



Meeting attachments

Planning Framework

Committee

Monday 13 July 2026 6pm

PFC2607-1 ENGAGEMENT UPDATE ON NEW LOCAL PLANNING SCHEME

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Fact Finding: New Planning Scheme

Engagement Report
July 2026

fremantle.wa.gov.au



Acknowledgement of Country

The City of Fremantle acknowledges the Whadjuk people as the Traditional Owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.



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INTRODUCTION

The City of Fremantle is preparing a new Local Planning Scheme and sought community input through an early fact-finding engagement program to help inform its development.

What is the Local Planning Scheme?

A local planning scheme sets out development controls throughout the City, such as:

- zoning of land (whether land is residential, mixed use, industrial, etc.)
- land use (whether a particular zone can have a shop, office, etc.)
- built form (height, setbacks, landscaping, etc.)
- coding of land (density)

The Local Planning Scheme is to be guided by the [Local Planning Strategy](#), which was approved by the Western Australian Planning Commission this year.

Local governments are required to review their local planning schemes every five years. In 2025, the City reviewed Local Planning Scheme No. 4 and determined that it was no longer fit for purpose. While the scheme has undergone several amendments since its adoption, it is now more than 19 years old and does not adequately reflect current planning challenges, community expectations or significant changes to State planning legislation and policy. In early 2026, the Western Australian Planning Commission endorsed the need for the City to prepare a new local planning scheme.

The new scheme will become the City's primary statutory planning document, guiding how land is used and developed across Fremantle into the future. It will help shape decisions relating to housing, heritage, neighbourhood character, centres, employment land, public spaces, environmental protection, transport and infrastructure.

As the first stage of this process, the City invited the community to share what they value about Fremantle, what is working well within the current planning framework, what challenges should be addressed, and what priorities should help shape the new scheme. This engagement was designed to gather local knowledge, lived experience and community aspirations before preparation of a draft scheme.



The City aims to present a draft Local Planning Scheme to Council for initiation before the end of 2026. Following initiation, the draft scheme will be referred to the Environmental Protection Authority and the Department of Planning, Lands and Heritage for assessment. Subject to their review, the Western Australian Planning Commission will consider whether the scheme should proceed to public advertising before making a recommendation to the Minister for Planning, who ultimately determines whether the scheme can be advertised, with or without modifications.

The preparation and approval of a new local planning scheme is a complex process that may take two years or more to complete. Feedback collected during this fact-finding phase will help inform the drafting of the new scheme and identify areas requiring further investigation.

Throughout this public engagement program, the community was encouraged to:

- Contribute input on what they value in the City and think should be covered in the draft scheme by completing the **Local Planning Scheme Survey**.
- Speak to a City officer from the Strategic Planning Team over the phone or request a 1:1 meeting to get clarification on the proposal or discuss their feedback.

This engagement report details how we engaged; who we reached; and what we heard. The findings of this report will help City staff to make an informed decision on next steps for this project.



In conjunction with the [City of Fremantle's community engagement policy](#), and the [International Association for Public Participation's \(IAP2\)](#) spectrum of public participation, this engagement program aimed to **CONSULT** the community throughout the project:

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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The City of Fremantle conducted a series of in-person, local media, and digital community engagement activities to collect submissions and feedback for this project.

City officers aimed to:

- Keep the community informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.
- Work with the public to ensure concerns and aspirations are put forward to Council and provide feedback on how public input influenced the decision.



KEY TAKEAWAYS FROM ENGAGEMENT

The public engagement program reached more than **450** people through online and face-to-face interactions. The project team received **31** formal submissions of feedback to the project.

- Responses were received from across the City of Fremantle, with strongest participation from residents in:
Fremantle (Central), South Fremantle, North Fremantle and Beaconsfield.

Heritage, neighbourhood character and **tree canopy** were the three most selected priorities when respondents were asked what a new planning framework should focus on.

- Protecting heritage buildings, historic streetscapes, human-scale development and Fremantle's character was the most frequently recurring theme throughout the engagement.
- Guarding and enhancing these qualities was viewed as essential when considering Fremantle's future growth and development and a key priority for the new planning scheme.

Tree canopy, urban greening and **climate resilience** were identified as major priorities for future planning.

- Increase tree canopy, retain mature trees and strengthen urban greening outcomes.
- Respondents viewed trees and green infrastructure as essential infrastructure that contributes to cooling, biodiversity, liveability and climate adaptation.

General support for **housing diversity** and **increased housing choice**, however respondents emphasised the importance of location, design quality and neighbourhood context.

- Support was strongest for medium-density and "missing middle" housing forms located near activity centres, transport corridors and redevelopment areas.
- Concerns were raised about building heights, development scale and the potential loss of neighbourhood character.
- Additional housing was generally supported in appropriate locations and where neighbourhood character is maintained.

Walkability, cycling and **connected neighbourhoods** were identified as important planning priorities.

- Improve pedestrian environments, cycling infrastructure and access to local destinations.
- Create neighbourhoods that support active transport, community interaction and reduced reliance on private vehicles.
- Walkability linked with neighbourhood liveability, public health and local business activity.

Parking generated a wide range of perspectives throughout the engagement.



- Respondents expressed differing views regarding parking provision and future transport priorities.
- Comments focused on city centre accessibility, visitor access, residential parking impacts and the relationship between parking and future development.

Concern surrounding **consistency and application of planning controls** in current planning.

- Development waivers, compliance monitoring and consistency of decision-making were recurring themes.
- The engagement identified a desire for greater transparency, consistency and confidence in planning decision-making.

Mixed-use development, active streets and **vibrant centres** were viewed as important contributors to Fremantle's future success.

- Respondents supported development that creates local activity, supports local businesses and strengthens community connection.
- Activation was generally supported where it complements neighbourhood character and local amenity.

Vacant, underutilised and **strategic redevelopment sites** were frequently identified as opportunities for future housing, employment and mixed-use development.

- Opportunities to unlock existing urban land before expanding development pressure into established neighbourhoods.
- Industrial land, vacant sites, contaminated land and future port-related redevelopment opportunities were commonly referenced.

Climate change adaptation was a recurring consideration.

- Urban heat, tree canopy loss, coastal impacts and sea level rise were highlighted as issues that should be addressed through the new planning scheme.
- The community expressed strong support for planning outcomes that improve environmental resilience and long-term sustainability.

Overall, the engagement identified six recurring themes:

- o Heritage and neighbourhood character.
- o Tree canopy and climate resilience.
- o Housing diversity and affordability.
- o Walkability and cycling.
- o Parking and transport.
- o Planning controls, development outcomes and future growth.



HOW WE ENGAGED

The City of Fremantle opened public engagement on this project on 20 May 2026 and collected submissions until close-of-business on 19 June 2026.

City officers promoted the public engagement period, and interacted with the public, in the following ways:

Social Media

- The public engagement program for this project was mentioned on the City of Fremantle's Facebook page, as well as its Instagram profile throughout the lifespan of the submission period.

Electronic Newsletters

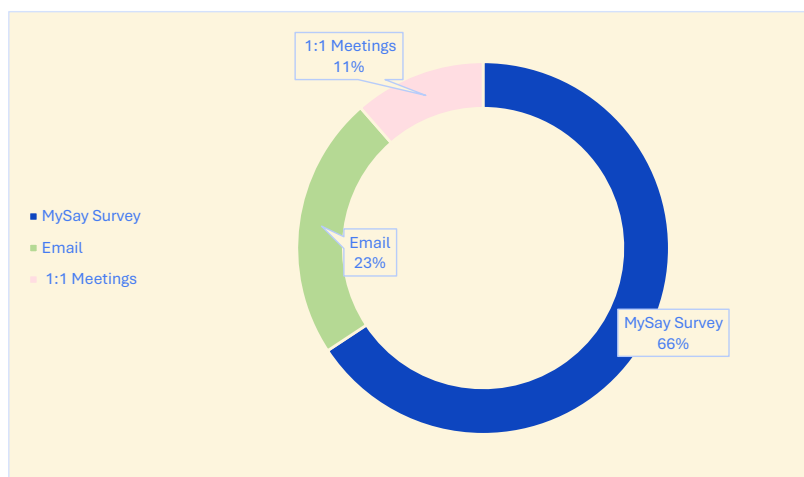
- The Community Engagement team deployed a "Just Launched" email newsletter announcing the opening of the public consultation period on 20 May 2026.
- The Community Engagement team advertised this project via its monthly engagement newsletter in June 2026.
- This email is deployed to over 7,000 people who are subscribed to hear engagement updates from the City of Fremantle.
- The project was also promoted in the City's Freo Weekly newsletter program which is deployed to over 3,500 people.

1:1 Meetings

- Throughout the duration of the engagement period, members of the public were able to book 1:1 or small group meetings with staff.
- These meetings allowed the public to discuss the project, seek clarity on the scope and draft proposal, and provide feedback in-person.
- City staff conducted **5** x 1:1 meetings.



HOW WE COLLECTED FEEDBACK



What does this data tell us?

The public engagement program reached more than **450** people through online and face-to-face interactions.

City officers collected submissions in three ways:

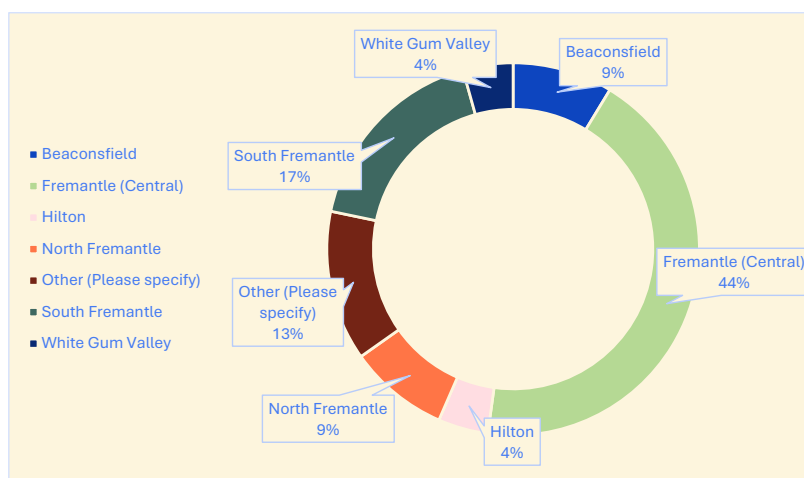
- The project team received **31 formal submissions** of feedback to the project.
- **66%** of submissions were collected via formal submissions to the City's MySay platform, or hard copies of the MySay survey submitted to City staff.
- **23%** of submissions were collected via formal email attachments and communications.
- **11% of submissions** were collected via discussions at 1:1 meetings.

This resulted in more than **300** individual pieces of information collected through the engagement program. **Note:** 1 formal submission can capture multiple comments and data from respondents.



WHO WE REACHED

Location Demographics

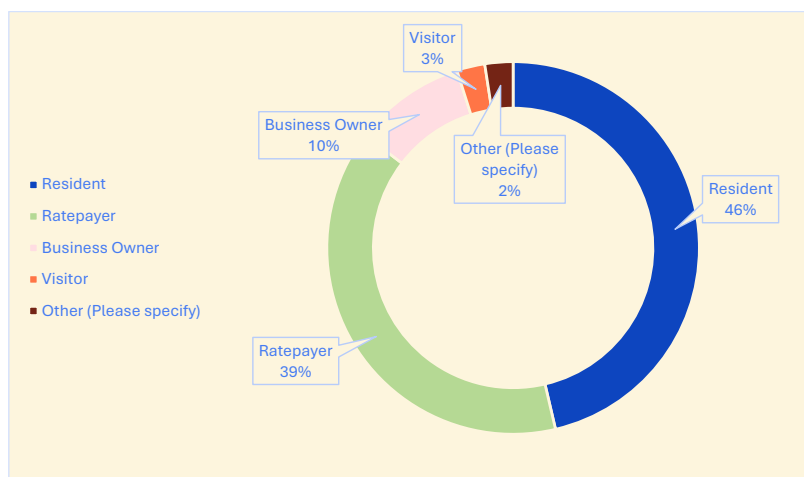


What does this data tell us?

- The program saw high turn from all Fremantle suburbs (except for O'Connor).
 - o **87% of respondents** identified as being from a Fremantle suburb. With Fremantle (Central) generating the highest number of responses (**44%**).
 - o **17% of respondents** lived in South Fremantle, the second highest respondent group.
 - o **13% of respondents selected "Other (Please specify)"** listed the following:
 - East Fremantle; Mosman Park; Erskineville NSW.



How do you identify?

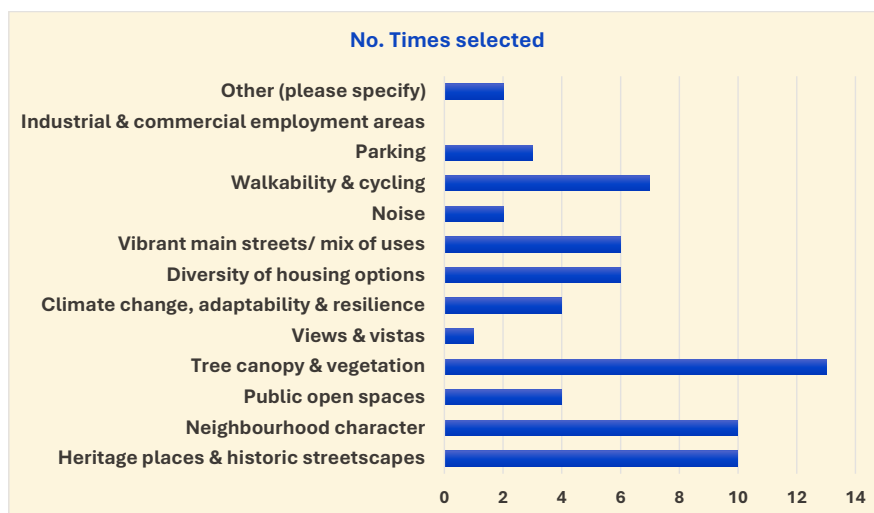


What does this data tell us?

- Respondents were asked to identify themselves through the options above and could select all that applied.
- **Residents** made up the highest number of respondents to this engagement program (**46%**).
 - o **Ratepayers** were the second highest number of respondents (**39%**).



What themes should a new planning framework focus on?



What does this data tell us?

- Considering the scheme and the sorts of buildings, land uses and other developments that have been approved under the City's planning framework, respondents were asked what themes a new planning framework focus should on, and could select their top 3 options.
- **Tree canopy & vegetation** was the top theme selected by **19%** of respondents.
- **Neighbourhood character** and **heritage places & historic streetscapes** were the next most popular themes, selected by **15%** of respondents each.
- **Walkability & cycling** was the fourth most popular theme, selected by **10%** of respondents.
- **Industrial & commercial employment areas** was the least popular theme and not selected by any respondents.
- Those who selected **other (please specify)** provided the following responses:
 - o Affordable housing; maintaining the essence of 'Freo.'
 - o Less services/infrastructure for unemployed/homeless so that the area becomes more enjoyable/safe for everyone.



Respondents were asked to share more about their answer via an open text question. Their comments have been summarised into key themes below.

Tree canopy, urban greening and climate resilience was voiced 10 times.

Respondents highlighted the following:

- Increase tree canopy, protect mature trees and create greener neighbourhoods to address urban heat and climate change.
- Stronger protections are needed for trees across both public and private land.
- Trees improve liveability, pedestrian comfort, biodiversity and community wellbeing.
- Consider environmental protection and climate adaptation in future planning decisions.
- Reduce pollution and improve long-term environmental resilience across the city.

