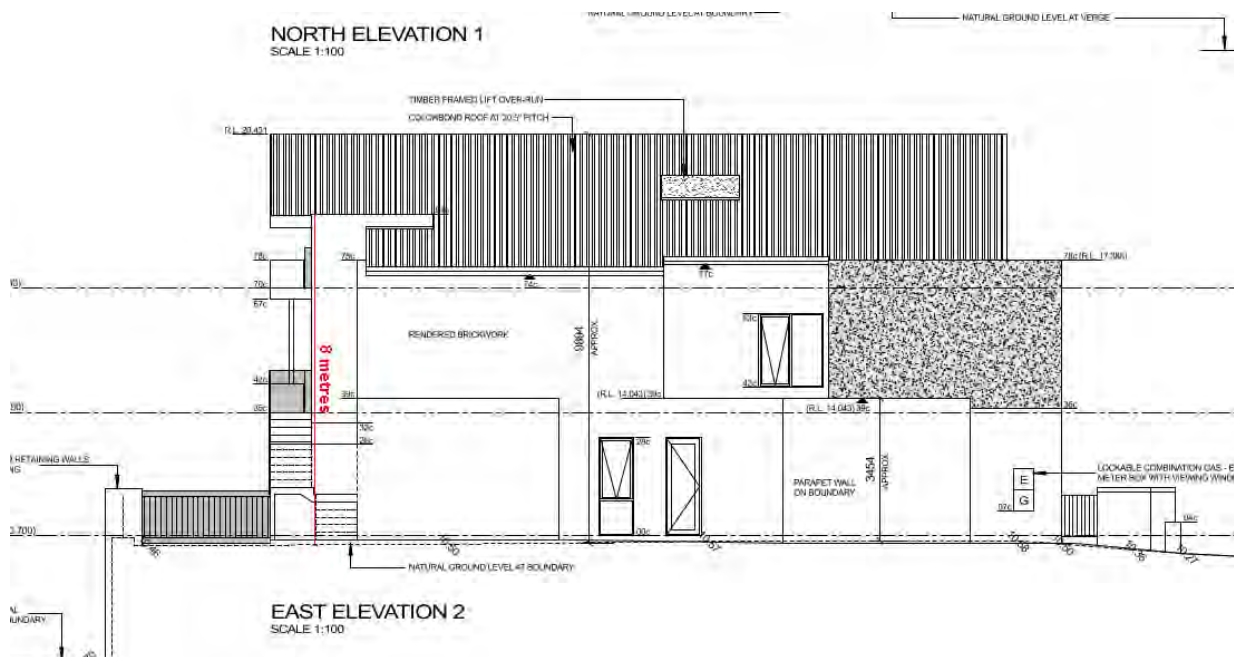


Figure 7 – East elevation of 39 Mathieson Avenue, depicting 8m external wall height

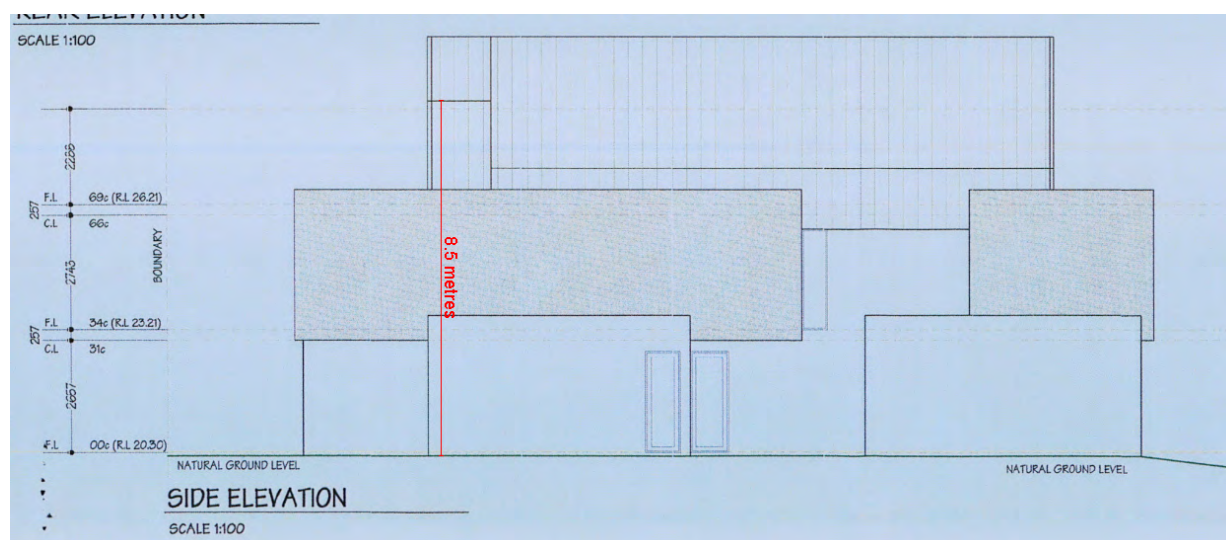


Figure 8 – West elevation of 38 Mathieson Avenue, depicting a 8.5m external wall height

It is considered that the initial requirement for variations to the building heights under Schedule 7 to be considered pursuant to clause 4.8.1 of LPS4 is met as there are several adjacent buildings which exceed the 7m wall height prescribed under Schedule 7. An assessment against clause 4.8.1.1 (a) to (d) can therefore be conducted.



Further to the requirements of Schedule 7 above and pursuant to clause 4.8.1 of LPS4 and the Design principles of the R-Codes, the height of the proposed building on the subject site is considered acceptable, for the following reasons:

- The application proposes a concealed roof design that is significantly lower than the permitted (deemed-to-comply) building height of a pitched or hipped roof (10m) and is considered to be of significantly less bulk and scale. The portion of over height external wall exceeds the deemed-to-comply requirement by 200mm, which is considered to be a minor variation (refer Figure 3–6).
- The orientation of the subject site means the site is situated approx. 2.9m lower than the rear (northern) site which will minimise any potential detrimental impact from bulk and scale.
- The wall height will not result in any significant loss of direct sunlight to adjoining open spaces and will not significantly restrict daylight to adjoining major openings and habitable rooms.
- The proposal presents as a two-storey building which is consistent with existing built form of the surrounding area. It is not considered that the additional height will result in excessive building bulk or scale.
- The additional height will have no significant impact on access to views of significance for adjoining properties. It is considered that the additional building height will not discernibly /impede adjoining properties access to notable existing southern river views. Refer to Figure 9 for illustration depicting proposed height compared to adjoining northern property, 39 Mathieson Avenue.

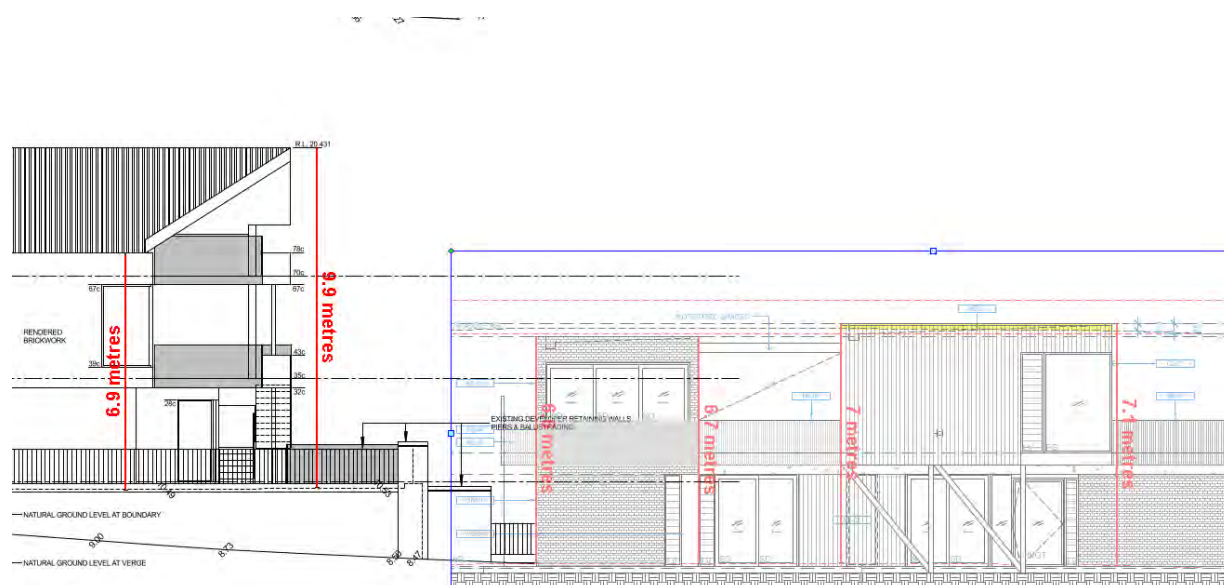


Figure 9 – Illustration depicting western elevation of proposal interfacing with adjacent northern property (39 Mathieson).



## Lot boundary setback

| Element                     | Requirement | Proposed | Extent of Variation |
|-----------------------------|-------------|----------|---------------------|
| East UF (Terrace – Bedroom) | 2.3m        | 1.3m     | 1m                  |
| East GF (Laundry – Retreat) | 1.5m        | 1.3m     | 0.2m                |

The reduced lot boundary setbacks are considered to meet the design principles of the R-Codes for the following reasons:

- The proposed reduced setbacks are adjacent to a currently vacant lot (9 Westmeath) which has development approval for a two-storey dwelling that has not substantially commenced construction. Notwithstanding this, the reduced setback that interfaces with adjoining western boundary of 9 Westmeath and is not considered to result in an adverse perception of building bulk that would impact future resident amenity on the lot.
- The orientation of the subject site means that there will be no resulting adverse impact of overshadowing, that would impact adjoining sensitive areas, it is considered there would be acceptable access to light and ventilation to adjoining lot.
- There is no resulting loss of visual privacy from the reduced setback to the proposed new house, the upper floor terrace is lined with privacy screening that is to be secured via relevant conditions of approval.