Heritage and neighbourhood character was voiced 8 times. Respondents highlighted the following:

- Fremantle's heritage buildings, historic streetscapes and unique identity are key reasons people choose to live in and visit the city.
- Retain and adapt historic buildings rather than demolish them and ensure future development complements existing character and human-scale streetscapes.
- Avoid large-scale developments that diminish the qualities that make Fremantle distinctive.

Walkability, cycling and reduced car dependence was voiced 7 times.

Respondents highlighted the following:

- Create a more walkable and cycle-friendly city through safer cycling infrastructure and improved pedestrian environments.
- Walkability supports community connection, local businesses and vibrant neighbourhood centres.
- Prioritise people-focused streets and public spaces over vehicle movement where appropriate.



Vibrant centres, street activation and mixed-Use development was voiced 7 times. Respondents highlighted the following:

- Support active streets, mixed-use development and local destinations that encourage people to spend time in Fremantle.
- Encourage cafés, restaurants, outdoor dining, small-scale commercial activity and lively public spaces.
- Adopt a more flexible planning approach that supports activation and innovation rather than excessive regulation.

Housing diversity and affordability was voiced 4 times. Respondents highlighted the following:

- Provide a broader range of housing options, including medium-density housing, smaller dwellings and adaptive reuse of existing buildings.
- Locate additional housing near centres and transport corridors while respecting Fremantle's character.
- Increase housing choice for younger residents, key workers and older residents looking to downsize.

Public open space and community facilities was voiced 3 times. Respondents highlighted the following:

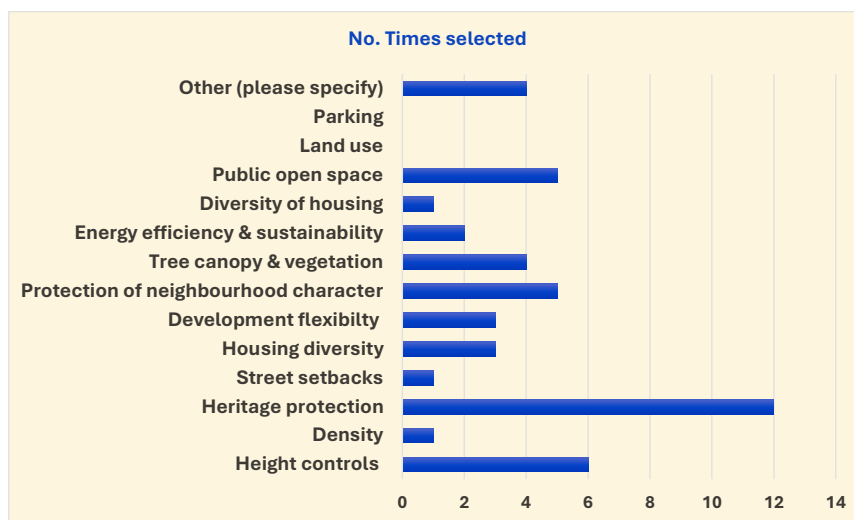
- Protect and improve parks, public spaces and neighbourhood gathering places that support community wellbeing.
- Ensure open space keeps pace with increasing demand and population growth.
- Improve access to green spaces and local destinations to enhance liveability.

Managing growth, development and infrastructure was voiced 3 times. Respondents highlighted the following:

- Plan growth carefully to ensure infrastructure and services can support future development. Manage change in a way that respects established neighbourhoods and community expectations.
- Redevelop underutilised, contaminated and industrial land to create new housing and mixed-use opportunities.



What is working well in the City's planning framework?



What does this data tell us?

- Respondents were asked what is working well in the City's current planning framework and could select up to 3 options.
- **Heritage protection** was the top theme selected by **25%** of respondents.
- **Height controls** were the next most popular planning element, selected by **12.5%** of respondents.
- **Protection of neighbourhood character** and **public open space** were the next most popular themes, selected by **10%** of respondents each.
- **Land use** and **parking** was the least popular themes, not selected by any respondents.
- Those who selected **other (please specify)** provided the following responses:
 - o I don't know if anything is working well regarding the current planning framework.
 - o A mix of all of the above is eroding the character of Fremantle.



Respondents were asked to share more about their answer via an open text question. Their comments have been summarised into key themes below.

Heritage protection and context-sensitive development was voiced 8 times. Respondents highlighted the following:

- Protect heritage buildings, historic streetscapes and neighbourhood character through planning controls.
- Maintain development that respects existing scale, setbacks and built form, particularly within heritage areas.
- Support examples of contemporary development that integrate well with historic surroundings through quality design and appropriate setbacks.
- Retain height controls to preserve the character of established neighbourhoods and the West End.

Current framework not working well was voiced 7 times. Respondents highlighted the following:

- Concerns that planning controls relating to heritage, parking, traffic impacts and development standards are not consistently enforced.
- Perceptions that development approvals are increasingly influenced by developer interests rather than community expectations.
- Frustration with compliance, enforcement and community influence over planning outcomes.
- Views that stronger protection is needed for established neighbourhood character and resident amenity.

Development scale, height controls and human-scale design was voiced 5 times. Respondents highlighted the following:

- Limit building heights to maintain Fremantle's human scale and unique character.
- Concentrate taller buildings in appropriate locations, such as near transport corridors and existing larger developments.
- Increase housing density through thoughtful design and infill development without significantly increasing building heights.



- Balance planning flexibility with high-quality design outcomes.

Streetscape improvements, trees and public realm was voiced 3 times.

Respondents highlighted the following:

- Expand verge gardens, street trees and landscaping to improve neighbourhood amenity.
- Retain street setbacks that create space for footpaths, landscaping and greener streets.
- Continue improving public open space and the public realm throughout the city.

Housing diversity and accommodation choice was voiced 3 times. Respondents highlighted the following:

- Increase housing diversity through projects such as student accommodation and a broader range of housing types.
- Support innovative housing solutions that respond to changing community needs.
- Improve flexibility within the planning framework to encourage diverse housing opportunities.

Planning flexibility and innovation was voiced 2 times. Respondents highlighted the following:

- Support a planning framework that allows innovative development outcomes while maintaining character and appropriate scale.
- Encourage flexibility in development assessment where it delivers quality design and positive community outcomes.

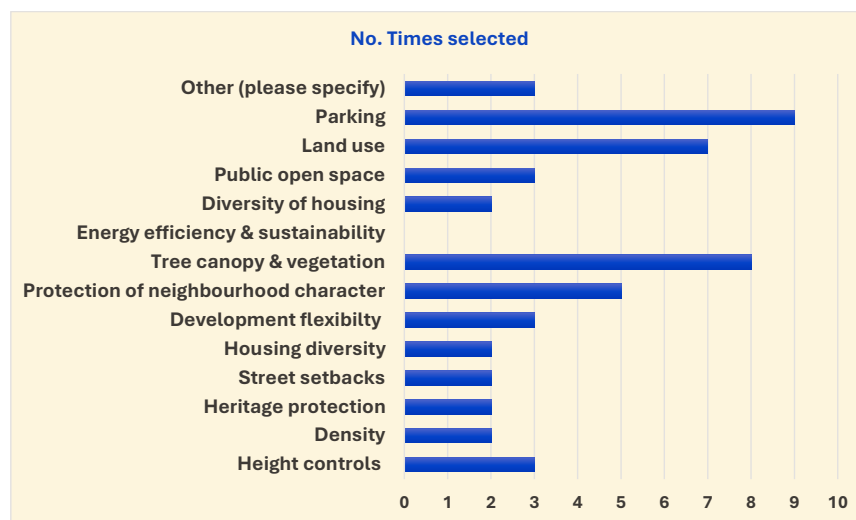
Neighbourhood character and urban design quality was voiced 2 times.

Respondents highlighted the following:

- Preserve the varied and distinctive character of Fremantle's neighbourhoods.
- Avoid development outcomes that create uniform or visually discordant built environments.



What is not working well in the City's planning framework?



What does this data tell us?

- Respondents were asked what is not working well in the City's current planning framework and could select up to 3 options.
- **Parking** was rated the worst performing planning framework element, selected by **18%** of respondents.
- **Tree canopy & vegetation** was rated second, selected by **16%** of respondents.
- **Land use** was the third most selected factor considered to not be working well.
- **Energy efficiency & sustainability** received zero selections.
- Those who selected **other (please specify)** provided the following responses:
 - o Improve the planning framework to support business owners and residents in the CBD and West End of Fremantle.
 - o None that I can think of.
 - o N/A



Respondents were asked to share more about their answer via an open text question. Their comments have been summarised into key themes below.

Parking, traffic and car access was voiced 7 times. Respondents highlighted the following:

- Parking supply is not keeping pace with development, resulting in pressure on residential streets and concerns about accessibility to the city centre.
- Reduced parking requirements in new developments are creating concerns about visitor access, business viability and long-term parking demand.
- Provide parking solutions that support public transport use while maintaining convenient access to key destinations.

Heritage protection, character and building heights was voiced 7 times. Respondents highlighted the following:

- Protect Fremantle's unique heritage character from development that is "incompatible" with existing streetscapes and neighbourhood identity.
- Limit building heights in established low-rise areas and ensure increased density does not come at the expense of local character.
- Apply stronger heritage protections and ensure approved conditions are monitored and enforced.

Tree canopy and urban greening was voiced 5 times. Respondents highlighted the following:

- Properly enforce protection of mature trees and increase tree canopy throughout city to address urban heat and improve environmental outcomes.
- Replace lost trees and diversify planting beyond a limited range of species.
- Treat tree canopy and green infrastructure as essential components of future development.



Planning controls, compliance and enforcement was voiced 5 times.

Respondents highlighted the following:

- Improve monitoring and enforcement of development approvals and planning conditions.
- Ensure planning decisions and development outcomes align with approved plans and community expectations.
- Strengthen confidence that planning controls are being applied consistently and transparently.

Housing density, growth and appropriate development was voiced 5 times.

Respondents highlighted the following:

- Increase housing density in suitable locations without introducing high-rise development into established low-rise neighbourhoods.
- Focus growth in urban renewal areas, transport corridors and underutilised sites with existing infrastructure.
- Balance housing supply, social housing and population growth with community amenity and infrastructure capacity.

Public safety, antisocial behaviour and community amenity was voiced 5 times.

Respondents highlighted the following:

- Consider the relationship between housing, land use and community safety outcomes.
- Address concerns about antisocial behaviour, noise, crime, property damage and public nuisance in some neighbourhoods.
- Maintain neighbourhood amenity while supporting a diverse and inclusive community.
- Balance vibrancy and nightlife with residential amenity and quality of life.



Land Use Planning and Development Outcomes was voiced 4 times.

Respondents highlighted the following:

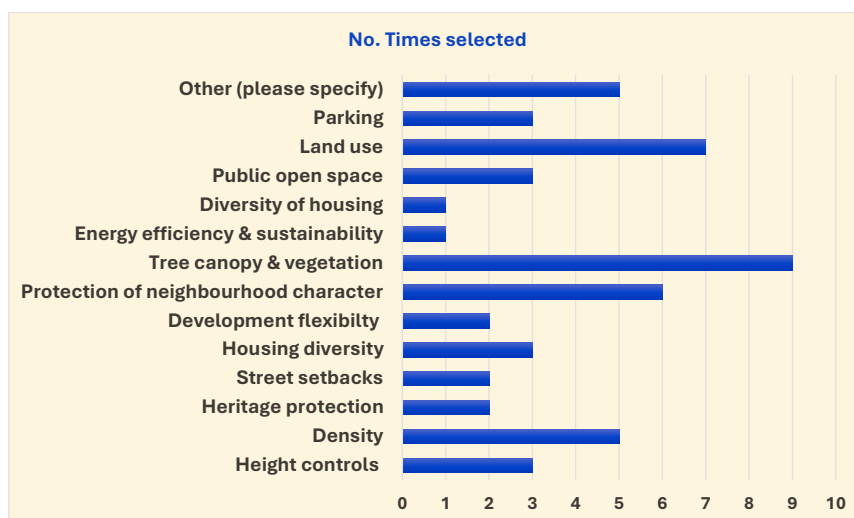
- Prevent land uses that are considered inappropriate for their location or inconsistent with surrounding character.
- Address concerns about the concentration of convenience stores, short-term accommodation and vacant buildings.
- Ensure strategic sites and redevelopment opportunities are guided by long-term planning objectives.

Redevelopment of vacant, underutilised and contaminated land was voiced 3 times. Respondents highlighted the following:

- Prioritise remediation and redevelopment of vacant or contaminated land for housing and community benefit.
- Unlock strategically located sites that are close to services, transport and activity centres.
- Reduce long-term management costs associated with vacant and unused land.



What would you like to see changed in the City's planning framework?



What does this data tell us?

- Respondents were asked what they would like to see changed in City's current planning framework and could select up to 3 options.
- **Tree canopy & vegetation** was the most voted planning element requiring change, selected by **17%** of respondents.
- **Land use** was the next most selected planning element, selected by **13.5%** of respondents.
- **Protection of neighbourhood character** was the third highest rated planning factor, selected by **11.5%** of respondents.
- Those who selected **other (please specify)** provided the following responses:
 - o Set clear deadlines for developers to begin construction once a project has been approved.
 - o Actually making rules and applying/enforcing them.
 - o Traffic diversion and cycle way implemented in my street.
 - o Affordable housing.
 - o Support housing models and business that attract law-abiding people.



Respondents were asked to share more about their answer via an open text question. Their comments have been summarised into key themes below.

Heritage protection and neighbourhood character was voiced 6 times.

Respondents highlighted the following:

- Strengthen protections for Fremantle's historic buildings, streetscapes and neighbourhood character.
- Ensure increased housing density and new development are designed to complement existing heritage areas.
- Retain the qualities that make Fremantle distinctive while accommodating future growth.

Planning compliance, consistency and enforcement was voiced 5 times.

Respondents highlighted the following:

- Apply planning requirements consistently across all developments regardless of size or developer.
- Reduce the use of waivers and discretionary variations that are perceived to undermine planning objectives, especially for big developers.
- Improve monitoring and enforcement of planning conditions and approved development outcomes.

Tree canopy and urban greening was voiced 4 times. Respondents highlighted the following:

- Strengthen protections for mature trees and require greater canopy cover through development.
- Prioritise tree planting, green corridors and landscaping as core planning outcomes.
- Improve the maintenance and care of trees, vegetation and public green spaces.



Housing diversity and alternative housing options was voiced 4 times.

Respondents highlighted the following:

- Increase housing diversity through townhouses, terraces, apartments and other medium-density or “missing middle” housing forms.
- Improve housing affordability and accessibility for a wider range of household types.
- Explore alternative housing options such as tiny homes, transportable dwellings and other forms of transitional or affordable housing.

Walkability, Street Activation and Mixed-Use Development was voiced 4 times.

Respondents highlighted the following:

- Create more vibrant mixed-use areas that support activity throughout the day and evening.
- Strengthen active street frontages and human-scaled urban environments; allow buildings to engage directly with the street.
- Review setbacks and urban design requirements to improve walkability and street life.

Development assessment and delivery timeframes was voiced 2 times.

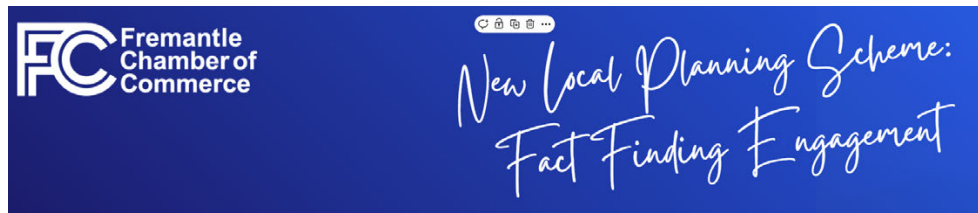
Respondents highlighted the following:

- Encourage approved developments to progress more quickly from approval to construction.
- Reduce delays associated with vacant, underutilised or long-approved sites that remain undeveloped.



NOTABLE SUBMISSIONS

The Community Engagement team received letters or submissions from the notable individuals or organisations expressing support or other feedback about the Fact Finding: New Planning Scheme project. They have been attached in full below.



2 June 2026

Dear Councillors, Mr Glen Dougall and the Strategic Planning Team,

Re: Fremantle Chamber of Commerce Submission | New Local Planning Scheme Fact Finding Engagement

On behalf of the Fremantle Chamber of Commerce, we welcome the opportunity to provide early input into the development of the City's new Local Planning Scheme.

This is one of the most important strategic planning conversations Fremantle will undertake over the coming decade. Planning schemes do far more than regulate buildings and land use. They shape economic confidence, investment appetite, business viability, housing diversity, visitor experience and ultimately the future identity and prosperity of a city.

As the peak business organisation representing the Fremantle business community, we strongly encourage the City to approach this process through a future focused economic lens that places business sustainability, activation and investment confidence at the centre of decision making.

Fremantle is a city with extraordinary strengths. We have globally recognised heritage assets, a unique waterfront identity, a strong visitor economy, a thriving hospitality sector, world class arts and culture and an entrepreneurial business community deeply invested in the future of this place.

However, we are also operating in an increasingly competitive environment. Businesses across Fremantle continue to navigate rising operational costs, changing consumer behaviour, economic pressure, increasing insurance and compliance burdens, workforce challenges and evolving retail and tourism trends.

The new Local Planning Scheme presents a critical opportunity to ensure our planning framework **does not unintentionally constrain economic activity**, investment attraction or destination vibrancy.

From the Chamber's perspective, the future scheme should prioritise the following key principles:

1. Economic Growth Must Be a Core Planning Outcome

Planning cannot simply be viewed through a regulatory or compliance lens. The Scheme must actively support economic growth, investment attraction, tourism development, job creation and commercial sustainability.

Every planning decision either creates confidence or creates hesitation.

Fremantle requires a planning environment that encourages high quality investment, adaptive reuse, activation of vacant spaces, hospitality growth, tourism infrastructure and mixed use vibrancy while still protecting the unique character that makes Fremantle special.

The Chamber strongly encourages the City to embed economic impact considerations more visibly into planning decision making frameworks.

2. Support a More Vibrant and Activated City

The future of successful destination cities globally is activation.

Fremantle should continue evolving toward a more experience led, mixed use and destination focused urban environment that encourages people to stay longer, spend more and engage more deeply with the city.

The Chamber supports planning settings that encourage:

- outdoor dining and hospitality activation
- adaptive reuse of heritage buildings
- streamlined pathways for pop up and emerging business concepts
- increased tourism accommodation diversity
- small bar, cultural and experiential uses
- flexible mixed use development
- greater evening economy vibrancy
- activation of underutilised spaces and vacant tenancies

A city that feels alive attracts investment. A city that attracts investment creates confidence.

3. Balance Heritage Protection with Commercial Reality

Fremantle's heritage character is one of its greatest strengths and remains central to its identity and tourism appeal.

However, heritage protection must also remain commercially realistic and economically sustainable.

Many business owners continue to face significant cost and compliance challenges associated with heritage buildings. If heritage requirements become overly restrictive or financially unworkable, there is a genuine risk of discouraging investment and contributing to vacancy or underutilisation.

The Chamber encourages a balanced approach that protects Fremantle's character while also supporting adaptive reuse, commercial viability and investment feasibility.

Put simply, heritage buildings need businesses inside them.

4. Increase Planning Certainty and Reduce Complexity

Business confidence is strengthened by clarity, consistency and efficiency. The Chamber encourages the City to pursue a Scheme that is modern, streamlined and **easier to navigate** for investors, property owners and business operators.

Reducing unnecessary complexity, improving approval pathways and creating greater certainty around permissible uses and development expectations will support stronger long term investment outcomes.

Fremantle should aspire to be known as a city that welcomes quality investment and innovation while maintaining strong design outcomes.

5. Plan for the Future Economy

The economy of the next twenty years will not look the same as the last twenty years. The Scheme should anticipate future economic shifts including:

- changing retail patterns
- growth in tourism and visitor experiences
- increasing demand for flexible workspaces
- technology enabled business models
- creative industries growth
- innovation and knowledge economy opportunities
- housing diversity and urban infill
- sustainability and climate resilience

Planning frameworks should enable evolution rather than unintentionally restrict it.

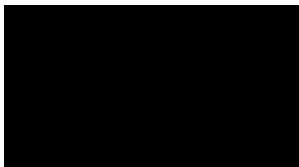
Fremantle has the opportunity to position itself as one of Australia's leading destination cities that successfully balances heritage, lifestyle, business growth and urban vibrancy. That requires bold thinking.

The Chamber also encourages continued and meaningful engagement with the business community throughout the drafting process. Businesses are not simply stakeholders within the city. They are economic contributors, employers, activators, investors and critical participants in Fremantle's long term success.

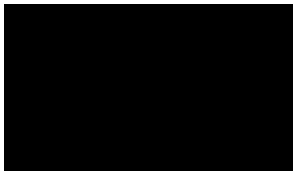
This process presents a rare opportunity to shape the future economic direction of Fremantle for generations to come.

The Fremantle Chamber of Commerce looks forward to continuing to work collaboratively with the City to help shape a planning framework that is commercially realistic, economically ambitious and reflective of the unique character and future potential of Fremantle.

Many thanks,



Fremantle Chamber of Commerce Inc.



Fremantle Chamber of Commerce Inc.

PS ref: 10138

18 June 2026

Chief Executive Officer
City of Fremantle
Via email: planning@fremantle.wa.gov.au

Attention: Planning Services

**CITY OF FREMANTLE FACT FINDING
PREPARATION OF NEW PLANNING SCHEME
SUBMISSION ON BEHALF OF MCDONALD'S AUSTRALIA LTD**

Planning Solutions acts on behalf of McDonald's Australia Ltd, the owner and operator of McDonald's restaurants across Australia.

We understand the City has commenced preparation of its new local planning scheme and is seeking input from the community and stakeholders to shape and guide the future planning and development of the City.

This submission examines:

- the existing, operative Local Planning Scheme No. 4 and its application to McDonald's restaurants;
- the current state planning framework and recent policy shift as it relates to fast food outlets and drive throughs; and
- McDonald's commitment to evolve its development design to suit the site-specific context and character of a locality.

It is requested the zoning table in the City's new local planning scheme align with the recommended zoning table of Appendix C of the WAPC's Consistent Local Planning Schemes Report to make fast food outlets with drive through facilities capable of approval across the Centre, Service Commercial and Mixed Use zones.

1 Local Planning Scheme No. 4

1.1 Land use and permissibility

The City of Fremantle Local Planning Scheme No. 4 (**LPS4**) contains two land uses that capture the operational characteristics of a McDonald's restaurant – "drive-through food outlet" and "fast food outlet". Under LPS4, these land uses are defined as:

drive-through food outlet - means a fast food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles.

fast food outlet - means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten –

- (a) without further preparation; and
- (b) primarily off the premises;

but does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles.

We understand the land use of "drive-through food outlet" was introduced into LPS4 as part of Amendment 82, gazetted in July 2022. In essence, the intention of the "drive-through food outlet" use is to differentiate food outlets and restaurants that include or do not include a drive through facility. We understand that, prior to the gazettal of Amendment 82, a food outlet within a drive through was captured within the land use of "fast food outlet".

Fact Finding: New Planning Scheme Submission
City of Fremantle New Planning Scheme



Under Table 1 – Zoning of LPS4, “drive-through food outlet” is a ‘X’ use (prohibited) in all zones except for the Commercial zone, where it is an ‘A’ (discretionary) use. A “fast food outlet” is capable of approval (either D or A use) within the City Centre, Neighbourhood Centre, Local Centre and Commercial zones under LPS4. Refer **Table 1** below for the permissibility “drive-through food outlet” and “fast food outlet” across the various zones under LPS4.

Table 1: Extract from LPS4 Zoning Table

Land Use	Residential	City Centre	Neighbourhood Centre	Local Centre	Mixed Use	Commercial	Industrial
Drive Through Food Outlet	X	X	X	X	X	A	X
Fast Food Outlet	X	D	A	A	X	A	X

The current LPS4 zoning table unreasonably restricts the ability to develop “drive-through food outlet” uses, particularly where it prohibits a commercial and retail use within Centre zones based on its design and operational requirements. A “drive-through food outlet” is a commercial and retail use that should be capable of approval within Centre zones, particularly where it can be designed to appropriately respond to the site’s context and character.

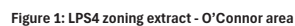
In addition, for reasons explained later in this submission, the permissibility of the “drive-through food outlet” use across the various zones under LPS4 is materially inconsistent with the state planning framework that has been approved and implemented since the gazettal of Amendment 82.

1.2 Availability of zoned land

As outlined above, a “drive-through food outlet” is only legally capable of approval within the entire City of Fremantle municipal area in the Commercial zone.

On review and examination of the LPS4 zoning maps, several areas of retail and commercial land located on transport corridors are zoned Neighbourhood Centre. The areas that contain Neighbourhood Centre zoned land are typically located along Hampton Road, South Street and Stirling Highway. In accordance with orderly and proper planning principles, commercial precincts and centres within these transport corridors are appropriate locations for a “drive-through food outlet”.

As outlined **Figure 1** and **Figure 2** below, the only Commercial zoned land which can legally accommodate a “drive-through food outlet” is limited to O’Connor and North Fremantle, which significantly affects McDonald’s ability to service the key population areas around Fremantle. When these areas are examined closer, the North Fremantle area is significantly built up with multi-storey development, and the O’Connor area has limited development opportunities and is located in close proximity to an existing McDonald’s restaurant.



2.1 State Planning Policy 4.2 – Activity Centres

Section 8 - Definitions of SPP4.2 introduces the land use term of “fast food outlet / lunch bar” which is taken directly from Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*. Under Schedule 1 of the LPS Regulations, “fast food outlet / lunch bar” is defined as:



fast food outlet/lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten—

(a) without further preparation; and

(b) primarily off the premises;

The definition of “fast food outlet / lunch bar”, as outlined in the LPS Regulations and used in SPP4.2, specifically includes a drive through facility and does not separate the use as LPS4 has.

Section 8 - Definitions of SPP4.2 includes a table which categorises different retail land uses across the various PLUC categories. A “fast food outlet / lunch bar” is classified as a Category A retail use within the “Shop / Retail” category (PLUC5). This confirms that fast food outlets and drive through fast food outlets are a retail use.

Appendix 1: Activity Centre Hierarchy – Roles and Characteristics of SPP4.2, amongst other elements, sets out the desired land uses within the activity centre hierarchy. In a Local Centre “convenience store, shop – small, liquor store – small, **fast food outlet / lunch bar, restaurant / café, small bar**” are listed as “desirable land uses”. Local centre “desirable land uses” are then listed in each of the higher order centres including Neighbourhood Centres, District Centres, Secondary Centres and Strategic Centres (Fremantle). This means that fast food outlets, including drive through facilities, are desirable and appropriate land uses within activity centres under SPP4.2.

This sets a clear state planning policy and land use planning direction that fast food outlets, including drive through facilities, are desirable and appropriate land uses within almost all activity centres, including the various Neighbourhood Centres spread across the City and the Fremantle City Centre.

2.2 WAPC Consistent Local Planning Schemes Report

In addition to the above SPP4.2 policy direction, the suitability of fast food outlets and drive through fast food outlets within centres has been reinforced in the WAPC’s Consistent Local Planning Schemes Report (May 2024). The Consistent Local Planning Schemes Report provides recommendations to improving the consistency of local planning schemes and provides guidance to introduce a standardised zoning table for land use permissibility.

In relation to fast food outlets, the Consistent Local Planning Schemes Report recommends the existing model provisions use of “fast food outlet / lunch bar” is split into “food outlet” and “food outlet with drive-through facility”. Importantly, Appendix C of the Consistent Local Planning Schemes Report recommends the “food outlet with drive-through facility” is a use capable of approval (P, D or A) within the Local Centre, Neighbourhood Centre, Centre and Service Commercial zones. In our view, it should also be capable of approval in Mixed Use zones along transport corridors. Refer **Figure 3** below depicting the recommended land use permissibility from the Consistent Local Planning Schemes Report.

Having regard to the land use planning direction of the WAPC’s SPP4.2 and the Consistent Local Planning Schemes Report, we request the zoning table in the City’s new local planning scheme align with the recommended zoning table of Appendix C of the Consistent Local Planning Schemes Report. This recognises the state planning policy direction that fast food outlets with drive through facilities are retail uses and should be capable of approval across the various Centre, Service Commercial and Mixed Use zones, subject to appropriate, site-specific design outcomes assessed as part of the development application process.

Fact Finding: New Planning Scheme Submission
City of Fremantle New Planning Scheme



USE	CONSISTENT LOCAL PLANNING SCHEMES REPORT							
	Local Centre	Neighbourhood Centre	Centre	Mixed Use	Service Commercial	Light Industry	General Industry	Rural Enterprise
bed and breakfast	P	P	P	P	X	X	X	X
betting agency	A	A	D	A	D	X	X	X
brewery	X	X	D	X	D	D	P	D
bulky goods showroom	X	D	D	D	P	X	X	X
car park	D	D	D	D	P	P	D	X
carriageway/round	X	X	X	X	X	X	X	X
caravan park	X	X	X	X	X	X	X	X
child care premises	D	P	P	D	D	X	X	X
cinema/theatre	X	P	P	X	X	X	X	X
civic use	D	P	P	D	D	A	A	X
club premises	X	A	A	A	A	X	X	X
commercial vehicle parking	X	X	X	X	D	P	P	D
community purpose	D	P	P	D	D	A	X	X
consulting room	D	P	P	P	D	X	X	X
container deposit recycling centre	X	X	X	X	D	D	P	A
convenience store	P	P	P	D	D	D	X	X
corrective institution	X	X	X	X	X	X	X	X
educational establishment	A	D	D	D	A	A	A	X
exhibition centre	X	P	P	D	D	X	X	X
family day care	D	P	P	D	X	X	X	X
fast food outlet/lunch bar	P	P	P	D	D	D	X	X
food outlet	P	P	P	D	D	D	A	X
food outlet with drive-through facility	A	P	P	X	D	X	X	X
freeway service centre	X	X	X	X	X	X	X	X
fuel depot	X	X	X	X	X	A	P	X
funeral parlour	X	D	P	D	D	D	X	X
garden centre	D	D	D	D	P	D	X	X
grouped dwelling	D	D	D	D	X	X	X	X

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Figure 3: Extract from Appendix C of the WAPC Consistent Local Planning Schemes Report

3 Design and Innovation

We recognise the unique character, context and heritage of Fremantle, along with its urban setting and planning context as a City Centre. McDonald's acknowledges these considerations and, in recent years, has endeavoured to evolve and adapt its development design, where appropriate and site planning allows, to respond directly to the context and character of local areas.