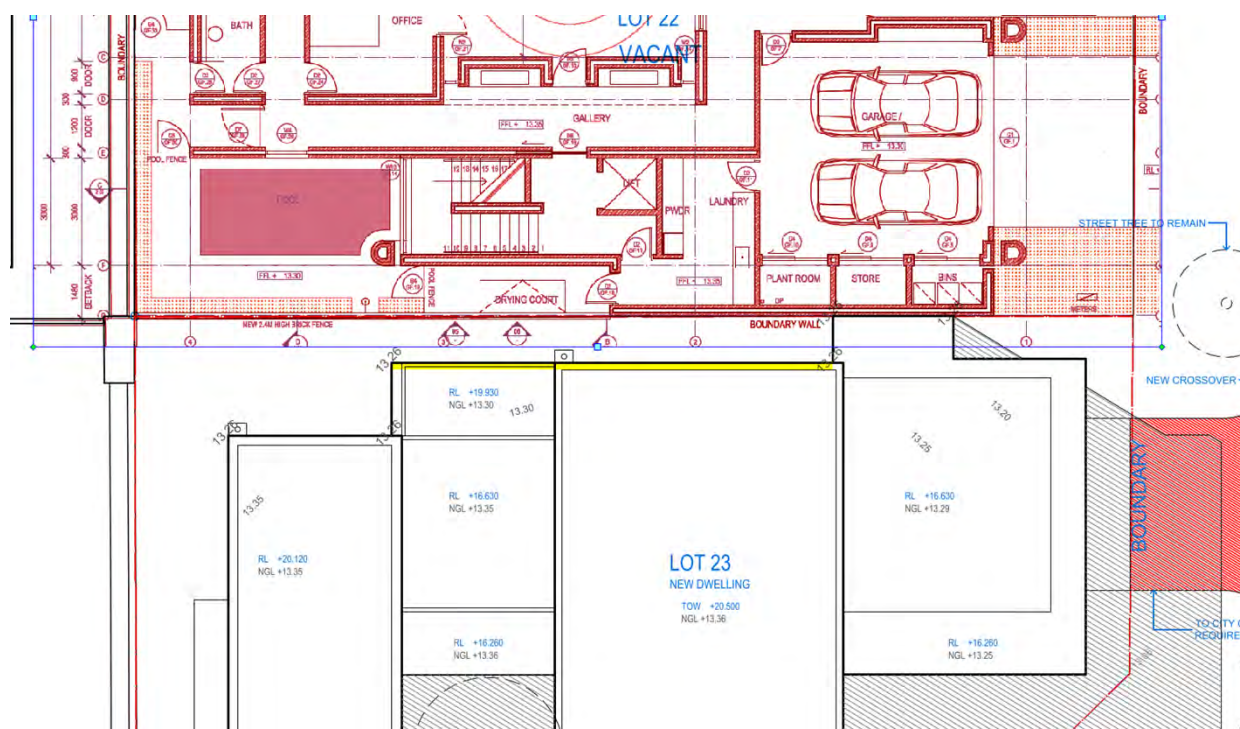




Figure 7 – Proposed reduced lot boundary setback overlayed with adjoining approved eastern dwelling (9 Westmeath)

### Visual privacy

| Element                | Requirement | Proposed                             | Extent of Variation |
|------------------------|-------------|--------------------------------------|---------------------|
| View east (UF Terrace) | 7.5m        | 1.7m – 2.6m with 1.7m visual privacy | Complies            |
| View northeast (UF     | 7.5m        | 1.3m – 1.9m with 1.7m visual privacy | Complies            |
| View north (UF entry)  | 7.5m        | 1.6m – 2.4m with 1.7m visual privacy | Complies            |

Visual privacy screening has been provided on the plans to address the relevant deemed to comply requirements of the R-Codes as illustrated by Figure 8 below. Appropriate conditions of approval have been recommended to ensure the installation of the screening in accordance with R-Code requirements.

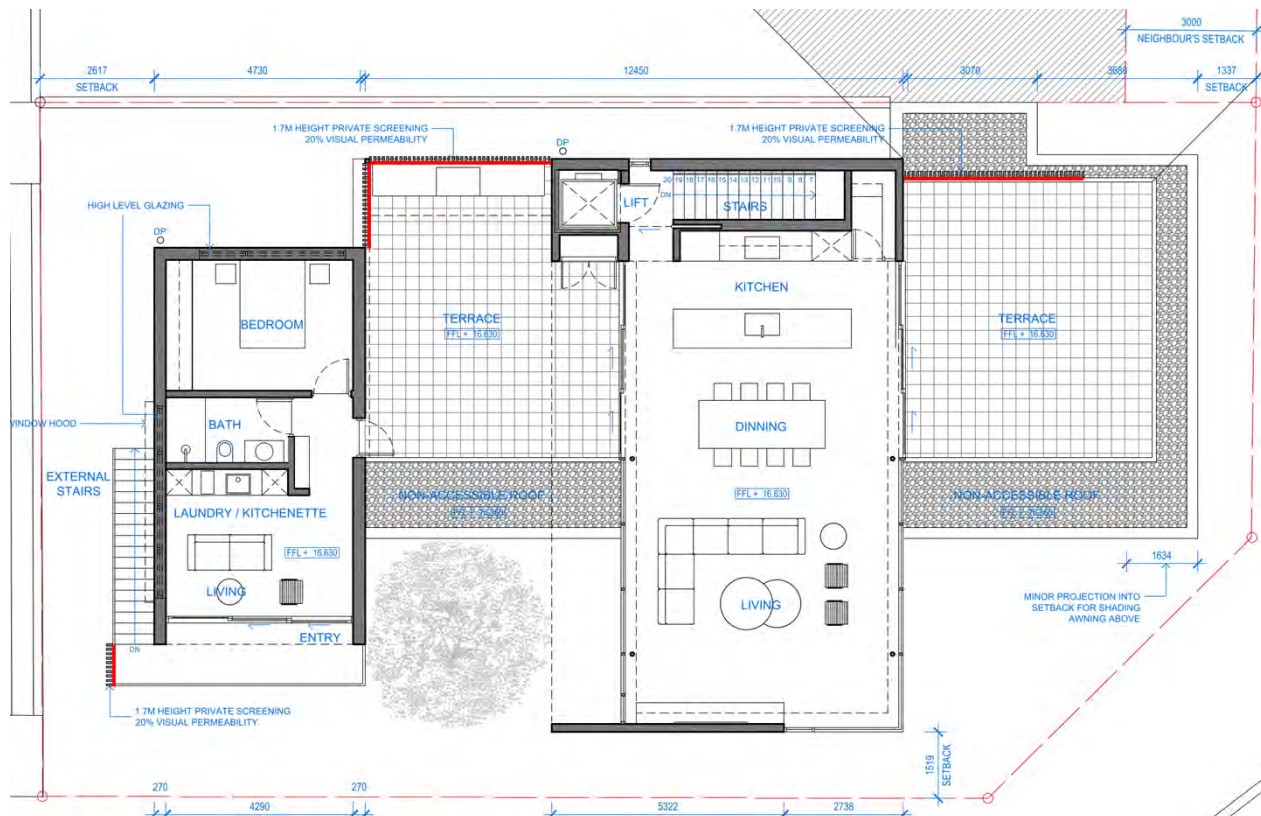
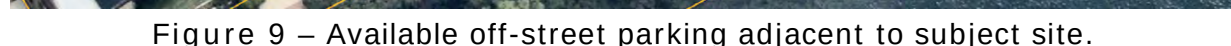


Figure 8 – Locations of elevations that require visual privacy screening (shown in red)

| Element        | Requirement                                               | Proposed | Extent of Variation |
|----------------|-----------------------------------------------------------|----------|---------------------|
| Onsite parking | 3 bays (2 for main dwelling and 1 for ancillary dwelling) | 2 bays   | 1 bay               |





As stated by LPP3.6 –

*Where visible from the public realm, new development should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration. New development that is visible from the public realm should respond sympathetically to the heritage values of the heritage area as a whole, and also to that part of the heritage area in the vicinity of the proposed development.*

The subject site is considered to sit within its own development context due to the site being located the newly developed Mimim Cove area. The area began redevelopment circa 2006 and features modern, contemporary dwellings fronting the Swan River Foreshore. The proposed development has been designed to complement the built form and character of this recently established area. It is considered that the proposed development has been thoughtfully and carefully designed to fit within its immediate context and will compliment this modern portion of the North Fremantle Precinct Heritage Area.

## CONCLUSION

Approval is sought for a two storey Single house with ancillary dwelling at No. 7 Westmeath Street, North Fremantle (subject site). In accordance with the above assessment, the proposal is considered to appropriately address the relevant statutory planning requirements of LPS4, the R-Codes and relevant local planning policies and is therefore recommended for approval, subject to conditions.

## STRATEGIC IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

This proposal has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. The applicant is able to apply for a review of any Refusal or conditions of approval issued by Council in relation to this application, through the State Administrative Tribunal. Where not specifically detailed in the Regulations or City's policy, all works require approval and may be subject to compliance





investigation and enforcement if approval is not sought prior to undertaking works.

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## DECISION MAKING AUTHORITY

Committee

### COMMITTEE DECISION ITEM PSC2607-2 (Officer's recommendation)

Moved: Cr Ingrid van Dorssen

Seconded: Cr Melanie Clark

Council:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Single House with Ancillary Dwelling at No. 7 (Lot 23) Westmeath Street, North 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 occupation of the development hereby approved, a minimum of one (1) tree is to be installed in the 2m x 2m tree planting area indicated on the approved plans, in accordance with clause 5.3.2 of the Residential Design Codes. The installed tree shall be maintained for the life of the development, to the satisfaction of the City of Fremantle.
3. 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.
4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.





5. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
6. Prior to occupation/ use of the development hereby approved, the boundary wall located on the eastern boundary shall be of a clean finish in any of the following materials:

- coloured sand render,
- face brick,
- painted surface,

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

7. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the terraces located on the eastern and northern elevation, are to be screened in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes by either:
  - a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c. a minimum sill height of 1.60 metres above the internal floor level,

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

8. The non-accessible upper floor roof areas are approved for maintenance access only and shall not be used as habitable outdoor spaces.
9. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.



Advice note(s)

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- ii. Fire separation for the proposed building works must comply with Part 9 of the Building Code of Australia.
- iii. The applicant is advised that the existing verge tree is to be protected during the construction process with a minimum 2.8 x 2.8m fencing enclosure.
- iv. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

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

- v. 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](mailto:engineering-da@fremantle.wa.gov.au) or 9432 9999.
- vi. 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.



vii. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.

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

- a minimum of 2.0 metres in the case of verge trees
- a minimum of 1.0 metre in the case of power poles, road name and directional signs.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil



PSC2607-5 INITIATION OF LOCAL PLANNING POLICY 5.4:  
CONVENIENCE STORES FOR ADVERTISING

Meeting date: 1 July 2026  
Responsible officer: Manager City Planning  
Voting requirements: Simple Majority Required  
Decision making authority: Committee  
Attachments: 1. Draft LPP 5.4 - Convenience Stores  
Additional Information: Nil  
*(viewed electronically)*

## SUMMARY

This report discusses new Local Planning Policy 5.4: Convenience Stores (LPP 5.4) in Attachment 1, proposed to support the draft scheme amendment to change the permissibility of Convenience Stores in centre zones and Industrial zones.

On 17 June 2026, the City received confirmation that the Minister approved Scheme Amendment 89: Convenience Stores for advertising with the expectation that advertising will begin within 28 days unless another timeframe is agreed to by the Commission.

It is recommended that Council endorse the policy for advertising so that it can be advertised concurrently with the corresponding scheme amendment. Once advertised, the draft amendment and policy will be returned to Council for a final recommendation.

## BACKGROUND

Convenience Stores are currently an 'A' (Advertised) use in the Mixed Use and Commercial zones, and a 'P' use in the City Centre, Local Centre, Neighbourhood Centre, and Industrial zones. A 'P' use does not require planning approval, whereas an 'A' use does.

Recently, Convenience Stores have been proliferating, with many concentrating within a small area of the City Centre. The proliferation of Convenience Stores threatens the viability of the commerciality of the City Centre by squeezing out other land uses and limiting the diversity of shopping, dining, and entertainment options that draw in visitors. There is also a danger of this similar pattern of development occurring in other areas, thereby limiting the diversity of businesses to service residents.





Furthermore, Convenience Stores have become a community concern due to the reports that many of them seem to be for the main purpose of selling illegal tobacco. The State Government recently implemented changes to the legislation increasing the penalties for businesses caught selling illicit tobacco and vape products. The ensuing police enforcement has resulted in at least three Convenience Stores recently shut in the City Centre. The planning scheme will not impact whether a store sells illegal products, as development approval does not and cannot be used to contravene the tobacco legislation. However, requiring a development approval be granted before a Convenience Store can proceed will allow the City to monitor and limit the proliferation of Convenience Stores, and perhaps go some way towards slowing the spread of outlets that sell illicit tobacco products.

At the 8 April 2026 Ordinary Council Meeting, Council resolved to endorse Scheme Amendment 89, which changes the land use permissibility of Convenience Stores from a 'P' (Permitted) to an 'A' (Advertised) use in the City Centre, Local Centre, Neighbourhood Centre, and Industrial zones. This means that any proposed Convenience Stores within those zones will require a development application to be lodged and the development advertised in accordance with the City's advertising policy before a decision can be made. This permissibility does not apply retroactively, meaning existing tenancies that have made use of the exemption and are operating, will not need to lodge applications.

On 17 June 2026, the City received word that the Minister approved Scheme Amendment 89: Convenience Stores for advertising with the expectation that advertising will begin within 28 days unless another timeframe is agreed to by the Commission.

There is currently no specific criteria for Convenience Stores for officers to assess an application against. It is proposed to advertise LPP 5.4 concurrently with Scheme Amendment 89.

#### FINANCIAL IMPLICATIONS

Nil

#### LEGAL IMPLICATIONS

The procedure for making a local planning policy is set out in Schedule 2, Regulation 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).



## STRATEGIC IMPLICATIONS

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

Liveable City - 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

The City will initiate consultation on the policy concurrently with the scheme amendment and for the same duration. The advertising process for the amendment exceeds the minimum 21 days advertising required for a local planning policy. The Regulations only set a minimum advertising period, with nothing preventing a local government from advertising for a longer period.

## OFFICER COMMENT

Currently, Convenience Stores are a 'P' (Permitted) use in the City Centre, Neighbourhood Centre, Local Centre and Industrial zones. This means that planning approval is not required for the land use.

Scheme Amendment 89 will require Convenience Stores to submit a planning application, however, there is limited assessment criteria against which to judge any proposal, with only general zone objectives and matters to be considered in the Regulations. Proposed LPP 5.4 introduces criteria to require a 100 metre separation distance between Convenience Stores so that no single type of store will dominate an area and squeeze out other uses that could offer diversity to the street. Having the same type of store dominate a city block also tends to reduce street activation, particularly after normal business hours, and discourages visitors who are seeking a range of offerings.

The policy also includes criteria to maintain visibility into and out of a store to make it harder to sell illicit products without being seen by the public. A number of the current Convenience Stores in the City Centre have large window areas dominated by products that act as a screen to make illicit activity more difficult to see. The City's existing planning policy on advertisements already requires that window signs cover no more than 50% of the window area. The proposed policy would supplement that requirement and ensure that the display of goods and window signage together must not occupy more than 50% of the window area, with the visibility to be at pedestrian height.



It is noted that a local planning policy cannot fetter discretion and that it can be varied. This means that it is possible for a Convenience Store to be approved within the separation distance, provided it meets the objectives of the policy. In this instance, the proponent would have to demonstrate that they are not contributing to an excessive concentration of Convenience Stores in any one area.

#### VOTING AND OTHER REQUIREMENTS

Simple Majority Required

#### DECISION MAKING AUTHORITY

Committee

#### COMMITTEE DECISION ITEM PSC2607-5 (Officer's recommendation)

Moved: Cr Melanie Clark

Seconded: Cr Ingrid van Dorssen

Council endorses for advertising Local Planning Policy 5.4: Convenience Stores, provided in Attachment 1, and in accordance with Schedule 2, Regulation 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and notes that the policy will be advertised concurrently with Scheme Amendment 89.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil



## PSC2607-7 REVIEW OF LOCAL PLANNING POLICY 3.16 - BURT STREET

Meeting date: 1 July 2026  
Responsible officer: Manager City Planning  
Voting requirements: Simple majority  
Decision making authority: Committee  
Attachments: 1. Draft Amended Local Planning Policy 3.16 Burt Street  
2. Current with Tracked Changes - Local Planning Policy 3.16 Burt Street  
Additional Information: Nil  
([viewed electronically](#))

### SUMMARY

The purpose of this report is to discuss amending Local Planning Policy 3.16: Burt Street.

This report recommends that Local Planning Policy 3.16: Burt Street is endorsed for advertising.

### 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.

This particular report focuses on the review of the policy applicable to Sub Area 5 (2.3.5) of Local Planning Scheme No.4, which affects 19-21 and 23-25 Burt Street Fremantle. Construction of 19-21 is currently underway in accordance with Development Assessment Panel planning approval DAP005/21 - Mixed Use Development, while 23-25 remains undeveloped.

### FINANCIAL IMPLICATIONS

Nil

### LEGAL IMPLICATIONS

The procedure for amending a local planning policy is set out in Schedule 2, Regulation 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).





## STRATEGIC IMPLICATIONS

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

Liveable City - Sustainable growth in city centre population

- A higher density City with a diverse range of housing options being available in the city centre that cater to multiple demographics.
- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

## CONSULTATION

Should Council endorse amended LPP 3.16 for the purpose of advertising, it will be advertised in accordance with clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The policy will be advertised for a minimum of 21 days, after which it will be referred back to Council for final adoption.

## OFFICER COMMENT

Local Planning Policy 3.16: Burt Street provides site specific context and design controls for Sub Area 5 – 2.3.5 of LPS4. It is still useful to retain the policy for the future redevelopment of 23-25 Burt Street as it includes site and streetscape photographic and diagrammatic analysis, however there are opportunities to improve the policy for ease of use (refer to Attachment 1) and to align it with contemporary legislation.

Each of the policy requirements that are being retained have been renamed to be fully consistent with their equivalent R-Codes Volume 2 requirement, and the superfluous explanatory Objectives to each have been removed for brevity. A summary of the changes and associated instrument requirements are provided below:

| Existing Policy Requirement                                                                                                                                          | LPS4 Sub Area 5 – 2.3.5 Requirement                                                                                                                                                                                                                         | R-Codes Volume 1 Equivalent                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Architectural Expression, Articulation and Dwelling Design<br><i>This policy requirement has been slightly shortened and requirements that duplicate the R-Codes</i> | b) Building height and setbacks<br>i) The highest part of any building shall not exceed the Australian Height Datum levels as set out in the table below for Area's A, B and C of Sub Area 4 above – Australian Height Datum:<br>Area A – 37<br>Area B – 40 | Clause 2.7 Building Separation<br>Clause 4.2 Natural Ventilation |



|                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <i>Volume 2 have been removed</i>                                                                                                                                                                                    | Area C – 42<br>ii) In Area A, in addition to complying with the height requirements in the table above, no part of any building may project above a height plane measured at an angle of 22.5 degrees above horizontal at a height of 28m AHD along the property boundary on the east side of Skinner Street. iii) Notwithstanding the street setback requirements of the Residential Design Codes, in Area C of Sub Area 4, the minimum street setback shall be 5 metres at the lot boundary to East Street. |                                                                                                                           |
| <i>Open Space<br/>This has been merged with the above policy requirement and shortened in length. Provisions that are either now superseded or duplicate other policy requirements have been removed for brevity</i> | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Clause 2.7 Building Separation<br>Clause 4.4 Private Open Space and Balconies<br>Clause 4.5 Circulation and Common Spaces |
| <i>Corners<br/>This section has been merged with what is now Clause 2.7 and shortened</i>                                                                                                                            | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Clause 2.7 Building Separation                                                                                            |
| <i>Development Context<br/>This policy requirement has only been modified to change “must” to “should” as per current State requirements for local planning policies</i>                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Clause 3.1 Site Analysis and Design Response                                                                              |
| <i>Site Planning<br/>This policy requirement has been deleted as it is now entirely superseded by the R-Codes Volume 2</i>                                                                                           | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Clause 3.1 Site Analysis and Design Response                                                                              |
| <i>Existing Tree Retention<br/>Many of the policy requirements have been superseded by both Local Planning Policy 2.26 –</i>                                                                                         | d) Other design requirements<br>ii) Maximise opportunities to retain existing trees and provide significant areas of new planting                                                                                                                                                                                                                                                                                                                                                                             | Clause 3.3 Tree Canopy and Deep Soil Areas                                                                                |



|                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <i>Tree Protection and the R-Codes Volume 2. As such, this policy requirement has been substantially shortened in length</i>                                          |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                           |
| <i>Public Domain Interface<br/>This policy requirement has been shortened where possible to remove duplication with other R-Code Volume 2 and policy requirements</i> | d) Other design requirements<br>i) Retain and/or interpret any features of cultural heritage or landscape significance;<br>iii) Landscaping treatment of the street verge, including the provision of vehicle parking for public use; iv) Integrate with surrounding public areas; v) Provide visual permeability through the site and mitigate the impact of building bulk on streetscape. | Clause 3.6<br>Public Domain Interface<br>Clause 4.12<br>Landscaped Design |
| <i>Car Parking and Vehicle Access<br/>This policy requirement has been significantly curtailed as many of the provisions replicate the R-Codes Volume 2</i>           | c) Car parking and vehicle access<br>i) Primary vehicle access to the development shall be from Vale Street;<br>ii) A Traffic Impact Assessment undertaken by a suitably qualified traffic engineer shall be submitted in support of application for planning approval.                                                                                                                     | Clause 3.8<br>Vehicle Access                                              |
| <i>Building Facades<br/>This policy requirement has been shortened where possible</i>                                                                                 | d) Other design requirements<br>v) Provide visual permeability through the site and mitigate the impact of building bulk on streetscape.                                                                                                                                                                                                                                                    | Clause 4.10<br>Façade Design                                              |
| <i>Roof Form<br/>This policy requirement has been deleted as it is now entirely superseded by the R-Codes Volume 2</i>                                                | -                                                                                                                                                                                                                                                                                                                                                                                           | Clause 4.11<br>Roof Design                                                |
| <i>Building Services<br/>This policy requirement has been deleted as it is now entirely superseded by the R-Codes Volume 2</i>                                        | -                                                                                                                                                                                                                                                                                                                                                                                           | Clause 4.17<br>Waste Management<br>Clause 4.18<br>Utilities               |
| <b>Colour key</b>                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                           |
| <i>Delete</i>                                                                                                                                                         | <i>Retained – little change</i>                                                                                                                                                                                                                                                                                                                                                             | <i>Modify</i>                                                             |

The design criteria contained within the policy and associated contextual information assists proponents in designing in response to site conditions and its surrounds. These more individual controls have been retained, while the more general requirements duplicated in the R-Codes Volume 2 have been removed.