Recent examples include the McDonald's restaurants, including drive through facilities, approved in Kwinana and Pinjarra. Both localities were identified as main street locations within activity centres under the relevant planning framework and included strict development controls that mandated a main street design outcome (nil setbacks, activate frontages etc).

In both scenarios, McDonald's was able to achieve a building with nil setbacks that presents to and activates the street edge, whilst sleeving the drive through behind the building and locating it within the car park. The building articulation and materiality were also closely considered and selected to align with the context and character of the local areas. Refer **Attachment 1** for the Kwinana and Pinjarra design examples.

These developments demonstrate a shift in design thinking and McDonald's willingness to evolve and adapt its design model to suit the context and character localities, where appropriate and site parameters allow.

Separately, McDonald's is also exploring opportunities to integrate its restaurant and drive through design model into multi-storey mixed use developments. This would typically involve a street facing restaurant component, sleeved drive through within a rear car park and podium or tower component above. This concept is currently being investigated along a major mixed use transport corridor closer to the Perth CBD.

Continuing to prohibit fast food outlets with drive through facilities within virtually every zone unreasonably inhibits design innovation and thinking, and the ability of businesses like McDonald's to adapt their design to meet the expectations of the local area.

Fact Finding: New Planning Scheme Submission
City of Fremantle New Planning Scheme



4 Conclusions

For the reasons outlined in this submission, it is requested the zoning table in the City's new local planning scheme align with the recommended zoning table of Appendix C of the WAPC's Consistent Local Planning Schemes Report, thereby making fast food outlets with drive through facilities capable of approval across the Centre, Service Commercial and Mixed Use zones.

Should you have any queries or require further clarification in regard to this submission, please do not hesitate to contact the writer.

Yours faithfully,

A large black rectangular box redacting the signature of the Principal.

A small black rectangular box redacting the name of the Principal.
PRINCIPAL



Strategic Planning Team
City of Fremantle
PO Box 807
Fremantle WA 6959
BY EMAIL planning@fremantle.wa.gov.au

RE: LOCAL PLANNING SCHEME NO. 5

Thank you for the opportunity to contribute to the City of Fremantle's early engagement process for the preparation of Local Planning Scheme No. 5 (LPS5).

As you may be aware, Fini Group and its partners own, invest in and operate a number of significant properties and businesses throughout Fremantle. As long-term stakeholders in the City, we have a direct interest in ensuring the new Scheme provides a planning framework that supports investment, adaptive reuse, economic activity and high-quality development outcomes, while recognising and enhancing the unique character of Fremantle.

Set out below are several key themes and considerations that we encourage the City to consider in the preparation of the new Scheme.

THE WEST END PRECINCT

- The West End is one of Fremantle's most significant and valued heritage precincts and its heritage significance should continue to be protected and enhanced.
- In our view and based on our experience with various assets in the West End, heritage should be viewed as an opportunity rather than a constraint.
- There are many local, national and international examples of high-quality adaptive reuse and contemporary development successfully enhancing heritage places.
- Heritage conservation and enhancement requires significant capital investment and provides opportunities for thoughtful, considered and appropriate intervention that can extend the longevity and viability of both individual buildings and the broader precinct.
- Each site, building and location should be considered on its own merits and within its unique context.
- We encourage the City to think broadly and strategically and avoid the application of blanket rules or restrictions.
- The Scheme should provide flexibility and discretion to support innovation and investment in the West End while continuing to reinforce and protect its heritage values.
- Examples of our involvement in the West End include 49 Phillimore Street, the Owston Building (Vin Populi, Vin Populi Next Door, Common Bakery and Owston Hotel) and the P&O Hotel (Ode to Sirens).





HERITAGE

- We recommend a review of the heritage fabric provisions, particularly Clause 4.14.
- While the intent of the provision is understood, its application can limit the ability to support proposals that deliver strong adaptive reuse and heritage outcomes.
- The provision can be particularly challenging in more complex development scenarios where achieving a balanced outcome requires consideration of multiple planning, heritage and economic factors.
- Greater emphasis should be placed on the overall heritage outcome rather than strict adherence to fabric retention requirements.
- The Scheme should provide flexibility to achieve an appropriate balance between heritage conservation, building viability and high-quality design outcomes.

DENSITY & HEIGHT

- In order to meet the City's housing and population targets, the Scheme will need to facilitate increased density and height in appropriate locations.
- Key areas / precincts should be identified where additional density and height can help the City achieve its strategic objectives. For example, the East End and the area in and surrounding Norfolk Street adjacent to the
- The Scheme should provide the City with sufficient flexibility to facilitate these outcomes and avoid overly prescriptive height and setback controls.
- The City should retain discretion to support exemplary development proposals that achieve broader planning and community objectives.
- A plot ratio approach is generally considered a more effective mechanism for managing development intensity and is preferred over rigid height / setback controls where appropriate.

CHANGE OF USE

- The Scheme should support and enable the transition of existing buildings to new uses, including heritage buildings.
- Flexible change-of-use provisions will help facilitate the revitalisation of underutilised and vacant buildings throughout the City.
- The Scheme should support activation, economic growth and ongoing investment through adaptive reuse and evolving land uses.
- Where appropriate, approval pathways should be streamlined and unnecessary approval triggers removed (ie. Requiring advertising and Council determination).
- Greater opportunity should be provided for suitable applications to be considered under delegated authority.

CAR PARKING

- The Scheme should support flexible and performance-based parking approaches.
- Parking requirements should recognise the physical constraints associated with many heritage buildings and established urban environments where parking either cannot be provided or is impractical to provide.





- In these circumstances, the absence of parking should not automatically trigger public advertising requirements or remove the ability for applications to be determined under delegation.
- The City could consider adopting an approach similar to the Perth CBD parking framework, with maximum parking rates and no minimum parking requirements within key parts of the city centre.
- Such an approach would better support adaptive reuse, investment, activation and walkability outcomes.

OTHER

- We assume the new Scheme will include a review and refinement of land use definitions. The current definitions can create challenges where a proposed development does not fit comfortably within an existing category. There are also emerging asset classes and business models that are not adequately contemplated within the current framework and should be considered as part of the review.
- Regarding mixed-use developments, the current requirement that no single use exceed 75% of total gross floor area can unnecessarily limit flexibility and discourage investment. The Scheme should provide the City with greater discretion to assess mixed-use developments on their overall merits, having regard to context, activation, economic viability and strategic planning objectives.

We appreciate the opportunity to provide these initial comments and acknowledge that many of the themes identified above are likely to emerge through the broader consultation process.

Ultimately, while the Scheme must provide an appropriate framework and guardrails to guide development and protect the qualities that make Fremantle unique, it must also be sufficiently flexible to respond to changing circumstances, evolving community expectations and future opportunities. Given the significant time required to prepare, approve and implement a new local planning scheme, it is critical that LPS5 equips the City and Council with the discretion necessary to make informed planning decisions and support outcomes that are in the long-term interests of Fremantle.

We look forward to continuing to engage with the City throughout the preparation of the new Scheme. Thank you in advance.

Yours sincerely,



Development Director



COMMUNITY SUBMISSION

Fact Finding: New Local Planning Scheme

City of Fremantle | Submitted via mysay.fremantle.wa.gov.au

Submitted by: [redacted]

Property: [redacted]

Date: May 2026

Contact: [redacted]

Introduction

We are the owners of [redacted], South Fremantle — a heritage-listed 1892 Federation Bungalow on a corner lot within the South Fremantle Heritage Area, zoned R30 Residential under Local Planning Scheme No. 4 (LPS4). We welcome the City's decision to prepare a new local planning scheme and commend the fact-finding engagement process.

We write as property owners who have direct, lived experience of the practical consequences of the current scheme over more than two decades. Our submission is made in good faith and is intended to be constructive. The City's own communications confirm that LPS4 is over 19 years old, no longer fit for purpose, and inconsistent with state regulations. The Western Australian Planning Commission has endorsed the need for a new scheme. We support that finding entirely and offer the following eight observations to assist in drafting a scheme that better reflects the realities of inner-urban South Fremantle.

Issue 1: Zoning on South Terrace Does Not Reflect Its Inner-Urban Character

The problem

South Terrace is not a quiet suburban residential street. It is an inner-urban arterial corridor with cafes, hospitality venues, commercial premises, pedestrian traffic, and significant road noise. Applying a blanket R30 Residential zoning to this corridor as though it were a typical low-traffic suburban street creates a fundamental mismatch between zoning intent and urban reality.

Properties on South Terrace face a street environment that is materially different from the environment the R30 designation was designed to manage. Noise levels, pedestrian activity, traffic volumes, and the presence of commercial uses immediately adjoining residential properties are all characteristics of an inner-urban setting, not a standard suburban residential street.

What we would like to see in the new scheme

- A zoning framework that reflects the genuine character and function of South Terrace as an inner-urban corridor — whether through a mixed-use designation, an inner-urban residential category, or a specific local area overlay that acknowledges its distinctive characteristics.

- Recognition that residential properties on inner-urban arterial streets face amenity challenges — particularly noise and privacy — that cannot be adequately addressed under standard residential zone controls designed for quieter suburban contexts.
- Zoning policies on South Terrace and similar inner-urban streets drafted with reference to the actual acoustic environment, pedestrian and traffic conditions, and mixed land use context of those streets — not inherited from a generic suburban residential template.

Issue 2: The Heritage Trap — Sequential Refusals Leave Owners With No Viable Path

The problem

Our experience illustrates a pattern that we believe is not unique to our property. The City's own sequential decisions across multiple applications have progressively foreclosed every viable use option, leaving the heritage building in a position where even modest residential amenity improvements face resistance from the same scheme that created the problem.

The sequence in our case: a cafe and health and wellness use was refused despite being well-suited to a heritage building on an inner-urban street. A seven-apartment DA was refused by the JDAP and reduced by SAT to three grouped dwellings that proved financially non-viable — the approval lapsed without commencement. The WAPC subsequently approved a subdivision on conditions that permanently fix the retained building's footprint. With commercial use refused, high-density residential made non-viable, and the footprint permanently fixed by government approval, the only remaining path is modest residential modification of the heritage building. Yet even that faces objection under the same scheme that created the impossibility.

This is the heritage trap: sequential decisions, each made in isolation, that together leave an owner with no viable option and a heritage building that cannot function effectively in any use.

What we would like to see in the new scheme

- A heritage viability pathway: where an owner can demonstrate that viable uses have been foreclosed by prior City decisions, a facilitative assessment pathway for works necessary to make the retained building habitable.
- Positive heritage incentives — rate concessions, reduced fees, streamlined assessment — for owners actively investing in the conservation and residential activation of heritage-listed buildings. Restriction without incentive is a disinvestment driver, not a conservation policy.
- Recognition that residential activation of a heritage building is itself a conservation outcome. An occupied, well-maintained heritage building in residential use is exactly what the planning system should be working to achieve.

Issue 3: Fence Provisions in Heritage Areas Must Reflect State Planning Policy

The problem

The current scheme's local planning policy provisions for front boundary fences in heritage areas operate in tension with the R-Codes Volume 1 performance pathway, which is State Planning Policy and cannot be overridden by local policy. In our direct experience, officers

have applied local policy provisions as though they override state planning policy — inverting the statutory hierarchy.

The practical consequence is that a heritage property owner seeking a front boundary fence demonstrably warranted by noise measurements, privacy evidence, and an elevated floor level faces local policy resistance that is inconsistent with the state policy framework the City is required to apply.

What we would like to see in the new scheme

- Local planning policy provisions for fences in heritage areas drafted consistently with the R-Codes performance pathway. Where a fence satisfies the R-Codes performance criteria, local heritage policy should operate as a design guide, not a veto.
- Where a heritage property has an elevated floor level relative to the street — common in late-Victorian and Federation-era buildings in South Fremantle — express recognition that standard fence height provisions produce ineffective outcomes and that a performance-based approach is required.
- Where the City has previously approved a fence configuration at a heritage property, any subsequent application for a modest increment must be assessed against that prior approval as the starting point — not against a generic standard as though no prior approval existed.

Issue 4: Noise Impacts on Residential Properties Adjacent to Commercial Uses

The problem

Residential properties on South Terrace and similar inner-urban streets are routinely exposed to acoustic environments that exceed State Planning Policy 5.4 noise targets for residential use. Our own noise measurements, conducted across five separate periods using calibrated equipment, consistently recorded levels 8-11 dB(A) above SPP 5.4 daytime targets and substantially above night-time bedroom targets. The current scheme has no adequate policy mechanism to address this.

What we would like to see in the new scheme

- An express policy provision requiring acoustic context to be considered in the assessment of boundary treatment applications for residential properties on identified noise-affected corridors, including South Terrace.
- Designation of South Terrace and similar inner-urban arterial routes as noise-affected residential corridors, triggering a specific assessment framework that acknowledges the acoustic environment and supports measures necessary to achieve liveable residential conditions.
- Alignment between the new scheme's residential amenity provisions and SPP 5.4 noise targets. Where SPP 5.4 targets cannot be achieved without boundary treatments, those treatments should be supported by policy rather than resisted by it.

Issue 5: Variation Equality — Previously Approved Variations Must Be Available to All Applicants in Comparable Circumstances

The problem

The treatment of variation requests under LPS4 is demonstrably inconsistent. Applications with similar or equivalent variation requests receive different outcomes depending on the officer, the timing, and the framing of the assessment. Some DAs are approved with significant variations; others with comparable or lesser variations are refused with no clear explanation of the difference.

Applicants cannot predict whether a variation will be accepted or refused, so they commission multiple design options — incurring substantial architectural, heritage, and planning fees — without any confidence that any option will succeed. This is a direct financial cost imposed on applicants by the scheme's lack of clarity, and a direct disincentive to submit planning applications in Fremantle, especially on heritage properties. When outcomes feel arbitrary, applicants defer or abandon applications — and properties that need planning attention deteriorate in the interim.

What we would like to see in the new scheme

- Clear, published criteria for the assessment of variation requests — specific enough to be genuinely predictive, not a restatement of general discretionary considerations.
- A mandatory published register of approved variations, searchable by suburb and street: the City must proactively publish a register of all approved and refused variations, categorised by type, location, and zone, and searchable at the local area level. Applicants should be able to look up what variations have been approved in their street or suburb before committing to design and application costs. This is not optional transparency — it is the foundation of variation equality. Without it, applicants cannot know what outcomes the City has already deemed acceptable in their area, and the playing field is permanently tilted toward those with insider knowledge of prior approvals.
- A heritage variation pathway: a specific assessment framework for variation requests arising from the fixed constraints of heritage buildings, acknowledging that heritage owners cannot redesign their buildings to meet standard requirements.
- Pre-lodgement binding guidance and precedent: pre-lodgement advice from officers on whether a proposed variation is likely to be supported should be binding on the City's subsequent assessment unless the applicant materially changes the proposal. Further, previously approved variations — at the same property or at comparable properties in similar circumstances — should be treated as allowable and equivalent outcomes for new DAs. Where the City has already determined that a variation is acceptable, an applicant seeking the same or an equivalent variation should not be required to re-argue the case from scratch. Prior approvals establish that the outcome is within the range of acceptable decisions; officers must expressly address why a comparable variation would be treated differently, not simply disregard the precedent.