Examples of such retained requirements include site planning, roof forms, car parking and vehicle access design criteria, and building services. The retained contextual analysis has been moved into the appendix and includes the notations of the limestone outcroppings, updated tree survey data, and a review of the surrounding neighbourhoods.

While the key provisions and requirement of the policy are being retained, many of the comments and requirements contained within the existing policy are either no longer required in the wake of redevelopment underway at 19-21 Burt Street and imminent redevelopment of the eastern lot at 23-25 Burt Street, or they are effectively superfluous due to other planning instruments such as Volume 2 of the Residential Design Codes and State Planning Policy 7.0 - Design, which provides criteria to encourage design excellence in developments of a mixed use and larger scale.

No additional policy requirements are proposed for the amended policy and the changes overall will not impact planning assessment because the proposed deletions are covered by the R-Codes Volume 2.

The policy has been migrated to a modern template and consolidated where opportunity affords. Commentary that duplicates and reiterates existing requirements present within the policy, LPS4, or State planning policy, has been culled (refer to Attachment 2).

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required

## DECISION MAKING AUTHORITY

Committee

## OFFICER'S RECOMMENDATION

Moved: Cr Andrew Sullivan

Seconded: Mayor Ben Lawver

Council endorse amended Local Planning Policy 3.16: Burt Street, provided in Attachment 1, for the purpose of advertising in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, as provided in the additional documents:





## AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Ingrid van Dorssen

Amend the Officer's Recommendation, to read as follows:

Council endorse amended Local Planning Policy 3.16: Burt Street, provided in Attachment 1, for the purpose of advertising in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, *subject to modifying the "Site Specific Building Requirement Diagram" to include:*

1. *approximately nine (9) possible future parking bays on the eastern verge of Skinner Street; and,*
2. *approximately twenty-six (26) possible future parking bays on the southern verge of Burt Street.*
3. *a reduction from the twenty-five of bays shown on Vale street to approximately fifteen (15) bays configured to accommodate a wide landscape verge near the Skinner Street corner.*

Amendment Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

Reason for amendment:

To identify where additional on street parking can be incorporated into the adjoining verges to accommodate the needs of higher density development and the increased public activity in the precinct more generally. To identify suitable areas where any shortfall of visitor parking on site may be required to be provided in the adjoining verges as a condition of planning approval. To help mitigate the impact on surrounding residential areas that might otherwise flow from the increased demand for parking generated by new development. To guide the City of Fremantle's in its design and approvals processes for any improvements to the public realm in and near the development zone. To optimise the use of the wide verges in Skinner Street, Burt Street and Vale Street.

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, as provided in the additional documents:

## AMENDMENT 2



Moved: Cr Andrew Sullivan

Seconded: Cr Ingrid van Dorssen

Add a part 2 to the Amended Officer's Recommendation, to read as follows:

2. *Request the Chief Executive Officer investigate opportunities to optimise on-street/verge parking around the Burt Street development site and prepare a plan and strategy for Council consideration that indicates suitable parking and urban realm improvements within the available verges, as generally proposed in the policy, to guide future public and private sector works.*

Amendment Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

Reason for amendment:

To compliment the direction set in the planning policy as amended, and to initiate a process that explores in more detail ways to optimise verge parking around the site.



COMMITTEE DECISION ITEM PSC2607-7  
(Amended officers recommendation)

Moved: Cr Andrew Sullivan

Seconded: Mayor Ben Lawver

Council:

1. Endorse amended Local Planning Policy 3.16: Burt Street, provided in Attachment 1, for the purpose of advertising in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to modifying the "Site Specific Building Requirement Diagram" to include:
  1. approximately nine (9) possible future parking bays on the eastern verge of Skinner Street; and,
  2. approximately twenty-six (26) possible future parking bays on the southern verge of Burt Street.
  3. a reduction from the twenty-five of bays shown on Vale street to approximately fifteen (15) bays configured to accommodate a wide landscape verge near the Skinner Street corner.
2. Request the Chief Executive Officer investigate opportunities to optimise on-street/verge parking around the Burt Street development site and prepare a plan and strategy for Council consideration that indicates suitable parking and urban realm improvements within the available verges, as generally proposed in the policy, to guide future public and private sector works.

Carried: 5/0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil



## PSC2607-8 REVOCATION OF LOCAL PLANNING POLICY 3.17 HILTON NEIGHBOURHOOD CENTRE

Meeting date: 1 July 2026  
Responsible officer: Manager City Planning  
Voting requirements: Simple Majority Required  
Decision making authority: Council  
Attachments: 1. Local Planning Policy 3.17 - Hilton  
Neighbourhood Centre South Street Hilton  
2. Excerpt of Local Planning Scheme 4 - Sub  
Area 7.3.1 Hilton Neighbourhood Centre  
Additional Information: Nil  
(viewed electronically)

### SUMMARY

The purpose of this report is to discuss revoking Local Planning Policy 3.17: Hilton Neighbourhood Centre (South Street, Hilton).

This report recommends that Local Planning Policy 3.17: Hilton Neighbourhood Centre (South Street, Hilton) be revoked due to the updates to the state planning framework that now reflect an improved approach to higher density development, with key development provisions retained in the Local Planning Scheme.

### 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.

This particular report focuses on the review of the policy relating to the City's Neighbourhood Centre in Hilton and endeavours to simplify its planning controls. This policy is closely related to the recently revoked Local Planning Policy 3.18 - Beaconsfield and White Gum Valley Neighbourhood Centre Areas. Both policies were put in place to supplement scheme amendments, and both have been superseded by contemporary legislation that ensures a well rounded review of design and development merit.

The area affected by this policy is shown in the map below:



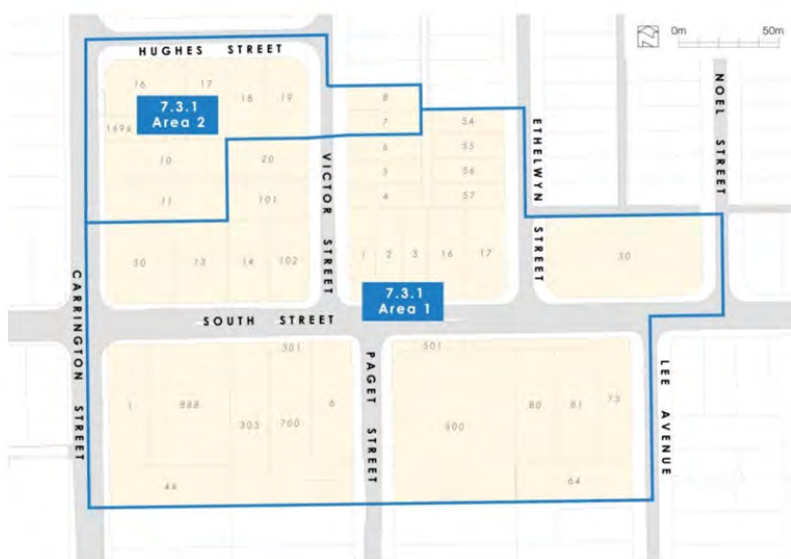


Figure 1 – Local Planning Policy 3.17 Excerpt

#### FINANCIAL IMPLICATIONS

Nil

#### LEGAL IMPLICATIONS

The procedure for making a local planning policy is set out in Schedule 2, Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

#### STRATEGIC IMPLICATIONS

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

Liveable City - Sustainable growth in city centre population

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

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

In accordance with clause 6, Schedule 2 of the Regulations an LPP can be revoked without consultation, but the Local Government is to publish a notice of revocation. Local Planning Policy 3.17: Hilton Neighbourhood Centre (South Street, Hilton) will be revoked immediately should Council adopt the officer recommendation.

## OFFICER COMMENT

Local Planning Policy 3.17 – Hilton Neighbourhood Centre (LPP 3.17), adopted on 20 June 2018 and amended on 9 October 2024 for administrative purposes, expands on desired development and urban design outcomes outlined in the City's LPS4 for the Neighbourhood Centre zone in Hilton.

The policy is similar to former LPP 3.18 which provided the same function for Neighbourhood Centre sites in Beaconsfield and White Gum Valley, revoked by Council at its ordinary meeting of 13 August 2025.

LPP 3.17 complemented accompanying scheme amendment 64, which was gazetted in September 2016 to increase development potential for the affected land to RAC-1 density and allow for heights of up to 6 storeys subject to meeting specified development controls. The policy was prepared prior to the introduction of Volume 2 of the R-Codes. Volume 2 now provides clearer and more detailed design criteria for higher density development inclusive of mixed-use developments than that contained in the policy.

A comparison between the LPP 3.17 policy criteria, LPS4 Sub Area 7.3.1 criteria, and the equivalent, more comprehensive objectives of the R-Codes Volume 2 are provided below for reference:

| Policy Criteria                          | LPS4 7.3.1 Criteria                                                                                                                                                                   | Equivalent R-Codes Volume 2 Criteria |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Development context                      | A base coding of R20 applies where proposals do not satisfy all of the design criteria for Sub Area 7.3.1                                                                             | Part 3 – siting the development      |
| Site planning, orientation, and setbacks | General provisions<br>7m minimum building height for all new non-residential buildings<br><br>Bonus R160<br>Building height buffer of 14m to be provided for development within 5m of | Part 2 – primary controls            |



|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | <p>the boundary of any lot outside the sub area</p> <p>Buildings with a frontage to South Street have a minimum setback of 10 and a maximum of 12m, with a maximum aggregated building separation distance of 6m</p> <p>Buildings with a frontage to South Street are to incorporate windows and doors at the ground floor with windows to the first level</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Architectural expression and articulation | <p>General provisions</p> <p>All new non-residential buildings in Area 1 to feature an activated frontage to their respective primary street</p> <p>Bonus R100</p> <p>Maximum achievable 14m building height for lots 1000m<sup>2</sup> or greater</p> <p>Building height buffer of 11m to be provided for development within 5m of the boundary of any lot outside the sub area</p> <p>Bonus R160</p> <p>Land use – for South Street and Carrington Streets, residential uses are not to be sited on the ground floor</p> <p>The South Street frontage shall achieve a minimum height of 7m</p> <p>All lots are subject to a maximum 17m building height</p> <p>Ground floors with a frontage to South Street shall not exceed 600mm above the adjacent footpath</p> <p>Floor to floor heights on the ground floor abutting South Street shall be a minimum of 4m above the adjacent foot path</p> <p>Bonus R-AC1</p> <p>Buildings design – buildings to incorporate a distinctive architectural</p> | <p>Part 1 – introduction</p> <p>Referencing the ten design principles contained within State Planning Policy 7.0 – Design of the Built Environment</p> <ol style="list-style-type: none"> <li>1. Context and character</li> <li>2. Landscape quality</li> <li>3. Built form and scale</li> <li>4. Functionality and build quality</li> <li>5. Sustainability</li> <li>6. Amenity</li> <li>7. Legibility</li> <li>8. Safety</li> <li>9. Community</li> <li>10. Aesthetics</li> </ol> <p>Part 4 – designing the building</p> |



|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
|                                              | <p>feature and achieve design excellence as defined under LPS4</p> <p>Development incorporating at least a minimum of two levels of non-residential land uses inclusive of one the ground floor; or a minimum 1000m2 net lettable shop use on the ground floor, or a minimum of 10% of the residential net lettable area to be affordable housing</p> <p>Maximum achievable building height of 20m applicable to all lots</p> <p>Building height buffer of 14m to be provided for development within 5m of the boundary of any lot outside the sub area</p> <p>Minimum lot size of 2400m2</p> |                                 |
| Corners (buildings)                          | As above                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Part 3 – siting the development |
| Landscape design and public domain interface | <p>Bonus R160:<br/>A minimum outdoor living area of 15m2</p> <p>10% of the site area to be landscaped with planting and permeable surfacing</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               | Part 4 – designing the building |
| Vehicle parking and access                   | <p>Bonus R100:<br/>Car parking and vehicle access to be coordinated and discourage access from Carrington Road where it abuts an alternative public road</p> <p>Bonus R160:<br/>Car parking and vehicle access to be coordinated and discourage access from South Street where it abuts an alternative public road</p> <p>A Traffic Impact Statement is required to be submitted to support any proposals with frontage to South Street</p> <p>Vehicle parking is to be sited at the rear of, below ground level, or on the roof top level of buildings</p>                                   | Part 3 – siting the development |
| Building services                            | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Part 4 – designing the building |



The policy also reproduces the development controls within the LPS4 Sub Area 7.3.1 (Attachment 2) for ease of reference. These existing scheme provisions will not be impacted by revoking the policy.

Given that the policy predominantly duplicates existing clauses under Schedule 7 of Local Planning Scheme No.4 (LPS4) and contains provisions that are now superseded by Volume 2 of the R-Codes, it is recommended that this policy be revoked.

#### VOTING AND OTHER REQUIREMENTS

Simple Majority Required

#### DECISION MAKING AUTHORITY

Council

#### COMMITTEE RECOMMENDATION ITEM PSC2607-8 (Officer's recommendation)

Moved: Mayor Ben Lawver

Seconded: Cr Ingrid van Dorssen

Council revoke Local Planning Policy 3.17: Hilton Neighbourhood Centre (South Street, Hilton), provided in Attachment 1, in accordance with Schedule 2, Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil

The above item is referred to the Ordinary Meeting of Council on 22 July 2026 for determination in accordance with the City of Fremantle Delegated Authority Register.





## PSC2607-9 PLANNING INFORMATION REPORT - JULY 2026

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

Meeting date: 1 July 2026  
 Responsible officer: Manager City Planning  
 Voting requirements: Simple Majority Required  
 Decision making authority: Committee  
 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: 1 July 2026  
 Responsible officer: Manager City Planning  
 Voting requirements: Simple Majority Required  
 Decision making authority: Committee  
 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                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DA007/25                                                                                                                                                                                                                                                                                                                         |
| Site Address and Proposal                                                                                                                                                                                                                                                                                                        |
| No. 242 Marine Terrace, South Fremantle – Five storey Multiple dwelling development                                                                                                                                                                                                                                              |
| Update and status                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>At its meeting held on 4 March 2026, the Development Assessment Panel refused the application.</li> <li>On 25 March 2026, an Application for Review by the State Administrative Tribunal was lodged by the owner.</li> <li>Mediation is ongoing between DAP and the applicant.</li> </ul> |



|                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. Application Reference</b>                                                                                                                                                                                                                                                                                                                                                                |
| DAP001/26                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Site Address and Proposal</b>                                                                                                                                                                                                                                                                                                                                                               |
| No. 9 Cattalini Lane, North Fremantle – 3 storey (30 dwelling) Multiple Dwelling development                                                                                                                                                                                                                                                                                                   |
| <b>Update and status</b>                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>On 4 February 2026 the City accepted an application for the above proposal.</li> <li>Community consultation for this item has closed.</li> <li>The Responsible Authority Report was submitted to DAP on 15 June 2026.</li> <li>A DAP meeting was held on the 23 June 2026. At the time of writing this report, an outcome was not available.</li> </ul> |

|                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3. Application Reference</b>                                                                                                                                                                                                                |
| DAP002/26                                                                                                                                                                                                                                      |
| <b>Site Address and Proposal</b>                                                                                                                                                                                                               |
| No. 6 Burns Street and No. 220 Queen Victoria Street, North Fremantle – Mixed use development                                                                                                                                                  |
| <b>Update and status</b>                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>On 25 March 2026 the City accepted an application for the above proposal.</li> <li>Community consultation has closed.</li> <li>A Responsible Authority Report is due to DAP on 10 July 2026.</li> </ul> |

|                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4. Application Reference</b>                                                                                                                                                                    |
| DAPV001/26                                                                                                                                                                                         |
| <b>Site Address and Proposal</b>                                                                                                                                                                   |
| No. 47 Pakenham Street, Fremantle – Variation to approved development                                                                                                                              |
| <b>Update and status</b>                                                                                                                                                                           |
| <ul style="list-style-type: none"> <li>On 3 June 2026 the City accepted an application for the above proposal.</li> <li>A Responsible Authority Report is due to DAP on 19 August 2026.</li> </ul> |

|                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>5. Application Reference</b>                                                                                                                                                                    |
| DAP003/26                                                                                                                                                                                          |
| <b>Site Address and Proposal</b>                                                                                                                                                                   |
| No. 254c Hampton Road, Beaconsfield                                                                                                                                                                |
| <b>Update and status</b>                                                                                                                                                                           |
| <ul style="list-style-type: none"> <li>On 9 June 2026 the City accepted an application for the above proposal.</li> <li>A Responsible Authority Report is due to DAP on 25 August 2026.</li> </ul> |

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required



## DECISION MAKING AUTHORITY

Committee

### COMMITTEE DECISION ITEM PSC2607-9 (Officer's recommendation)

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

Council receive the following information reports for July 2026:

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

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Jemima Williamson-Wong, Cr Andrew Sullivan,  
Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil



Cr Jemima Williamson-Wong declared a Financial interest in items PSC2607-3 PSC2607-4 earlier in the meeting. Cr Williamson-Wong left the meeting at 7:23pm prior to the discussion and vote on the following item.

At 7:23pm Cr Melanie Clark assumed the chair.

PSC2607-3 EAST STREET, NO. 39/31, FREMANTLE - CHANGE OF USE TO UNHOSTED SHORT TERM RENTAL ACCOMODATION (ED DA0153/26)

|                            |                                                                                                                                                                                        |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting date:              | 1 July 2026                                                                                                                                                                            |
| Responsible officer:       | Manager City Planning                                                                                                                                                                  |
| Voting requirements:       | Simple Majority Required                                                                                                                                                               |
| Decision making authority: | Committee                                                                                                                                                                              |
| Attachments:               | <ol style="list-style-type: none"><li>1. Development Plans</li><li>2. Management Plan and Code of Conduct - 39 East - Redacted</li></ol>                                               |
| Additional Information:    | <ol style="list-style-type: none"><li>3. <a href="#">Strata Approval</a></li><li>4. <a href="#">Site Photos</a></li><li>5. <a href="#">Applicant Response to Submissions</a></li></ol> |

(*viewed electronically*)

## SUMMARY

Approval is sought for a change of use to Unhosted short-term rental accommodation at No. 39/31 East 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 (Discretionary 'A')

The application is recommended for conditional approval.

## PROPOSAL

Detail



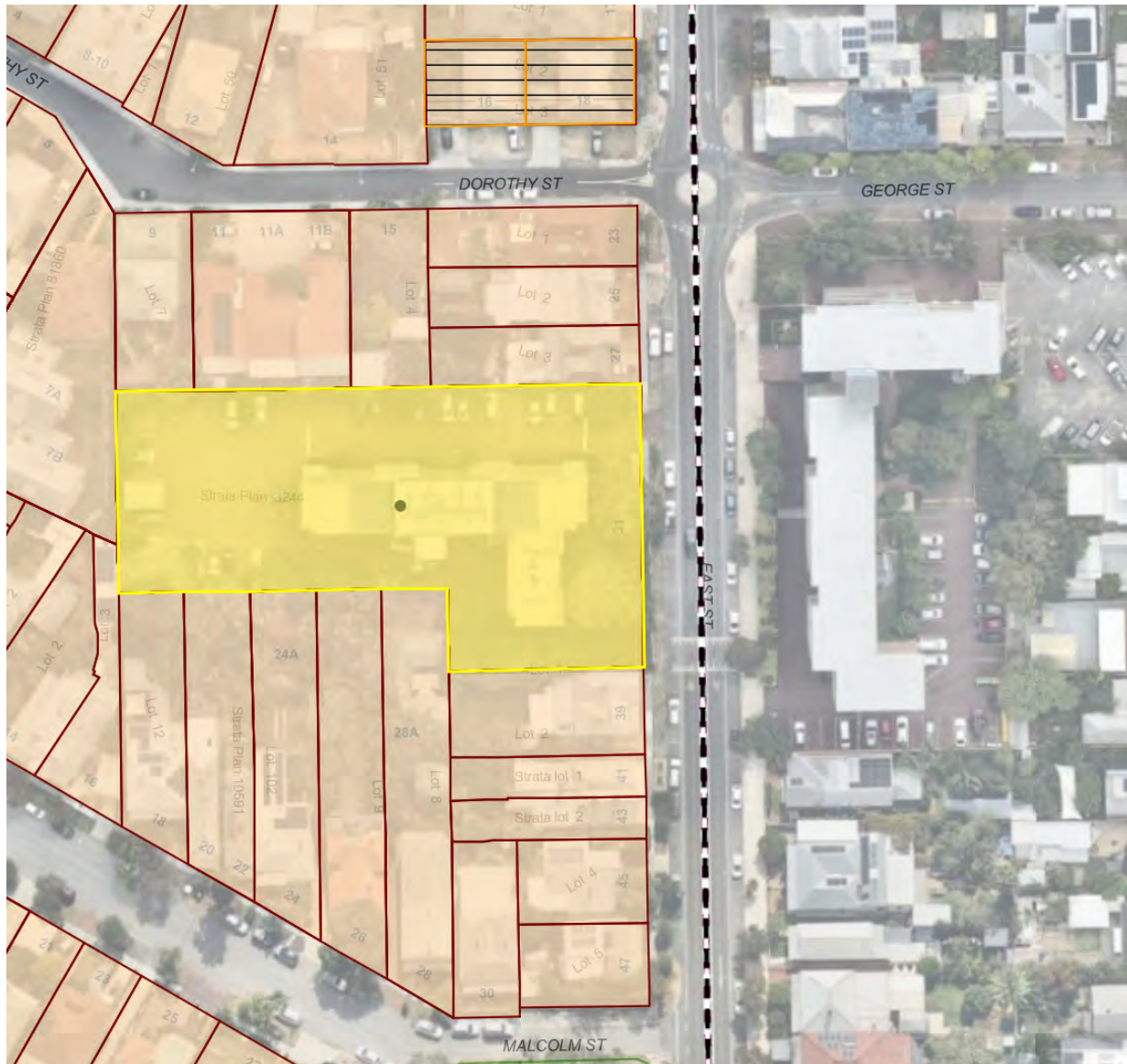
Approval is sought for a change of use of an existing Multiple dwelling (apartment) to Unhosted short-term rental accommodation at No. 39/31 Adelaide Street, Fremantle. No works are proposed to the existing building or dwelling as part of this application.