Issue 6: Unaffected Third Parties Should Not Have Equal Standing in DA Assessments

The problem — simply stated

Under the current system, people who have no proximity to, no legal interest in, and no demonstrable impact from a development application can lodge formal objections that carry weight in the assessment. A resident on the other side of Fremantle who will never see the proposed development, never experience its impacts, and has no stake in the outcome can submit an objection treated with the same weight as the directly affected neighbour next door. Put simply: if your amenity is not genuinely and realistically affected, the planning system should not treat your objection as though it were.

Development assessment is a statutory process. The criteria for approving or refusing a DA are set by the Planning and Development Act 2005, the R-Codes, the local planning scheme, and applicable state planning policies — not by how many objections a proposal attracts or how organised a campaign against it becomes. In practice, particularly in the Fremantle heritage area, coordinated objection campaigns from lobby groups introduce considerations that are not valid planning grounds. The consequences are severe: compliant applications are refused because of campaign volume rather than statutory non-compliance; applicants who followed the process in good faith find that legal compliance is no protection against organised opposition; and unaffected objectors who bear no cost from a refusal can effectively veto proposals at no risk to themselves, while the entire financial and legal cost falls on the applicant.

Objections based on existing conditions are not valid planning grounds

A particularly problematic category of objection in busy inner-urban areas is the objection based on conditions that already exist — most commonly parking, traffic, and street activity. In an area like South Fremantle that already has multiple cafes, hospitality venues, and high pedestrian activity, an objection to a new cafe DA on the grounds that it will generate additional parking demand is not a valid planning ground. The parking pressure already exists. The street is already busy. The new DA does not create those conditions — it continues them, consistently with the established character of the area.

This type of objection reflects a misunderstanding of what planning assessment is for. Planning assessment evaluates whether a proposed development complies with the statutory framework and whether its specific, marginal impact is acceptable. It does not — and should not — allow objectors to use individual DAs as a mechanism to reverse or freeze the character of an area they chose to live in. People who choose to reside in popular, busy inner-urban areas accept the character of those areas. The planning system should reflect that reality.

This is what planners call the agent of change principle: the party seeking to change their situation — a new resident moving to an established busy area — should not be able to use the planning system to impose that change on existing businesses and uses that predate their arrival. An area with five cafes that has been characterised by cafe culture for years should not be prevented from having a sixth cafe because a nearby resident objects to parking and foot traffic that already existed before they moved there.

Being affected must be defined realistically, not just claimed

The concept of an affected person must be grounded in reality. Under the current system, virtually anyone can claim to be affected by a DA — and the claim is rarely tested. A realistic affected-person test requires genuine proximity and demonstrable impact, not theoretical concern. Someone three streets away from a proposed cafe who claims to be affected by its parking impact is not realistically affected in any planning sense. Someone whose property shares a boundary with the development, or who will experience a direct and measurable

change to their amenity, is affected. The difference matters, and the new scheme must draw it clearly.

What we would like to see in the new scheme

- A realistic affected-person threshold: formal objections given substantive weight in the assessment should be limited to persons who can demonstrate genuine proximity and a direct, measurable planning impact — not merely a general interest in the outcome or a theoretical concern about conditions that already exist in the area.
- An established character presumption: for DAs that are consistent with the established and predominant character of an area — a cafe in a cafe strip, a bar in a hospitality precinct — objections based on conditions that already characterise that area (parking, foot traffic, street activity, noise) should not be accepted as valid planning grounds. The new scheme should say so expressly.
- An agent-of-change policy: where objectors have chosen to reside in or adjacent to an established commercial or mixed-use area, their objections to DAs consistent with the character of that area should be assessed with recognition that they accepted that character when they chose their location. The burden of managing the interface between residential and commercial uses should not fall on compliant businesses and applicants.
- A clear distinction in officer reports between objections that raise specific statutory non-compliances and objections that express personal preference or generalised concern about conditions that already exist. Only the former should be given substantive weight in the assessment.
- An express policy statement that the volume of objections is not a planning ground for refusal. A DA that complies with the statutory framework should not be refused because many people oppose it, if none can identify a specific statutory non-compliance.
- Transparency about objector standing: officer reports should identify the proximity of each objector to the development and the specific statutory ground they have raised, so Council can assess the weight properly attributable to each objection.

Issue 7: The Planning System Must Create Viable Pathways, Not Just Restrictions

The broader principle

The planning system as currently structured applies restrictions with great rigour but provides very limited positive pathways for owners seeking to invest in, activate, and maintain heritage buildings. The cumulative effect of restriction without facilitation is that heritage buildings become liabilities rather than assets, and owners who wish to conserve them are deterred from doing so.

The City's own acknowledgment that LPS4 is outdated and inconsistent with state regulations is an opportunity to reset this balance. A new scheme that is genuinely fit for purpose will be one that makes heritage conservation viable — not merely theoretically possible, but practically and economically achievable for real property owners operating under real constraints.

What we would like to see in the new scheme

- A heritage conservation incentives framework providing positive support — rate concessions, reduced fees, priority assessment, streamlined pathways — for owners undertaking conservation works on heritage-listed residential properties.
- An inner-urban residential overlay for streets like South Terrace providing a coherent policy framework for properties at the intersection of residential zoning and inner-urban conditions, rather than forcing them into a suburban residential mould that does not fit.
- A cumulative planning history requirement: where multiple applications have been made over a heritage property within a defined period, officers assessing any subsequent application must address the cumulative planning history and consider how the proposed works respond to constraints created by prior decisions.

Issue 8: Heritage Buildings Must Be Liveable, Not Just Preserved — Alternative Uses Must Be Encouraged, and Demolition Must Be Available as a Last Resort

Heritage buildings are not showpieces

A heritage building that sits empty, unusable, and slowly deteriorating because the planning system will not permit it to function in any viable use is not a conservation outcome. It is a monument to planning failure. Real heritage conservation keeps buildings alive — in active use, well maintained, inhabited by people who have a reason to invest in them. The new scheme must be built on this principle: a living building is a conserved building.

The current scheme treats heritage buildings as though their primary purpose is visual — to look right from the street. It imposes strict controls on any change to external appearance while providing no mechanism to ensure the building can actually function as a liveable dwelling or viable commercial premises. The result is a class of heritage buildings preserved on the outside while being impossible to inhabit on the inside — buildings where every window that needs double glazing for noise, every door that needs replacing for acoustic performance, every roof structure that needs modifying for insulation becomes a heritage battleground, while the building itself becomes less and less liveable with each passing year.

Alternative uses must be actively encouraged

Heritage buildings on inner-urban streets like South Terrace are often poorly suited to standard residential use precisely because of their location, configuration, and the acoustic environment they face. Many of these buildings were not originally residential — or ceased to be residential decades ago under council-approved changes of use. Forcing them back into a pure residential category, under a residential zone that assumes suburban amenity conditions, is both historically inaccurate and practically unworkable.

The new scheme should actively encourage alternative uses of heritage buildings that are consistent with their scale, character, and location. Cafes, health and wellness uses, boutique commercial premises, professional offices, studios, and similar uses are often far better suited to heritage buildings on active streets than residential use — and far less demanding of the acoustic and privacy modifications that erode heritage character. Where a heritage building sits on an inner-urban arterial street, the planning presumption should be in favour of a use appropriate to that street, not against it.

When no viable use is achievable — the third pathway

There is a planning scenario the current scheme refuses to confront honestly: a heritage building on a noise-affected inner-urban street where neither commercial use nor residential use can be achieved without modifications so extensive that they would themselves substantially compromise the building's heritage character. Double-glazing all windows, replacing all doors with acoustic-rated alternatives, modifying roof structures for insulation and noise attenuation, installing boundary barriers — the cumulative effect of these modifications is to strip the building of the very features that give it heritage value. A heavily modified building that looks like a heritage building but no longer functions or presents as one is not a conservation outcome. It is heritage character lost incrementally rather than at once.

The new scheme should provide an honest policy response to this scenario — what we describe as the third pathway:

- First pathway — encourage appropriate alternative uses. Where a heritage building on an inner-urban street can be viably used for a purpose appropriate to its location and character, that use should be actively supported. Commercial, hospitality, health, cultural, and similar uses consistent with the building's scale and the street's character should be a presumptive option, not a discretionary exception.
- Second pathway — facilitate amenity modifications that preserve rather than compromise heritage character. Where residential use is sought, the modifications necessary to achieve basic amenity should be assessed with reference to their cumulative heritage impact. Where modifications can be designed to be sympathetic and reversible, they should be supported.
- Third pathway — where both pathways are genuinely exhausted. Where neither viable alternative use nor amenity-compatible residential use can be achieved without material loss of heritage character — demonstrated through evidence — the new scheme should provide a considered pathway for sympathetic demolition and high-quality architectural replacement. A well-designed contemporary building, purpose-built for its inner-urban context and capable of achieving high residential amenity standards from the ground up, is a better outcome for the street and the community than a nominally heritage building hollowed out by acoustic glazing, noise barriers, and structural modifications until its heritage values exist only on a heritage register entry.

What we would like to see in the new scheme

- An express policy statement that the conservation objective of the heritage provisions is a living, functioning, inhabited building — not a static external appearance preserved at the cost of the building's useability.
- A presumption in favour of appropriate alternative uses for heritage buildings on inner-urban streets, with a clear list of uses taken to be consistent with heritage conservation objectives on streets like South Terrace, subject to design conditions rather than outright refusal.
- A cumulative amenity modification assessment: where works to a heritage building are individually minor but cumulatively significant in their heritage impact, officers must assess the cumulative effect rather than each modification in isolation.
- A third pathway provision: where an owner can demonstrate through evidence that no viable use can be achieved without material and cumulative loss of heritage character, a considered demolition and replacement pathway should be available, subject to a high-quality design requirement and heritage impact assessment.
- Recognition that a sympathetically designed contemporary building, built to a high architectural standard and appropriate to its inner-urban context, can be a positive

heritage outcome — preserving the character of the street while providing a building that can actually be used.

Conclusion

We have lived with the practical consequences of LPS4's shortcomings for many years. We welcome the City's commitment to preparing a new local planning scheme and genuinely hope this submission contributes to a scheme that is better calibrated to the realities of inner-urban South Fremantle.

The eight issues identified above are closely connected. A zoning framework that does not reflect South Terrace's inner-urban character; heritage controls that restrict every viable use without providing viable alternatives; inconsistent variation assessments that waste applicant resources; an acoustic environment that makes standard residential conditions unachievable without boundary treatments; a system where unaffected third parties and objections based on already-existing conditions can derail compliant applications; and a heritage policy that prioritises external appearance over the liveability of the buildings it is meant to protect — these are structural problems that compound each other and leave applicants deeply disillusioned with a system they entered in good faith.

The new scheme has an opportunity to address all of these problems coherently. Heritage conservation that keeps buildings alive, in use, and invested in is the only kind of conservation that works over time. We would welcome a meeting with City planning officers to discuss these matters further and can be contacted at [redacted].

[personal information redacted]

May 2026

COMMUNITY SUBMISSION — SUPPLEMENTARY ISSUES

Fact Finding: New Local Planning Scheme | City of Fremantle

[REDACTED]

Date: May 2026 — Supplementary to Primary Submission dated May 2026

This supplementary submission adds three further issues to our primary submission of May 2026. These issues arise directly from our lived experience of the current planning system and from specific failures we have encountered in the assessment of DA0151/26 — a development application for a residential fence that has generated correspondence and procedural complexity wholly disproportionate to the scale of the proposal. We submit these issues because the new local planning scheme has an opportunity to address them systemically. The submission deadline is 19 June 2026.

Issue 9: R-Codes Alignment — Local Policies Must Be Consistent With
and Not Override State Planning Policy

The problem

The current scheme contains local planning policies — most relevantly LPP 3.6 (Heritage-Protected Places) and LPP 2.8 (Fences) — that in practice operate as if they override the Residential Design Codes Volume 1 (R-Codes), which is State Planning Policy under SPP 7.3. This is a statutory hierarchy inversion. Local planning policies sit at the lowest tier of the planning hierarchy. They are guidance, not determinative. They cannot be applied in isolation in a manner that narrows the intent of the R-Codes or the Scheme.

In our direct experience, officers applied LPP 3.6 Section 12 as though it were a prohibition on front boundary fences exceeding a prescribed height at heritage properties — without engaging the R-Codes Clause 5.2.4 performance pathway, which is a State Planning Policy provision expressly designed for situations where deemed-to-comply standards are not met. The performance pathway requires assessment against design principles including privacy, noise, security, site-specific circumstances, and streetscape character. It cannot be extinguished by a local planning policy that has not been approved as a compliant R-Codes modification.

The April 2024 R-Codes Volume 1 amendment directly addressed this problem by requiring local planning frameworks that modify R-Codes provisions to be reviewed, updated, and approved as compliant modifications by 10 April 2026. The City's failure to confirm whether LPP 3.6 and LPP 2.8 have been through that process — while continuing to apply those policies as assessment tools — is a transparency failure the new scheme must prevent from recurring.

A local planning policy that has not been approved as a compliant R-Codes modification has no legal standing to modify or extinguish a State Planning Policy performance pathway. The new scheme must make this hierarchy explicit and ensure all local policies are reviewed for R-Codes alignment before adoption.

What we would like to see in the new scheme

- An express policy statement in the new scheme confirming that local planning policies operate as guidance within the statutory hierarchy — below State Planning Policy, the Planning and Development Act 2005, and the Scheme itself — and cannot be applied as determinative prohibitions where State Planning Policy provides a performance pathway.
- A mandatory R-Codes alignment review for all local planning policies prior to adoption in the new scheme. Any local policy that modifies R-Codes provisions must be reviewed, updated, and approved as a compliant R-Codes modification in accordance with the April 2024 amendment requirements before it can be given weight in any assessment.
- A clear statement in all heritage and fencing policies that where an application satisfies the R-Codes Clause 5.2.4 performance pathway design principles — privacy, noise, security, site-specific circumstances, streetscape character — local heritage policy operates as a design guide for materials, colour, and form, not as a veto on the outcome.
- Where a local policy contains internal provisions that support performance outcomes — such as LPP 3.6 Clause 12.11, which expressly permits fence variations on Integrator Arterial roads — those provisions must be identified to applicants at pre-lodgement as applicable pathways, not withheld.
- A periodic review mechanism in the new scheme requiring all local planning policies to be reviewed for R-Codes alignment at each scheme review cycle, with the compliance status of each policy publicly disclosed on the City's planning portal.

Issue 10: Pre-Lodgement Meetings and Advice — A Statutory Obligation to Identify the Correct Pathway

The problem

The purpose of a pre-lodgement meeting is to assist an applicant in identifying the correct assessment pathway, understanding what information is required, and avoiding unnecessary cost and delay. Under the current system, pre-lodgement meetings frequently fail this purpose. In our direct experience, the pre-lodgement meeting of 6 February 2026 conveyed a single policy position — LPP 3.6 Section 12 — without identifying the R-Codes Clause 5.2.4 performance pathway as the available and appropriate pathway for our application. The amenity grounds we raised — privacy, noise attenuation, and security arising from documented site-specific conditions — were not engaged. No advice was given on what evidence would be needed to satisfy any performance pathway.

To be direct about the consequence: we prepared a 171-page development application with 13 appendices for a fence. Not a building. Not a subdivision. Not a complex mixed-use

development. A fence at a house. That document exists because the pre-lodgement meeting failed to identify the correct assessment pathway, failed to engage the amenity grounds we raised, and failed to tell us what evidence was needed. We found the pathway ourselves. We gathered the evidence ourselves. We built the case ourselves — a case that should have taken a one-page performance statement if the pre-lodgement process had done what it is supposed to do. Every one of those 171 pages is a direct measure of the pre-lodgement failure. The pre-lodgement process caused the complexity. It did not prevent it.

This is not an isolated experience. The pattern of officers defaulting to a single local policy position at pre-lodgement — without identifying applicable state planning policy pathways, without engaging site-specific circumstances, and without advising what evidence would be needed — is a systemic failure that imposes unnecessary cost and delay on applicants and produces planning applications that are either inadequately supported or disproportionately complex.

Pre-lodgement advice that directs an applicant away from the correct statutory pathway — or that omits the existence of a performance pathway entirely — is not neutral. It has real financial consequences for applicants and real consequences for the quality and complexity of the DA that follows. The new scheme must establish pre-lodgement obligations that prevent this from recurring.

What we would like to see in the new scheme

- **A statutory pre-lodgement pathway obligation:** pre-lodgement advice from City officers must include identification of all applicable assessment pathways under state planning policy and the local planning scheme — not only the deemed-to-comply or local policy pathway. Where a performance pathway exists under the R-Codes, officers must advise the applicant of its existence and the evidence required to satisfy it.
- **A site-specific circumstances obligation:** pre-lodgement advice must engage with the site-specific circumstances presented by the applicant. Where an applicant raises amenity grounds — noise, privacy, security, floor level, orientation, street context — those grounds must be addressed in the pre-lodgement advice, not deferred to the DA assessment. An applicant who raises the right issues at pre-lodgement and is told they are relevant should not have to rediscover them independently.
- **Disclosure of applicable policy provisions:** where a local planning policy contains provisions that support a proposed outcome — such as noise-attenuation gateway clauses, site-specific variation provisions, or precedent approvals at the same property — officers must identify those provisions at pre-lodgement. Selective disclosure of only the provisions that resist the proposal, while withholding the provisions that support it, is not proper pre-lodgement guidance.
- **Written pre-lodgement advice as standard:** all pre-lodgement meetings should be followed by written advice confirming the pathways identified, the evidence required, and the policy provisions applicable. Verbal advice that is later contradicted by a written response — as occurred in this case — should not be permissible.
- **Pre-lodgement binding guidance on pathway:** where a City officer identifies a specific assessment pathway as applicable at pre-lodgement, that identification should be binding on the City's subsequent assessment unless the applicant materially changes the proposal. An applicant who prepares a DA on the basis of

pathway advice given at pre-lodgement should not find, on lodgement, that the pathway is disputed or that a different framework is being applied.

- **A pre-lodgement pathway record on the DA file:** the pre-lodgement advice — including the pathways identified, the evidence discussed, and any preliminary views expressed — should be placed on the formal DA file and considered as part of the assessment. Preliminary views expressed at pre-lodgement that are inconsistent with the statutory framework should be identified and corrected before assessment begins, not carried into the assessment as de facto pre-determinations.
- **A right of response to adverse pre-lodgement advice:** where a City officer expresses an adverse preliminary view at pre-lodgement, the applicant should have a right to respond in writing before lodging the DA, with that response placed on the DA file. This prevents adverse pre-lodgement views from becoming de facto pre-determinations that the assessment merely formalises.

Issue 11: Performance Pathway Clarity and Genuine Assessment — The New Scheme Must Make the Performance Pathway Real

The problem

The R-Codes Volume 1 performance pathway is a fundamental feature of the state planning framework. It exists precisely for situations where deemed-to-comply standards are not met but where a balanced assessment of design principles, site circumstances, and amenity outcomes supports approval. It is not a difficult hurdle to clear — it is the standard pathway for contextually complex applications that cannot be resolved by reference to a single dimensional standard.

In our experience, and from the evidence of applications in the Fremantle heritage area generally, the performance pathway has been effectively invisible in the City's assessment practice. Local planning policies have been applied as if the performance pathway does not exist. Heritage policy has been applied as a threshold test — pass or fail — rather than as one design principle to be weighed alongside others. Site-specific circumstances that would satisfy any reasonable performance assessment have been ignored in favour of a single policy position reached before the DA was even lodged.

The result is that the performance pathway — a State Planning Policy provision — is in practice non-functional within the City's assessment framework. Applicants who invoke it are assessed as if they had not. Determinations that purport to consider the performance pathway but in fact apply only a local policy standard are not genuine performance assessments. The new scheme has an opportunity to make the performance pathway real.

A performance pathway assessment that in practice always reaches the same result as a deemed-to-comply assessment is not a genuine performance assessment. It is a local policy assessment dressed in R-Codes language. The new scheme must establish clear obligations requiring genuine, evidence-based engagement with the performance pathway design principles — privacy, noise, security, site circumstances, streetscape character — before any adverse determination is made.

What we would like to see in the new scheme

- **A genuine performance assessment obligation:** where an applicant invokes the R-Codes Clause 5.2.4 performance pathway and provides evidence in support, the assessment report must address each of the performance pathway design principles — privacy, noise, security, site-specific circumstances, streetscape character, heritage context — individually and in evidence-based terms. A determination that refuses an application on performance pathway grounds must identify, for each design principle, why the evidence provided does not satisfy it.
- **Site circumstances as genuine assessment criteria:** the assessment of performance pathway applications must engage with the actual, documented conditions of the site — not with a generic site description derived from zoning alone. Where noise measurements, floor level data, orientation analysis, and streetscape surveys are provided, those must be addressed in the assessment. An assessment report that does not engage with the applicant's evidence is not a performance assessment.
- **Heritage context as one factor, not a veto:** in performance pathway assessments for heritage properties, heritage context is one design principle among several. It must be weighed against privacy, noise, security, and site-specific circumstances — not applied as a threshold test that overrides all other considerations. The new scheme should expressly require heritage assessments to address the full suite of performance criteria, not only heritage compatibility.
- **Consistency with the City's own approval record:** performance pathway assessments must address directly comparable outcomes previously accepted by the City — at the same property or at comparable properties in similar circumstances. Where the City has previously approved a fence, boundary treatment, or variation of similar or greater extent, the assessment must explain why the current application would produce a materially different outcome. Disregarding prior approvals without explanation is not a genuine performance assessment.
- **A mandatory pre-determination review for adverse performance assessments:** where an officer intends to recommend refusal of an application that invokes the performance pathway, a senior officer or internal reviewer must confirm that the performance pathway has been genuinely engaged and that the recommendation addresses all performance criteria with reference to the evidence provided. This prevents adverse pre-lodgement views from being carried into the assessment without genuine performance engagement.
- **Transparency about the assessment framework applied:** the assessment report must identify, for each applicable planning instrument, whether it has been assessed as a State Planning Policy provision, a local scheme provision, or a local policy guidance provision — and must resolve any tension between those instruments in accordance with the statutory hierarchy. A report that applies a local planning policy without confirming its compliance status under the April 2024 R-Codes amendment, and without engaging the State Planning Policy performance pathway, does not meet this standard.

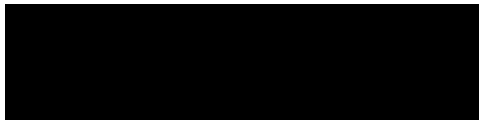
Conclusion to Supplementary Submission

The three issues in this supplementary submission — R-Codes alignment, pre-lodgement pathway obligations, and genuine performance assessment — are connected. Together they describe a single systemic failure: a planning system in which State Planning Policy performance pathways are effectively displaced by local planning policies, in which pre-lodgement advice reinforces that displacement rather than correcting it, and in which assessments that purport to engage the performance pathway do not in practice do so.

The consequence for applicants is disproportionate complexity, unnecessary cost, and outcomes that do not reflect the statutory framework. The consequence for the City is a DA pipeline characterised by adversarial correspondence, DPLH inquiries, and SAT reviews that consume resources on both sides — all of which could be avoided if the correct pathway were identified and genuinely applied from the outset.

The new local planning scheme has a direct opportunity to address all three issues. A scheme in which local policies are aligned with State Planning Policy, in which pre-lodgement advice identifies the correct pathway, and in which performance assessments are genuine and evidence-based would produce better outcomes for applicants, for the City, and for the heritage buildings and residential streets of South Fremantle that the planning system is meant to serve.

We would welcome a meeting with City planning officers to discuss these matters further.



May 2026

**COMMUNITY SUBMISSION — SECOND SUPPLEMENTARY ISSUES 12, 13
& 14**

Fact Finding: New Local Planning Scheme | City of Fremantle
[personal information redacted] | Submission deadline: 19 June 2026

This second supplementary submission adds Issues 12, 13, and 14 to our primary and first supplementary submissions of May 2026. Both arise from the same lived experience documented in those submissions and from a detailed analytical review of the structural relationship between LPP 3.6, LPP 2.8, and the R-Codes Clause 5.2.4 performance pathway. They are systemic issues, not property-specific grievances — and they are being actively played out in a live DA at this property right now.

Note to the Fact Finding panel: The systemic issues raised in this submission are not theoretical. On 7 June 2026 — the same week as this submission — we formally wrote to the Western Australian Planning Commission under section 14(d) of the Planning and Development Act 2005 asking the Commission to confirm whether LPP 3.6 and LPP 2.8 have been approved as compliant modifications under the April 2024 R-Codes amendment, and whether the R-Codes Clause 5.2.4 performance pathway must be genuinely engaged in the assessment of DA0151/26. We also wrote to the Department of Planning, Lands and Heritage with the same five framework questions on 29 May 2026 — and received a response that did not engage with any of them. These questions remain unanswered after more than one week. The Fact Finding panel is being asked to design a new planning scheme for Fremantle at the precise moment when the structural deficiencies this submission identifies are producing exactly the consequences described — in real time, at a real property, under instruments the new scheme has the opportunity to fix.

Update — 18 June 2026: Since drafting this submission, the Department of Planning, Lands and Heritage has provided a substantive response to the framework questions, coordinated with the R-Codes Policy team ([redacted], Senior Planning Officer, Metro Central South, 18 June 2026). The Department confirmed that local planning policies may only augment the R-Codes design principles through local housing objectives — they cannot replace those design principles. The City of Fremantle is therefore required to genuinely assess DA0151/26 against Design Principle P4 of Clause 5.2.4, with full consideration of the applicant's justification. This confirmation validates in real time the central argument of Issue 12: that LPP 3.6 and LPP 2.8, as written, cannot lawfully operate as the sole assessment framework for a performance pathway application. The framework questions have now been answered. The structural deficiency this submission identifies has not.

STATUTORY DEFINITION OF AMENITY

"AMENITY" is defined under the Planning and Development (Local Planning Schemes) Regulations 2015 as including the 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, outlook, privacy and quiet. It also includes protection from pollution and odours.

Noise is pollution. Quiet is amenity. Privacy is amenity. Liveability is amenity. LPP 3.6 and LPP 2.8 cannot assess any of these. The R-Codes performance pathway must.

Issue 12: Local Planning Policies Fail to Engage the Full R-Codes Performance Pathway

The problem

Issues 9, 10, and 11 of our first supplementary submission addressed the statutory hierarchy problem: LPP 3.6 and LPP 2.8 are applied as though they override the R-Codes performance pathway. This second supplementary submission goes further.

The problem is not only that LPP 3.6 and LPP 2.8 fail to assess outdoor amenity. The problem is that both policies fail to engage the R-Codes performance pathway at all — across every design principle, for every application, at every stage of assessment. Both policies are written as closed assessment instruments that leave no room for the performance framework the R-Codes require.

The R-Codes Clause 5.2.4 performance pathway requires assessment against a suite of design principles for every fence application where deemed-to-comply standards are not met: privacy, noise and acoustic amenity, security, site-specific circumstances, streetscape character, and heritage context are all elements the decision-maker must genuinely consider. LPP 3.6 and LPP 2.8 together engage only one of these — heritage context and streetscape appearance — as assessment criteria. The others do not appear in either policy. This is not a gap in their application. It is a gap in their design.

Live evidence — WAPC and DPLH correspondence: On 29 May 2026 we formally asked the Department of Planning, Lands and Heritage whether the R-Codes Clause 5.2.4 performance pathway must be genuinely engaged in the assessment of DA0151/26. The Department responded advising it does not have a role in determining development applications — deflecting the question without engaging it. On 7 June 2026 we wrote to the Western Australian Planning Commission asking the same question directly, together with a request to confirm whether LPP 3.6 and LPP 2.8 have been approved as compliant modifications under the April 2024 amendment. These questions remain unanswered. The structural deficiency this Issue identifies is not hypothetical — it is preventing the performance pathway from being engaged in a live DA right now.

The full scope of the performance pathway failure

Our direct experience with DA0151/26 demonstrates the performance pathway failure across all six design principles:

#	Design Principle	What the Performance Pathway Requires	LPP 3.6 / LPP 2.8 Assessment Criteria	Gap
1	Privacy	Screen outdoor living areas and primary living spaces from direct public view. Assess sightlines, floor levels, orientation.	Neither policy contains a privacy criterion.	COMPLETE GAP

2	Noise and Acoustic Amenity	Assess whether the dwelling and outdoor areas are exposed to noise exceeding SPP 5.4 residential targets.	Neither policy contains a noise criterion. Acoustic evidence is irrelevant to every assessment criterion in both policies.	COMPLETE GAP
3	Security	Assess whether living spaces and outdoor areas are screened from direct public observation.	Neither policy contains a security criterion.	COMPLETE GAP
4	Site-Specific Circumstances	Individually assess non-standard physical conditions — floor levels, dual frontages, orientation, commercial history, corner lot exposure.	Neither policy has a site-specific circumstances criterion. LPP 3.6 Clause 12.11 is the sole partial exception — withheld at pre-lodgement.	NEAR-COMPLETE GAP
5	Streetscape Character	Assess the established pattern of boundary treatments at comparable properties. Prior approvals must be engaged.	LPP 3.6 Section 12 addresses streetscape character and heritage compatibility. This is the one principle the LPPs can engage.	PARTIAL — assessed but applied as sole criterion not one of six
6	Heritage Context	Heritage significance is ONE design principle among six. It must be weighed against the other five. It cannot be a veto.	This is the primary and, in practice, sole focus of both LPP 3.6 and LPP 2.8. Applied as a threshold test.	MISAPPLIED — assessed correctly as a criterion, applied incorrectly as a determinative veto

The structural reason: LPPs are closed assessment instruments

The reason LPP 3.6 and LPP 2.8 fail to engage the performance pathway is structural. Both policies are written as closed assessment instruments. They set out what must be considered and, by omission, exclude everything else. An assessor applying LPP 3.6 Section 12 faithfully will consider heritage fabric, streetscape appearance, materials compatibility, and building dominance. There is no opening in the policy text for privacy, noise, security, or site-specific conditions. The performance pathway criteria are not missing because the officer forgot to consider them. They are missing because the instrument leaves no space for them.

The new scheme must either: (a) redesign heritage and fence policies to expressly incorporate all six R-Codes performance pathway design principles as assessment criteria; or (b) include an express gateway clause in every local planning policy that engages the R-Codes performance pathway — making clear that where an applicant invokes the performance pathway, the policy operates as guidance on design outcomes only, not as a threshold test on whether the fence is permissible at all.