Development plans are included as Attachment 1 and the Management Plan and Code of Conduct at Attachment 2.

#### Site/application information

|                     |                                          |
|---------------------|------------------------------------------|
| Date received:      | 24 April 2026                            |
| Owner name:         | Henry Jon Vaughan                        |
| Submitted by:       | Henry Jon Vaughan                        |
| Scheme:             | Residential (R25)                        |
| Heritage listing:   | Not Listed                               |
| Existing land use:  | Multiple Dwelling                        |
| Use class:          | Unhosted Short Term Rental Accommodation |
| Use permissibility: | Discretionary (A)                        |





## CONSULTATION

### External referrals

Nil required.

### Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the as the proposal required a merit-based assessment against the Scheme and local



planning policy. The advertising period concluded on 25 May 2026, and thirteen (13) submissions were received, all objecting to the proposal. The following issues were raised (summarised) with officer comment:

| Submitter Comment                                                                                                                                                                                                                                                      | Officer Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Concerns the guests use the premises for parties, create excessive noise and disturbance throughout the night including anti-social behaviour.                                                                                                                         | <p>It is the responsibility of the owner/manager of the unit to ensure that the STRA is managed in accordance with, and guests adhere to the Code of Conduct stipulated within, the Management Plan provided with the application at Attachment 2 to mitigate any amenity impacts and/or disturbance of adjoining residents and take necessary steps where/if issues arise.</p> <p>Any issues of non-compliance or other concerns should also be reported to the strata management of the complex to action as deemed appropriate by the strata.</p> |
| Concerns over disruptive and disrespectful behaviour by guests and inefficient guest screening and inadequate incident mitigation and/or response times by the operator – several incidents have already occurred, one being violent which required police attendance. | As above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Short term renters are using communal spaces (including the roof-top) for parties without any oversight, causing disturbance, anti-social behaviour and creating risk for other occupiers.                                                                             | As above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Security is compromised as the access codes are given to guests which can then be shared with anyone and/or accessed after the stay is over.                                                                                                                           | As above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| A majority of the other apartments (90%) are owner-occupied or have long-term tenants, short term rental units are not compatible with other occupiers in the complex                                                                                                  | <p>It is noted that only six (6) of the 50 dwellings (12%) within the apartment complex, including the subject dwelling, are registered as STRA units, with a majority of dwellings remaining as owner-occupied and/or long term rental tenanted. It is therefore considered there is not an overabundance of</p>                                                                                                                                                                                                                                    |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | temporary residents or STRA within the complex as it currently stands. |
| <p>STRA is not a residential use, it introduces transient occupancy, reduces long term housing availability, and disrupts neighbourhood cohesion.</p> <p>In an area already saturated with STRA, the proposal is inconsistent with the objectives of the Residential Zone and the amenity considerations under Clause 67 and approving additional unhosted STRA would be inconsistent with the intent and objectives of the State's STRA reforms which aim to restrict STRA where housing pressure is severe or high concentrations of STRA already exist - Fremantle is listed among the highest-pressure metropolitan areas with respect to housing availability and concentration of STRA in lieu of permanent residents or long-term rentals.</p> | As above.                                                              |

In response to the above, the applicant provided detailed responses to each of the summarised submissions in the Additional Information attachments to this report.

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, the R-Codes and relevant Council local planning policies. The relevant assessment criteria are discussed as follows:

- Land use – Unhosted Short-Term Rental Accommodation

The above matters are discussed below.



## Background

The subject site is located on the western side of East Street in Fremantle and comprises a six-storey multiple dwelling (strata) development with 50 dwellings/units on a site with an overall area of approximately 3,400sqm, known as the *Swan River Apartments* (refer site photos in Additional Information).

The dwelling subject of this change of use application has 2 bedrooms, a floor area of approximately 60sqm and is allocated 1 car bay within the ground floor car park for the complex.

The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed nor located within a Heritage Area.

The surrounding area is characterised by a 9 storey multiple dwelling development to the east of the subject site and otherwise surrounded by 1-2 storey single houses and grouped dwellings to the north, south and west of the site.

A search of the property file has revealed there is no relevant history for the dwelling subject of this change of use application, but the following previous applications for the complex overall:

- DA0252/12 - Additions, Alterations and Maintenance works to existing (50 Unit) Multiple Dwelling Building
- DA0310/14 - New Roof on Lift Shaft of Existing Multiple Dwelling building

Data from the State's Short Term Rental Accommodation (STRA) Register indicates that six (6) of the 50 units (representing 12% overall) within the Swan River Apartments complex are registered as STRA units, including the subject dwelling.

## Land Use

'Unhosted Short-Term Rental Accommodation' is a discretionary ('A') use in the Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion and has granted development approval after giving special notice (advertising) in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2. In this regard the following matters have been considered:

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



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

For the purpose of assessing matter (a) above, the objectives of the 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 Unhosted short-term rental accommodation is considered minor in scale, comprising two bedrooms (limited to a maximum of four occupants, secured by condition) and it is not considered the scale of this operation will result in detrimental impact to the amenity of the area or adjoining residents if managed appropriately in accordance and the management plan (Attachment 2) by the operator and guests comply with





the code of conduct submitted with the application (included within Attachment 2).

- It is noted that while the subject site is located in the residential zone and outside of any formal centre, the subject site location is considered appropriate for short term / tourist accommodation as the site is located a short distance from attractions like the George Street Local Centre (50m – multiple café/restaurant, small bar and retail options), the Swan River (360m), Fremantle Art Centre (385m) and the Fremantle City Centre (1km) all of which are considered readily accessible from the property via walking, cycling, public transport (multiple bus routes servicing wider metro available from Canning Highway or Marmion Street nearby) and/or other alternative transport modes by guests of the property.
- It is noted that only six (6) of the 50 dwellings (12%) within the apartment complex, including the subject dwelling, are registered as STRA units, with a majority of dwellings remaining as owner-occupied and/or long term rental tenanted. It is therefore considered there is not an overabundance of temporary residents or STRA within the complex as it currently stands.
- There are no external additions or alterations proposed to the dwelling (or complex) in this application, as such there are no elements that will impact the existing streetscape or heritage character of the area.
- The land use is considered to satisfy the objectives of the Residential zone, as it will provide a land use compatible with surrounding residential uses, providing accommodation without having detrimental impact on adjoining properties subject to effective and responsible management of the accommodation and compliance with the Local Planning Policy 2.27, which seeks to mitigate any amenity impacts, as discussed in greater detail below.

#### Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

The purpose of LPP2.27 is to establish a framework to manage unhosted Short-term rental accommodation within the City of Fremantle. The policy seeks to balance the tourism benefits with residential amenity and urban living, ensuring development and land use aligns with neighbourhood character while not detrimentally impacting the viability of an area through the overabundance of temporary residents.



The objectives of LPP2.27 are to:

1. *To ensure unhosted short-term rental accommodation is designed, sited and managed to preserve amenity and character of areas with heritage, environmental or conservations values.*
2. *To maintain the amenity and established character of zones by ensuring the location, scale, design and operation of unhosted short-term rental accommodation is appropriate to the setting.*
3. *To ensure unhosted short-term rental accommodation is appropriately serviced to meet the needs of visitors and prevent detrimental impacts on the local environment or infrastructure.*
4. *To ensure the vibrancy and viability of zones, particularly the City Centre zone, is maintained by retaining a base of predominantly permanent residents.*

The following table evaluates the proposal against the policy provisions of LPP2.27.

*Table 1 – Assessment against LPP2.27*

| 1. Built Form and Site Appearance                                                                                                                                                                                                                                                                                                                                                                                                                         | Officer comment                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.                                                                                                                                                                                                                           | No change is proposed to the existing built form.                                                                                                                                 |
| 1.2 On-site signage is required for all proposals and is: <ol style="list-style-type: none"> <li>a) Limited to sign plaques or plates affixed to the main frontage of the building.</li> <li>b) To not exceed 0.5m<sup>2</sup> per dwelling.</li> <li>c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site.</li> <li>d) To include the property owner or manager's contact information.</li> </ol> | A condition of approval is recommended to ensure compliance with signage requirements per the policy.                                                                             |
| 2. Car Parking                                                                                                                                                                                                                                                                                                                                                                                                                                            | Officer comment                                                                                                                                                                   |
| 2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).                                                                                                   | Complies – 1 on-site bay is provided for and allocated to the two-bedroom unit for dedicated use. As the dwelling is only two-bedroom, no additional on-site parking is required. |