The amenity definition makes this explicit

The Planning and Development (Local Planning Schemes) Regulations 2015 define amenity as including liveability, comfort, quality of place, sunlight, outlook, privacy, quiet, and protection from pollution and odours. LPP 3.6 and LPP 2.8 cannot assess amenity as defined in the Regulations under which they are made. Noise is pollution under that definition. An assessment framework that cannot assess the statutory definition of amenity is not fit for purpose.

The April 2024 R-Codes Volume 1 amendment — gazetted by the WAPC — strengthened the performance pathway requirements for residential applications. The

WAPC has updated the State framework to require genuine performance assessment of privacy, noise, security, and site-specific circumstances. LPP 3.6 and LPP 2.8 — made under LPS4 which has itself been formally found outdated and inconsistent with current state regulations — have not been updated. The WAPC's own amendment has widened the compatibility gap this Issue identifies. The new scheme must close it.

What we would like to see in the new scheme

- All local planning policies, particularly heritage and fence policies, must expressly incorporate the R-Codes Clause 5.2.4 performance pathway design principles as named assessment criteria — privacy, noise and acoustic amenity, security, and site-specific circumstances must appear by name in the policy assessment framework
- Every local planning policy applying to residential properties must contain an express performance pathway gateway clause stating that where an applicant invokes the R-Codes performance pathway, the policy operates as design guidance only — not as a threshold test on whether the proposed works are permissible
- The statutory definition of amenity from the Planning and Development (Local Planning Schemes) Regulations 2015 must be incorporated by reference into every relevant local planning policy
- Heritage policies must be redesigned to assess the full suite of performance criteria including site-specific circumstances — non-standard configurations, elevated floor levels, dual street frontages, noise exposure, and commercial-era histories must be named as assessable circumstances in the policy itself
- Performance pathway assessments must be complete on all six design principles before any adverse determination is made — a refusal that does not address privacy, noise, security, and site-specific circumstances individually is not a performance pathway assessment

The calibration obligation: what the Explanatory Guidelines require

The R-Codes Volume 1 Explanatory Guidelines (Section 3.2) state that any modifications to the deemed-to-comply provisions in local planning frameworks “need to be equally carefully calibrated by local government.” LPP 3.6 Section 12 modifies the deemed-to-comply provisions of Clause 5.2.4 for heritage areas — but it specifies only what will be refused (a fence above the modified height standard) without specifying what design principle evidence would be sufficient to justify a performance pathway approval. A carefully calibrated modification would tell an applicant what the City requires to approve a performance pathway application. LPP 3.6 Section 12 tells them only what will be refused. This is precisely the calibration failure the Explanatory Guidelines require local governments to avoid. The new scheme must require that any local planning policy modifying deemed-to-comply provisions also specify the design principle evidence needed to succeed on the performance pathway — not only the outcome that will be refused.

Issue 13: Heritage Listings Must Include a Clear Pathway for Liveability and Amenity Upgrades

The problem

A heritage listing that prevents a building from being upgraded to meet current residential liveability standards is not conservation. It is a trap. The building degrades. The owners cannot invest. The heritage values erode incrementally as the building becomes less and less habitable. The current heritage framework in LPS4 operates on a fixed preservation model that was designed for a different era — one in which the acoustic environment of South Fremantle was quiet and R-Codes standards for privacy, noise, and outdoor living were not incompatible with heritage appearance.

That era no longer exists. South Terrace is an inner-urban arterial corridor. Federation-era buildings with elevated floor levels and open verandas on two frontages face acoustic and privacy conditions their designers never contemplated. The R-Codes have evolved to reflect contemporary residential standards. Heritage policies have not. The gap between what the R-Codes require for a liveable residential dwelling and what LPP 3.6 permits at a heritage property has become, at some properties, unbridgeable.

The WAPC gazetted the April 2024 R-Codes Volume 1 amendment specifically to strengthen the performance pathway framework for contemporary residential applications. That amendment acknowledged that standard provisions cannot address every site-specific circumstance and that genuine performance assessment is required. The WAPC has updated the State instrument. LPP 3.6 — made under an LPS4 the WAPC has endorsed as no longer fit for purpose — has not. The consequence is that the WAPC's own policy evolution has widened the gap between what State Planning Policy requires at a heritage residential property and what the City's local heritage policy permits. The new scheme is the mechanism to close that gap.

The fixed preservation model creates three specific failures

Failure	What the Fixed Preservation Model Does	What It Should Do
R-Codes upgrades blocked	LPP 3.6 treats every modification to heritage fabric as a potential loss of heritage significance — regardless of whether the modification is necessary to meet current residential standards. Acoustic glazing, privacy screening, and boundary treatments are all resisted as external changes.	Heritage policy should expressly support R-Codes-compliant modifications. Where a modification is necessary to achieve the R-Codes residential standard, the policy should facilitate it. Residential liveability is a State-level planning objective that heritage policy cannot override.
Amenity gap widens over time	A heritage building that cannot be acoustically upgraded or screened from a noisy street degrades incrementally. The heritage policy that prevents the upgrades is also preventing the conservation outcome it claims to deliver.	Heritage policy should include a liveability review mechanism: where a heritage building has been unable to achieve R-Codes liveability standards because of heritage controls, the controls must be reviewed.
The heritage trap becomes permanent	Once commercial use is refused, residential intensification is made non-viable, and modest amenity modifications are refused under heritage controls, the owner has no viable path. This is the heritage trap.	Heritage policy must include a foreclosure pathway: where cumulative City decisions have made every viable use option unavailable, there must be a considered pathway to exit — through heritage removal, sympathetic modification, or as a last resort, demolition and quality replacement.

A concrete example: elevated floor level, headlight exposure, and the R-Codes pathway

193 South Terrace illustrates all three failures simultaneously. The R-Codes Volume 1 Explanatory Guidelines (Clause 5.2.4) acknowledge that on arterial roads carrying high traffic volumes, a solid front fence may be justified specifically to protect outdoor living areas from headlight glare and traffic noise — and that a solid wall of up to 1.8m is acceptable in these circumstances. That guidance is calibrated for a ground-level dwelling. 193 South Terrace is an 1892 heritage dwelling with a floor level approximately 1.0m above natural ground level — a permanent defining characteristic of the heritage structure that cannot be modified. At 1.8m from natural ground level, a fence provides only 0.8m of effective screening above the veranda floor — below the eye-height of a seated occupant and inadequate to deliver the noise attenuation or headlight protection the design principle requires. A 2.0m fence from natural ground level provides 1.0m of effective screening above the floor — the equivalent of what 1.8m achieves at a ground-level dwelling. The elevated floor level makes 2.0m the calibrated outcome, not the excessive one.

The R-Codes Explanatory Guidelines provide the performance pathway to justify that outcome. LPP 3.6 Section 12 provides no mechanism to assess it — it specifies only what will be refused. The heritage controls that make the elevated floor level a listed heritage feature are the same controls that, under LPP 3.6, prevent the modification the elevated floor level makes necessary. This is the trap Issue 13 describes: the heritage framework creates a condition (elevated floor level), prevents the response that condition requires (adequate fence height), and provides no pathway to resolve the conflict.

The R-Codes have evolved. Heritage policies have not.

The R-Codes Volume 1 is a living instrument updated to reflect contemporary residential standards. The April 2024 amendment is the most recent example. The R-Codes now require genuine performance assessment of privacy, noise, security, and site-specific circumstances as mandatory criteria for every residential fence application. LPP 3.6 was not designed with these standards in mind and has not been updated to reflect them. The new scheme must resolve the compatibility gap — not leave it to be litigated DA by DA.

A living building is a conserved building. Heritage conservation and residential liveability are not in conflict. They are the same objective. A building that is liveable will be maintained. A building that is not liveable will not be. Heritage policy that prevents liveability is not serving conservation. It is undermining it.

What a liveability pathway for heritage properties must include

Pathway Component	What It Must Enable	Why It Is Essential
R-Codes Compliant Modification Pathway	A clear, facilitative process for modifications to heritage buildings necessary to achieve R-Codes liveability standards — acoustic glazing, privacy screening, boundary treatments — assessed for heritage compatibility in design terms rather than refused outright.	Without this pathway, heritage owners face an irreconcilable conflict between their obligation to meet R-Codes standards and heritage controls that prevent the modifications necessary to do so.
Noise-Affected Heritage Corridor Policy	An express policy provision for heritage properties on designated noise-affected corridors — including South Terrace — recognising that standard heritage appearance criteria produce unworkable outcomes in high-noise environments.	South Terrace is not a quiet residential street. Heritage policy that treats it as one produces buildings that cannot meet SPP 5.4 noise targets by any means available to their owners.

Cumulative History Assessment Requirement	Where multiple DA refusals have progressively foreclosed viable options at a heritage property, subsequent applications must be assessed against the cumulative planning history, not in isolation.	The heritage trap is created by sequential decisions, each assessed in isolation, that together leave an owner with no viable path. Cumulative assessment prevents isolated decisions compounding into a trap.
Viable Use and Exit Pathway	Where cumulative City decisions have made every viable use option unavailable and R-Codes liveability standards cannot be achieved by any means permitted under heritage controls, a considered exit pathway must be available.	A heritage listing maintained for a building that cannot be used is not a conservation outcome. It is a liability imposed on the owner without purpose.

What we would like to see in the new scheme

- An express policy statement that residential liveability is a heritage conservation objective — an occupied, functional, well-maintained heritage building is the conservation outcome the policy is designed to achieve
- A R-Codes Compliant Modification Pathway for all heritage-listed residential properties — modifications necessary to achieve R-Codes performance standards must be assessed on heritage compatibility in design terms and supported where compatible, not refused as external changes per se
- Express recognition that acoustic upgrades are not incompatible with heritage conservation — double glazing, acoustic doors, and boundary screening necessary to achieve SPP 5.4 noise targets must be treated as supportable modifications subject to sympathetic design
- A noise-affected heritage corridor designation for South Terrace and similar inner-urban arterial streets with an express performance-based assessment framework recognising the noise environment as a site-specific condition
- A cumulative planning history obligation — where a heritage property has been subject to multiple DA refusals, any subsequent application must be assessed against the cumulative planning history
- A foreclosure exit pathway as a last resort — where cumulative City decisions have made every viable use option unavailable, a considered exit pathway must be available up to and including heritage list removal and demolition with quality replacement

Issue 14: The New Scheme Must Require Design Review for Performance Pathway Applications

The problem

The R-Codes Volume 1 expressly recommends two preparatory steps for applications pursuing the design principle pathway: pre-lodgement engagement with the decision-maker to resolve design issues and advance the development proposal, and design review to obtain independent expert advice on design quality. Both are described as particularly relevant to complex applications pursuing a merit-based, design principle approvals pathway — exactly the pathway invoked by DA0151/26.

Neither was provided. The pre-lodgement meeting of 6 February 2026 did not engage the design principles at all — it delivered a single local policy position and conveyed a

predetermined adverse outcome. No design review was offered, recommended, or available. DA0151/26 was lodged as a 171-page submission because the applicant independently identified the performance pathway, gathered all six design principle evidence sets, and built the case that pre-lodgement engagement and design review are designed to assist with. The City did not use the tools the R-Codes provide.

The R-Codes Volume 1 Explanatory Guidelines are explicit on this point: *"For complex developments that adopt a design principle pathway, design review may also assist in the assessment of the proposal."* DA0151/26 is precisely the class of application the R-Codes' own guidance identifies as warranting design review: a performance pathway application with site-specific circumstances — an 1892 heritage building on a corner lot, 1.0m above natural ground level, on an inner-urban arterial road, with a documented acoustic impact and a headlight exposure geometry the R-Codes Explanatory Guidelines explicitly address. Design review was neither offered by the City nor available under the current framework. The new scheme must change this.

The WAPC Design Review Guide was published alongside SPP 7.0 and is currently being updated into a Local Government Design Review Panel Manual. The timing of the new LPS5 is directly aligned with this update — the new scheme has the opportunity to embed design review obligations for performance pathway applications at the precise moment the State framework is being refreshed for exactly that purpose. We are in live correspondence with the WAPC on DA0151/26 at this same time — correspondence that documents the absence of design review and genuine pre-lodgement engagement at the local level that the WAPC's own guidance recommends. The new scheme must require what the State framework provides for.

The systemic problem: expert advice obtained but not honoured

The design review and expert advice framework only functions if the planning authority genuinely engages with it. At [REDACTED] — across multiple applications and years of engagement — expert advice has been obtained, pre-lodgement meetings have been held with planning consultants, heritage architects, and acoustic engineers, and the City has participated in those processes. In each case, the expert advice and pre-lodgement engagement did not prevent predetermined outcomes from being applied at assessment.

The apartment application — which preceded DA0151/26 — was taken through an extensive pre-lodgement process involving planning consultants and heritage architects. Expert advice on heritage compatibility, design quality, and development feasibility was obtained and presented. The City participated in those meetings. The outcome was still refused, then reduced at SAT to a financially non-viable grouped dwelling configuration. The expert advice and pre-lodgement engagement served no practical purpose — the outcome was predetermined regardless of the quality of the expert case presented.

DA0151/26 follows the same pattern. A 171-page submission with 13 appendices was prepared, incorporating acoustic engineering measurements across five periods, heritage impact assessment, performance-based analysis across all six design principles, and photographic streetscape evidence. That is the equivalent of engaging a team of consultants for a fence application. The pre-lodgement advice did not identify the performance pathway. The subsequent assessment has not engaged the expert evidence.

There is a basic principle of procedural fairness at stake here. If an applicant engages expert advisers, follows the pre-lodgement process in good faith, and presents a detailed evidence-based case — the planning authority cannot then refuse on grounds that were never raised, tested, or engaged during that process. Pre-lodgement engagement that leads to a refusal on minor technical grounds never raised at pre-lodgement is not a genuine assessment process. It is a trap that wastes the applicant's time and money while producing the outcome the planning department determined before the process began.

The new scheme must address this directly. Expert advice and pre-lodgement engagement must be binding on the assessment in a specific and important sense: where an applicant has engaged expert advisers and addressed specific design principles in a pre-lodgement process, the assessing officer cannot refuse on grounds that were available at pre-lodgement but not raised. The issues must be on the table at pre-lodgement — not saved for the refusal. This is not a novel principle. It is basic procedural fairness and is consistent with how pre-lodgement engagement is described in the R-Codes themselves.

The corollary is equally important. Where a planning authority has engaged in pre-lodgement meetings with an applicant who has expert consultants, and has not raised a specific concern during those meetings, that concern should carry significantly reduced weight at determination. If the concern was available at pre-lodgement and was not raised — either the planning authority did not identify it, which is a pre-lodgement failure, or it chose not to raise it, which is procedurally unfair. The new scheme must require officers to identify all material concerns at pre-lodgement so that applicants can address them before lodging — not discover them for the first time in a refusal.