|                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.2 City Centre Zone – The City Centre is a pedestrian friendly location with plentiful retail and dining options within walking distance, close to many of the City’s tourist attractions and is well serviced by public transport. Therefore, there is no requirement for the provision of on-site parking within this zone. | N/A – not located within the City Centre zone.                                                                                                                                                                                                    |
| 3. Dwelling Occupancy                                                                                                                                                                                                                                                                                                          | Officer comment                                                                                                                                                                                                                                   |
| 3.2 Grouped and Multiple Dwellings - Maximum occupancy of no more than two persons per bedroom, excluding persons under 16, to a maximum of six persons.                                                                                                                                                                       | The subject dwelling is two-bedroom dwelling. A maximum of four (4) persons are permitted to occupy the at any one time which is secured via a recommended condition of approval.                                                                 |
| 3.3 Rooms not originally designed as bedrooms (e.g. living / dining rooms) cannot be converted for STRA occupancy calculations.                                                                                                                                                                                                | The two bedrooms are lawful bedrooms and there is no proposal to convert others.                                                                                                                                                                  |
| 4. Location Requirements                                                                                                                                                                                                                                                                                                       | Officer comment                                                                                                                                                                                                                                   |
| 4.1 In order to prioritise permanent residents within the City Centre Zone so as to retain a lively and vibrant centre throughout the year, consideration will be given to the number of hosted and unhosted short term rental accommodation properties registered at the time of the development application being lodged.    | N/A                                                                                                                                                                                                                                               |
| 5. Servicing Considerations                                                                                                                                                                                                                                                                                                    | Officer comment                                                                                                                                                                                                                                   |
| 5.1 Development is to be connected to a reticulated potable water supply.                                                                                                                                                                                                                                                      | Complies                                                                                                                                                                                                                                          |
| 5.2 Development is to be connected to a reticulated sewage or serviced by an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.                                                                                                                                            | Complies                                                                                                                                                                                                                                          |
| 6. Time Limitations of Approvals                                                                                                                                                                                                                                                                                               | Officer comment                                                                                                                                                                                                                                   |
| 6.1 Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.                                                                                                                                                                   | The proposal is for an Unhosted short-term rental for only four (4) persons. It is not considered that this will result in any significantly detrimental impact to the amenity of adjoining properties/dwellings or the area generally if managed |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | appropriately. As such a 12 month approval limit is not considered to be required.                                                                                                                                              |
| <b>7. Restriction of Operator</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Officer comment</b>                                                                                                                                                                                                          |
| 7.1 Due to the detailed management measures required to operate an unhosted short term rental accommodation in accordance with this policy, development approval for unhosted short-term rental accommodation is restricted to the approved landowner and will not run with the property. A change in landowner will require a new development applicant for unhosted short-term rental accommodation to be submitted and approved.                                                                                                                 | Compliance with this provision will be secured via a recommended condition of approval.                                                                                                                                         |
| <b>8. Management Plans and Other Unhosted Short-Term Rental Accommodation Application Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Officer comment</b>                                                                                                                                                                                                          |
| 8.1 Where a unhosted short-term rental accommodation is located on a strata title, a letter from the Strata Manager or Strata Management Company in support of the proposed use is to be included with the development application.                                                                                                                                                                                                                                                                                                                 | A letter from the Strata Company Manager is included as 'Additional Information' to this report and includes consent from the strata management and the Council of Owners for the STRA use of the unit.                         |
| 8.2 For proposals located in all zones except the City Centre zone, a site plan indicating the location of on-site parking is to be provided with the development application.                                                                                                                                                                                                                                                                                                                                                                      | Refer site plan provided in Attachment 1 which indicates the allocated parking bay for the unit.                                                                                                                                |
| 8.3 Development applications must include a Management Plan detailing the following:<br>a) Contact details (phone number and email address) of the Property Manager, which may be the landowner or an external agent. The Property Manager is to respond to nuisance behaviour within 12 hours of a complaint.<br>b) Method of booking and checking in.<br>c) Confirmation of location of designated on-site / visitor parking bays.<br>d) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. | A Management Plan accompanied the lodgement of the application (Attachment 2) which addresses the requirements of this provision. Compliance with this Management Plan will be secured via a recommended condition of approval. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>e) Complaint management procedures addressing nuisance behaviour which may include:</p> <ul style="list-style-type: none"> <li>• Violence or threats</li> <li>• Loud aggressive behaviour, including yelling, screaming or arguing</li> <li>• Excessively loud noise nuisance</li> <li>• Overlooking</li> <li>• Light spill</li> <li>• Barking dogs</li> <li>• Smoke or odours.</li> </ul> <p>f) Waste management strategies to ensure appropriate disposal.</p> <p>g) Bushfire emergency response procedures (in designated bushfire prone areas).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                          |
| <p>8.4 A detailed Code of Conduct is to be made available to all occupants and included with the development application. The Code of Conduct is to include the following:</p> <ul style="list-style-type: none"> <li>a) Contact details of the Property Manager, including after-hours contact details.</li> <li>b) Expected behaviour of occupants / visitor to minimise impact on neighbours.</li> <li>c) Any restrictions of visitors or parties/ events.</li> <li>d) Location of on-site car parking for occupants / visitors, as well as any parking restrictions applicable to the location.</li> <li>e) Details of alternate transport options, such as public transport.</li> <li>f) Details regarding waste management, including specific expectations of guests regarding waste disposal and bin collection.</li> <li>g) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended.</li> <li>h) Bushfire emergency response procedures (where applicable).</li> <li>i) Any other information relevant to the use of the property which may impact the amenity of the location.</li> </ul> | <p>A Code of Conduct accompanied the lodgement of the application (refer Attachment 2) which addresses the requirements of this provision. Compliance with the Code of Conduct will be secured via a recommended condition of approval. A copy of the Code of Conduct is to be made available to the occupants of the accommodation.</p> |

In further consideration of the objectives of LPP2.27, while the property is not located in the City Centre zone, it is noted that only six (6) of the 50 dwellings





(12%) within the apartment complex, including the subject dwelling, are registered as STRA units, with a majority of dwellings remaining as owner-occupied and/or long term rental tenanted. It is therefore considered there is not an overabundance of temporary residents or STRA within the complex as it currently stands. Further, the STRA unit is considered of a small scale, that is appropriately located and serviced to meet the needs of visitors and if managed appropriately and in accordance with management plans provided, will not be detrimental to the amenity of the adjoining residents or the area generally.

On the basis of the above and subject to appropriate conditions of approval, the proposal is considered acceptable pursuant to LPP2.26 objectives and provisions.

## CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at No. 39/31 East Street, Fremantle. With consideration to the officer assessment above, the proposed Unhosted STRA is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of adjoining residents and the area generally. The land use is generally compatible with the objectives of the Residential zone and LPP2.27, providing accommodation that is minor in scale, with STRA still a minority use of the overall number of dwellings within the apartment complex and can be expected to operate with minimal amenity impact to adjoining residents if managed appropriately and in accordance with the management plans to be implemented by the operator.

As such, the application is considered worth of approval, subject to appropriate conditions of approval.

## STRATEGIC IMPLICATIONS

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

Liveable City - Liveable and socially connected neighbourhoods

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

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS



This proposal has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. The applicant is able to apply for a review of any Refusal or conditions of approval issued by Council in relation to this application, through the State Administrative Tribunal. Where not specifically detailed in the Regulations or City's policy, all works require approval and may be subject to compliance investigation and enforcement if approval is not sought prior to undertaking works.

#### VOTING AND OTHER REQUIREMENTS

Simple Majority Required

#### DECISION MAKING AUTHORITY

Committee



## OFFICER'S RECOMMENDATION

Moved: Cr Andrew Sullivan

Seconded: Cr Ingrid van Dorssen

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 39/31 East Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 23 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. This approval allows the unhosted short-term rental accommodation hereby approved to be operated by Henry Jon Vaughan as the current landowner only. If Henry Jon Vaughan ceases to be the landowner of the site, the unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of four (4) guests at any one time, based on the two (2) bedrooms within the dwelling.
4. The Management Plan and Code of Conduct dated 23 April 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. A copy of the Code of Conduct is to be made available to all occupants of the Unhosted short-term rental accommodation.
5. Prior to the occupation/operation of the unhosted short-term rental accommodation, signage is to be provided on site and shall:
  - a) Be limited to sign plaques or plates affixed to the front door/ entrance to the dwelling;
  - b) Not exceed 0.5m<sup>2</sup> per dwelling (minimum size, 0.2m<sup>2</sup>);
  - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and
  - d) Include the property owner or manager's contact information, including contact telephone and email information.

The signage shall be maintained for the life of the development to the satisfaction of the City of Fremantle.



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

Advice note(s):

- i. 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 in addressing the potential noise impacts on noise sensitive receivers.

Lost: 2 / 2

For:

Mayor Ben Lawver and Cr Ingrid van Dorssen

Against:

Cr Melanie Clark and Cr Andrew Sullivan

Cr Melanie Clark used their casting vote AGAINST the recommendation resulting in it being LOST.

The above item is referred to the Ordinary Meeting of Council on 22 July 2026 for determination in accordance with the City of Fremantle Delegated Authority Register.



PSC2607-4 ORD STREET, NO. 314/8 (LOT 56), FREMANTLE - CHANGE  
OF USE TO UNHOSTED SHORT-TERM RENTAL  
ACCOMODATION - (CR DA0132/26)

Meeting date: 1 July 2026  
Responsible officer: Manager City Planning  
Voting requirements: Simple Majority Required  
Decision making authority: Committee  
Attachments: 1. Development Plans  
2. Management Plan  
3. Code of Conduct  
Additional Information: 4. [Site photos](#)  
(*viewed electronically*)

## SUMMARY

Approval is sought for Unhosted short-term rental accommodation at No. 314/8 Ord 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

The application is recommended for conditional approval.

## PROPOSAL

### Detail

Approval is sought for a change of use of an existing Multiple dwelling to Unhosted short-term rental accommodation at No. 314/8 Ord Street, Fremantle. There are no works proposed.

Amended development plans are included as attachment 1.





#### Site/application information

|                     |                                          |
|---------------------|------------------------------------------|
| Date received:      | 8 April 2026                             |
| Owner name:         | Michael Craig Speldewinde                |
| Submitted by:       | Michael Craig Speldewinde                |
| Scheme:             | Residential R25                          |
| Heritage listing:   | Ord Street Precinct Heritage Area        |
| Existing land use:  | Multiple Dwelling                        |
| Use class:          | Unhosted Short-Term Rental Accommodation |
| Use permissibility: | A                                        |



Figure 1 – Context Map





Figure 1 – Approximate location of subject dwelling outlined in blue

## CONSULTATION

### External referrals

Nil required.

### Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the as the proposal required a merit-based assessment against the



Scheme and local planning policy. The advertising period concluded on 6 May 2026, and four (4) submissions were received. two (2) in support of the proposal, one (2) objecting to the proposal. The following issues were raised (summarised):

- Concerns of impacts on Noise, parking, amenity, and antisocial behavior.
- Compatibility of use with area.

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

- Updated Management plan that clearly indicates maximum parking bay use of one (1), strict quiet hours between 10pm-7am, no parties and no nuisance behaviour.

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 specifically land use and car parking provisions. The relevant assessment criteria are discussed as follows:

- Land use

The above matters are discussed below.

##### Background

The subject site is located on the east side of Ord Street. The dwelling subject to the change of use is within a strata development comprising 70 Multiple dwellings and has a floor area of approximately 60m<sup>2</sup>. The dwelling is located on the third floor and sits within a parent lot of approximately 7785m<sup>2</sup>. The site is zoned residential and has a density coding of RAC-3. The dwelling subject of this change is a 1 bedroom dwelling and is allocated 1 car bay.

The site is not individually heritage listed and located within the Ord Street Precinct Heritage Area.

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

- Primary fence addition approved DA513/86.
- Four storey multiple dwelling BP approved in 1966.



Eighteen (18) of the seventy (70) units (representing 26% overall) within the apartment building are currently registered as Unhosted Short-rental Accommodation.

#### Land Use

Unhosted short-term rental accommodation 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*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *The amenity of the locality including the following:*
  - (i) *Environmental impacts of the development*
  - (ii) *The character of the locality*
  - (iii) *Social impacts of the development*
- (y) *Any submissions received on the application.*

For the purpose of assessing matter (a) above, the objectives of the 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 Unhosted short-term rental accommodation comprises of one bedroom with a maximum of two occupants. Because of the small scale, it is not considered to have a significant detrimental impact to the amenity of the area or adjoining residents if managed appropriately as per the attached management plan (attachment 2).
- The subject site is located within a residential zoned area and is on the edge of the city centre serves as an appropriate location for short term accommodation as the site is within a short distance key entertainment and tourism uses and sits immediately on high frequency public bus transport along High street.
- No structural works are proposed as a part of this application and the proposal will therefore have no impact on existing streetscape or heritage character of the area.

#### Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

The purpose of LPP2.27 is to establish a framework to manage unhosted Short-term rental accommodation within the City of Fremantle. The policy seeks to balance the tourism benefits with residential amenity and urban living, ensuring development and land use aligns with neighbourhood character while not detrimentally impacting the viability of an area through the overabundance of temporary residents.

*The objectives of this policy are to:*

- 1. To ensure unhosted short-term rental accommodation is designed, sited and managed to preserve amenity and character of areas with heritage, environmental or conservations values.*
- 2. To maintain the amenity and established character of zones by ensuring the location, scale, design and operation of unhosted short-term rental accommodation is appropriate to the setting.*
- 3. To ensure unhosted short-term rental accommodation is appropriately serviced to meet the needs of visitors and prevent detrimental impacts on the local environment or infrastructure.*
- 4. To ensure the vibrancy and viability of zones, particularly the City Centre zone, is maintained by retaining a base of predominantly permanent residents.*





The following table evaluates the proposal against the policy provisions of LPP2.27.

*Table 1 – Assessment against LPP2.27*

| 1. Built Form and Site Appearance                                                                                                                                                                                                                                                                                                                                                         | Officer comment                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.                                                                                                                                                           | No change is proposed to the existing built form.                                                                                                                                                                                                           |
| 1.2 On-site signage is required for all proposals and is:<br>a) Limited to sign plaques or plates affixed to the main frontage of the building.<br>b) To not exceed 0.5m <sup>2</sup> per dwelling.<br>c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site.<br>d) To include the property owner or manager's contact information. | A condition of approval is recommended to ensure compliance with signage requirements.                                                                                                                                                                      |
| 2. Car Parking                                                                                                                                                                                                                                                                                                                                                                            | Officer comment                                                                                                                                                                                                                                             |
| 2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).                                   | The subject site is compliant with existing approval for parking. As only one bedroom is proposed to be rented out, only existing one bay is required to be provided. Code of conduct additionally directs for use of maximum one parking bay by occupants. |
| 2.2 City Centre Zone – The City Centre is a pedestrian friendly location with plentiful retail and dining options within walking distance, close to many of the City's tourist attractions and is well serviced by public transport. Therefore, there is no requirement for the provision of on-site parking within this zone.                                                            | N/A                                                                                                                                                                                                                                                         |
| 3. Dwelling Occupancy                                                                                                                                                                                                                                                                                                                                                                     | Officer comment                                                                                                                                                                                                                                             |
| 3.2 Grouped and Multiple Dwellings - Maximum occupancy of no more than two persons per bedroom, excluding persons under 16, to a maximum of six persons.                                                                                                                                                                                                                                  | The subject dwelling is single bedroom dwelling. A maximum of two (2) persons are permitted to occupy the bedroom/dwelling                                                                                                                                  |



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|                                                                                                                                                                                                                                                                                                                             | which is secured via a recommended condition of approval.                                                                                                                                                                                                                                             |
| 3.3 Rooms not originally designed as bedrooms (e.g. living / dining rooms) cannot be converted for STRA occupancy calculations.                                                                                                                                                                                             | Existing single bedroom is an approved lawful bedrooms.                                                                                                                                                                                                                                               |
| 4. Location Requirements                                                                                                                                                                                                                                                                                                    | Officer comment                                                                                                                                                                                                                                                                                       |
| 4.1 In order to prioritise permanent residents within the City Centre Zone so as to retain a lively and vibrant centre throughout the year, consideration will be given to the number of hosted and unhosted short term rental accommodation properties registered at the time of the development application being lodged. | N/A                                                                                                                                                                                                                                                                                                   |
| 5. Servicing Considerations                                                                                                                                                                                                                                                                                                 | Officer comment                                                                                                                                                                                                                                                                                       |
| 5.1 Development is to be connected to a reticulated potable water supply.                                                                                                                                                                                                                                                   | Complies                                                                                                                                                                                                                                                                                              |
| 5.2 Development is to be connected to a reticulated sewage or serviced by an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.                                                                                                                                         | Complies                                                                                                                                                                                                                                                                                              |
| 6. Time Limitations of Approvals                                                                                                                                                                                                                                                                                            | Officer comment                                                                                                                                                                                                                                                                                       |
| 6.1 Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.                                                                                                                                                                | The proposal is for an Unhosted short-term rental for two (2) persons. It is not considered that this will result in any significantly detrimental impact to the amenity of adjoining properties/dwellings or the area generally. As such a 12 month approval limit is not considered to be required. |
| 7. Restriction of Operator                                                                                                                                                                                                                                                                                                  | Officer comment                                                                                                                                                                                                                                                                                       |
| 7.1 Due to the detailed management measures required to operate an unhosted short term rental accommodation in accordance with this policy, development approval for unhosted short-term rental accommodation is restricted to the approved landowner and will not run with the property. A change in                       | Compliance with this provision will be secured via a recommended condition of approval.                                                                                                                                                                                                               |



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| landowner will require a new development applicant for unhosted short-term rental accommodation to be submitted and approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                  |
| 8. Management Plans and Other Unhosted Short-Term Rental Accommodation Application Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Officer comment                                                                                                                                                                                                  |
| 8.1 Where a unhosted short-term rental accommodation is located on a strata title, a letter from the Strata Manager or Strata Management Company in support of the proposed use is to be included with the development application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Confirmation from the Strata Company Manager included as additional information accompanied the application that strata council provide consent to proposed change of use.                                       |
| 8.2 For proposals located in all zones except the City Centre zone, a site plan indicating the location of on-site parking is to be provided with the development application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Parking location indicated in provided plans.                                                                                                                                                                    |
| 8.3 Development applications must include a Management Plan detailing the following:<br>a) Contact details (phone number and email address) of the Property Manager, which may be the landowner or an external agent. The Property Manager is to respond to nuisance behaviour within 12 hours of a complaint.<br>b) Method of booking and checking in.<br>c) Confirmation of location of designated on-site / visitor parking bays.<br>d) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended.<br>e) Complaint management procedures addressing nuisance behaviour which may include:<br>• Violence or threats<br>• Loud aggressive behaviour, including yelling, screaming or arguing<br>• Excessively loud noise nuisance<br>• Overlooking<br>• Light spill<br>• Barking dogs<br>• Smoke or odours. | A Management Plan accompanied the lodgement of the application which addresses the requirements of this provision. Compliance with this Management Plan will be secured via a recommended condition of approval. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                     |
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| <p>f) Waste management strategies to ensure appropriate disposal.</p> <p>g) Bushfire emergency response procedures (in designated bushfire prone areas).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                     |
| <p>8.4 A detailed Code of Conduct is to be made available to all occupants and included with the development application. The Code of Conduct is to include the following:</p> <p>a) Contact details of the Property Manager, including after-hours contact details.</p> <p>b) Expected behaviour of occupants / visitor to minimise impact on neighbours.</p> <p>c) Any restrictions of visitors or parties/ events.</p> <p>d) Location of on-site car parking for occupants / visitors, as well as any parking restrictions applicable to the location.</p> <p>e) Details of alternate transport options, such as public transport.</p> <p>f) Details regarding waste management, including specific expectations of guests regarding waste disposal and bin collection.</p> <p>g) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended.</p> <p>h) Bushfire emergency response procedures (where applicable).</p> <p>i) Any other information relevant to the use of the property which may impact the amenity of the location.</p> | <p>A Code of Conduct accompanied the lodgement of the application which addresses the requirements of this provision. Compliance with the Code of Conduct will be secured via a recommended condition of approval. A copy of the Code of Conduct is to be made available to the occupants of the accommodation.</p> |

#### Officer Comment

The proposed unhosted short-term rental accommodation meets the objectives of LPP2.27 for the following reasons:

- As the proposed is a change of use with no structural alterations, as such, there will be minimal to no impact on the amenity of the character of the area.
- As a one bedroom Unhosted Short term Rental Accommodation, the scale, design and operation will have little impact due to the proposed management plan that will provide the controls necessary to contain any impact.



- As outlined above in the land use section, the vibrancy and viability of the residential zone is maintained with the majority of the units still utilised for permanent residence.

## CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at No. 314/8 Ord street, Fremantle. With consideration to the officer assessment above, the proposed change of use to Unhosted Short-term rental Accommodation is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of the area. The land use is compatible with the objectives of the Residential zone and LPP2.27, as the accommodation is minor in scale and with minimal amenity impact to adjoining residents.

## STRATEGIC IMPLICATIONS

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

Thriving City - A resilient seven-day economy

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

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

This proposal has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. The applicant is able to apply for a review of any Refusal or conditions of approval issued by Council in relation to this application, through the State Administrative Tribunal. Where not specifically detailed in the Regulations or City's policy, all works require approval and may be subject to compliance investigation and enforcement if approval is not sought prior to undertaking works.

## VOTING AND OTHER REQUIREMENTS

Simple Majority Required





## DECISION MAKING AUTHORITY

Committee

### COMMITTEE RECOMMENDATION ITEM PSC2607-4 (Officer's recommendation)

Moved: Cr Ingrid van Dorssen

Seconded: Mayor Ben Lawver

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 314/8 (Lot 56) Ord Street, Fremantle, as detailed on plans dated 9 June 2026, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 9 June 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. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Michael Craig Speldewinde as the current landowner only. If Michael Craig Speldewinde ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of two (2) guests at any one time, based on the one (1) bedroom within the dwelling.
4. The Management Plan and Code of Conduct dated 9 June 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. A copy of the Code of Conduct is to be made available to all occupants of the Unhosted short-term rental accommodation.
5. Prior to the occupation/operation of the unhosted short-term rental accommodation, signage is to be provided on site and shall:
  - a) Be limited to sign plaques or plates affixed to the front door / entrance to the dwelling;
  - b) Not exceed 0.5m<sup>2</sup> per dwelling (minimum size, 0.2m<sup>2</sup>);
  - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and



The signage shall be maintained for the life of the development to the satisfaction of the City of Fremantle.

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

Advice note(s):

- i. 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 in addressing the potential noise impacts on noise sensitive receivers.

Carried: 3 / 1

For:

Mayor Ben Lawver, Cr Andrew Sullivan and Cr Ingrid van Dorssen

Against:

Cr Melanie Clark

The above item is referred to the Ordinary Meeting of Council on 22 July 2026 for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 4 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

Cr Jemima Williamson-Wong returned to the meeting at 7.36pm, and assumed the chair.



## Motion of which previous notice has been given

Nil.

## Urgent business

Nil.

## Late items

Nil.

## Confidential business

Nil.

## Closure

The Presiding Member declared the meeting closed at 7:36pm.