What the R-Codes say about design review for performance pathway applications

R-Code s Point	Process	What the R-Codes Say	What Happened at DA0151/26
Point 3	Pre-lodgement engagement	Engagement with the decision-maker to resolve design issues and use feedback to improve and advance the development proposal. Described as a facilitative, forward-looking process focused on improving the proposal.	NOT PROVIDED. The meeting of 6 February 2026 delivered a single policy position and a pre-determined adverse outcome. No design issues were engaged. No pathway was identified.
Point 4	Design review	Independent, expert advice on design quality. Particularly relevant to larger scale, complex, and innovative design proposals pursuing a design principle pathway. The WAPC Design Review Guide (SPP 7.0) provides the framework. Critically — where an applicant has engaged expert advisers at pre-lodgement, the planning authority cannot refuse at determination on grounds never raised during that expert engagement process.	NOT PROVIDED by the City. DA0151/26 is a 171-page performance pathway application addressing six design principles — the equivalent of a full consultant team engagement for a fence. The applicant bore the entire cost of expert preparation. The pre-lodgement process did not identify the performance pathway. The assessment has not engaged the expert evidence. Expert advice obtained but not honoured is not a design review process — it is a procedural trap.

The WAPC Design Review Guide — what it provides and current status

The WAPC Design Review Guide was released alongside SPP 7.0 to assist local governments with establishing and operating design review panels. It is currently being updated and will become the Local Government Design Review Panel Manual. The City of Fremantle does not currently have an active design review panel for residential performance pathway applications. The new scheme is the opportunity to establish one — and the timing is directly aligned with the State framework update.

What we would like to see in the new scheme

- A mandatory design review requirement for all performance pathway applications at heritage-listed residential properties — where an applicant invokes R-Codes Clause 5.2.4, the City must refer the application to an independent design review process before determination addressing all six performance pathway design principles
- Establishment of a City of Fremantle Local Design Review Panel consistent with the WAPC Design Review Guide and its successor Local Government Design Review Panel Manual — with expertise in residential design, acoustics, heritage conservation, and urban amenity
- Pre-lodgement engagement that is genuinely facilitative — consistent with the R-Codes description of pre-lodgement as a process to resolve design issues and advance the proposal. Pre-lodgement meetings for performance pathway applications must identify the applicable design principles, engage the site-specific circumstances, and advise what evidence is needed to satisfy each principle
- Design review advice placed on the formal DA file and addressed in the assessment report — a determination that contradicts or ignores design review advice must explain why
- The new scheme should incorporate the City's design review obligations by reference to the updated Local Government Design Review Panel Manual — ensuring the scheme is aligned with the State framework from the outset
- Where an applicant has engaged expert advisers and addressed specific design principles at pre-lodgement, the assessing officer must not refuse on grounds that were available at pre-lodgement but not raised — all material concerns must be identified at pre-lodgement so the applicant can address them before lodging, not discover them for the first time in a refusal
- Pre-lodgement engagement must be genuinely binding on the assessment in the sense that it creates a record of what was raised and what was not — a refusal ground that was not identified at pre-lodgement despite expert engagement should carry significantly reduced weight and require senior officer justification

Issue 15: Public Advertising of Performance Pathway Applications Must Describe the Purpose — Not Just the Form

The problem

The City of Fremantle advertised DA0151/26 with a DA number, an address, planner initials, a single PDF of eight elevation and site plan drawings, and an invitation to comment by email. There was no description of what the application was for. The drawings show a 2.0m solid wall on a heritage-listed Federation Bungalow. A member of the public viewing those drawings would understand one thing: a tall wall is proposed on a heritage building. The natural response — without any amenity context — is to object on heritage appearance grounds.

That framing is wrong for DA0151/26. This application is not about fence height on a heritage building. It is about residential amenity on an inner-urban arterial road at a property where the applicants cannot sleep, cannot use their outdoor areas, and face direct headlight exposure into a veranda that sits 1.0m above the road surface. The purpose of DA0151/26 is noise attenuation, visual privacy, headlight screening, and security — in a location with documented traffic noise 8–11 dB(A) above the SPP 5.4 residential standard and 35 years of City-approved commercial use that removed every standard residential amenity feature. The form of the solution — a 2.0m fence — is a predictable response to an unusual set of site conditions. Advertising the form without the purpose is like advertising a ramp installation application by showing a picture of a ramp, without mentioning that the occupant uses a wheelchair.

The structural bias

An advertising format that consistently describes the form of a performance pathway application without its purpose produces predictable outcomes. For a heritage property on a busy arterial road, the form will often be something that looks like a heritage intrusion — a high fence, an acoustic addition, an outdoor living enclosure. The purpose will always be amenity — the same amenity that R-Codes Design Principles require the City to assess. An advertisement that shows the form and omits the purpose systematically generates heritage-biased public submissions regardless of the amenity merits of any individual application.

This is not a neutral consultation outcome. It is a predictable product of an inadequate advertising format. The public is being invited to comment on the wrong question. The question they are presented with is: should this heritage building have a high fence? The question the performance pathway assessment is required to address is: does the applicant's amenity situation satisfy the Design Principle pathway for noise attenuation, privacy, security, and site-specific circumstances? These are different questions. Generating submissions on the first question and using them to answer the second is not proper performance pathway assessment.

The consequence for how submissions must be weighted

Public submissions generated by an advertisement that omitted all amenity context cannot carry determinative weight in a performance pathway assessment. An objection made on heritage appearance grounds — without access to the acoustic evidence, the raised floor level analysis, the headlight exposure geometry, or the performance pathway framework — is a community view on one aspect of one design principle. Heritage appearance is one of six design principles in the R-Codes Clause 5.2.4 performance pathway. Submissions that address only heritage appearance without engaging the amenity evidence properly belong on that one dimension of the assessment, and no more.

To allow heritage appearance objections generated by an advertisement that excluded all amenity context to determine the outcome of a performance pathway assessment that is required by law to assess all six design principles is not a proper or orderly assessment process. It is the form of a consultation process without the substance.

What we would like to see in the new scheme

- Public advertising for any development application invoking the R-Codes performance pathway must include a plain-language description of the purpose of the application — the amenity condition being addressed — not only the physical form of the proposed works. The advertisement must make clear what design principles are being engaged and on what basis.

- Where a DA is lodged as a performance pathway application at a heritage-listed property, the advertisement must separately describe: (a) the heritage context; and (b) the amenity basis for the application, including which R-Codes design principles are invoked and a summary of the evidence supporting them
- The applicant must be notified when their own development application enters a public advertising or comment period — both to ensure they are aware of the 90-day statutory determination period and to enable them to monitor whether submissions are received that they may need to address
- The assessment report for any performance pathway application must distinguish between: (a) public submissions that engaged with the amenity evidence on the performance pathway merits; and (b) submissions made on heritage appearance grounds without access to that context. The report must explain the weight given to each category
- Where the advertising format for a performance pathway application was inadequate to enable informed submissions on the amenity merits, the assessment report must acknowledge this and confirm that submissions addressing only heritage appearance have been weighted accordingly — as community views on one design principle among the full set, not as determinative input across all six

The purpose of DA0151/26 was never a high fence. It was residential amenity, noise attenuation, privacy, and security at an 1892 heritage building on an inner-urban arterial road after 35 years of City-approved commercial use. An advertisement that shows a fence on a heritage building and asks for comments is not an advertisement for that application. It is an advertisement for a different and easier question. The new scheme must require that the right question is put to the public.

Closing

Issues 12 through 15 address four connected dimensions of the same structural failure. Issue 12 identifies that local planning policies fail to engage the R-Codes performance pathway across its full suite of design principles because they are designed as closed assessment instruments. Issue 13 identifies that the fixed preservation approach to heritage listings is, without a liveability pathway, a trap that makes heritage buildings progressively less habitable. Issue 14 identifies that the R-Codes themselves recommend design review for exactly this class of application — a tool the City has never used and the new scheme must require. Issue 15 identifies that the public advertising format for performance pathway applications at heritage properties is structurally biased: it describes the form of the proposed works without the purpose, reliably generating heritage-framed objections to amenity applications and producing consultation outcomes that cannot properly ground a performance pathway determination.

These three failures are not being described in the abstract. They are being experienced right now at [REDACTED] — a live development application (DA0151/26) where: the performance pathway was not identified at pre-lodgement; no design review was offered; LPP 3.6 and LPP 2.8 were applied as closed instruments excluding privacy, noise, security, and site-specific circumstances from the assessment; and five framework questions about which instruments lawfully apply have been sent to the City, to DPLH, and to the WAPC — without substantive response after more than one week. The Western Australian Planning Commission is now formally engaged on these questions. The Fact Finding panel is designing the

scheme that will govern the next applicant in this position. We ask the panel to ensure that applicant has a better experience than we have had.

Continued restriction that produces demonstrated liveability failure is not conservation. It is incremental neglect with heritage branding. The new scheme has a direct and time-limited opportunity to end that pattern. We urge the City to take it.

Together, Issues 9 through 15 of our supplementary submissions describe a single coherent systemic failure: a planning framework in which State Planning Policy performance pathways are displaced by rigid local policies, in which heritage controls prevent the very modifications necessary to achieve the residential standards those State policies require, and in which the cumulative effect of sequential decisions leaves heritage property owners with no viable path. The new local planning scheme has a direct and limited opportunity to address all of these problems at the scheme design level.

This submission is lodged by email to the Strategic Planning team at planning@fremantle.wa.gov.au before the 19 June 2026 deadline.

We would welcome the opportunity to discuss any of these matters directly with City planning officers.

[personal information redacted]

June 2026

Response to Submission

No.	Submission	Officer Response
1.	Zoning on South Terrace Should Reflect Its Actual Character Problem: South Terrace functions as an inner-urban arterial corridor with cafes, hospitality, commercial premises, and high pedestrian and traffic activity - but carries a blanket R30 residential zoning designed for quiet suburban streets, producing a vague and inconsistent variation process that imposes unnecessary cost and uncertainty on applicants. New scheme should: Introduce a mixed-use or inner-urban residential overlay for South Terrace with defined permissible uses and clear development pathways - giving practical effect to the Local Planning Strategy (C2508-17, endorsed 11/0, 27 August 2025) which already identifies South Terrace as an intensification corridor. Benefit: <i>Applicants have clear, certain development pathways - reducing speculative applications, unnecessary refusals, and the cost and uncertainty that currently deters investment in South Terrace properties.</i>	The South Terrace corridor in South Fremantle comprises a mix of Residential and Mixed Use zoned lots reflecting the historic intermingling of residential and non-residential uses. As part of the scheme review, there may be scope to rezone some of the residential lots to Mixed Use to reflect their long-term land use. The submitter has been asked to provide information demonstrating that the lot in question has traditionally been used as non-residential for officers to consider the appropriateness of rezoning.
2.	The Heritage Trap - Cumulative Decisions Must Be Assessed Cumulatively Problem: Sequential City decisions - each assessed on its merits in isolation - can together foreclose every viable use option at a heritage property, leaving an owner with no path forward before demolition. Heritage preservation becomes a trap when a building on a busy street cannot achieve commercial use, residential intensification, or basic amenity modifications. New scheme should: Include a cumulative planning history assessment obligation requiring subsequent applications to be assessed against the planning history of the property; a heritage viability pathway where cumulative decisions have made every viable use unavailable; and the zoning change identified as potentially arguable in your email of 27 June - specifically whether a rezoning or inner-urban overlay for South Terrace could facilitate appropriate uses. Benefit: <i>The City avoids creating heritage traps that damage both the buildings and its relationship with heritage property owners - and demonstrates that heritage listing is a conservation tool, not a liability imposed without purpose.</i>	This is a submission on processes and not a scheme consideration. Where an application does not meet the deemed-to-comply requirements of the R-Codes or local planning policies, each development application is assessed on its merits and how it fits within its context. The impact on the heritage fabric is also assessed separately, with the current scheme prohibiting Council from supporting removal of fabric that is considered to have some significance. This ensures retention of heritage assets. Each applicant should consider their own site context when submitting proposals to ensure their proposals are appropriate to the place and the area.
3.	Fence Provisions in Heritage Areas Must Engage the Performance Pathway	This is a submission on interpretation of policy not a scheme consideration.

No.	Submission	Officer Response
	Problem: LPP 3.6 currently operates as a threshold veto on fence height at heritage properties without engaging the R-Codes performance pathway - meaning noise, privacy, security, and site-specific circumstances are never assessed, even where they clearly justify a different outcome. New scheme should: Include an express statement in the new TPS and all relevant local planning policies that where any application satisfies R-Codes Clause 5.2.4 performance criteria, local policy operates as design guidance on materials, form, and character - not as a veto on the outcome. This TPS-level statement applies across all application types, not only fences, and is consistent with the City's own officer report describing LPP 3.6 as a due regard instrument and DPLH's confirmation that local policies cannot replace design principles. Benefit: <i>Fence applications at heritage properties are assessed on their actual merits - producing better outcomes for applicants and heritage conservation, and reducing adversarial correspondence on applications that should be straightforward.</i>	By default, where a local planning policy sets out specific criteria and an application proposes to vary that criteria, the application is assessed against the objectives of the policy and the design principles of the R-Codes. Additionally, modifications to heritage places must not be detrimental to their heritage significance.
4.	Noise, Privacy and Security Must Be Named Assessment Criteria Problem: Residential properties on South Terrace face documented noise levels 8-11 dB(A) above SPP 5.4 residential targets, but neither LPP 3.6 nor LPP 2.8 names acoustic amenity, visual privacy, or security as assessment criteria - making it impossible for officers to properly assess applications that respond to these conditions. New scheme should: Expressly name noise and acoustic amenity, visual privacy, and security as required assessment criteria in the new TPS and all relevant local planning policies including LPP 3.6 and LPP 2.8, consistent with R-Codes Clause 5.2.4 design principles - all three currently absent from both policies. Reference these as scheme-wide assessment obligations in the TPS itself so they apply to every relevant DA regardless of which policy is engaged. Investigate a Special Control Area for South Terrace acknowledging its acoustic environment, consistent with Council direction at C2508-19. Benefit: <i>Officers can assess applications against the conditions that actually exist on the ground - producing better decisions, clearer pre-lodgement advice, and fewer DAs that are refused on grounds that were never properly assessed.</i>	This is a submission on interpretation of policy not a scheme consideration. By default, where a local planning policy sets out specific criteria and an application proposes to vary that criteria, the application is assessed against the objectives of the policy and the design principles of the R-Codes. Additionally, modifications to heritage places must not be detrimental to their heritage significance. The submitter's request to consider a Special Control Area for noise along South Terrace has been noted.
5.	Variation Assessments Must Be Equitable and Predictable Problem: Variation assessments under LPS4 are inconsistent - similar requests produce different outcomes depending on officer, timing, and framing - because there is no published register of prior approvals and no requirement to engage precedent, despite R-	This is a submission on planning assessment processes and procedures, not a scheme consideration. Where an application does not meet the deemed-to-comply requirements of the R-Codes or local planning

No.	Submission	Officer Response
	Codes Clause 5.2.4 requiring streetscape character assessment which includes established patterns of prior approvals. New scheme should: Include in the new TPS an express requirement that prior approvals at comparable properties are engaged as part of the streetscape character assessment across all relevant local planning policies - not left to officer discretion. Establish a publicly searchable register of approved and refused variations so applicants can identify relevant precedents before committing to design and application costs. This TPS-level requirement ensures variation assessments are equitable and consistent across all zones and all application types. Benefit: <i>Variation assessments are equitable, predictable, and defensible - reducing the cost and uncertainty that currently deters quality applications in Fremantle, and ensuring applicants are treated fairly and consistently regardless of which officer they deal with.</i>	policies, each development application is assessed on its merits and how it fits within its context. This means that not all properties would be appropriately given the same variations, even when those properties are in close proximity. Officers currently take the existing streetscape (and any approvals) into consideration when determining how an application fits in with said streetscape.
6.	Objection Standing - Community Input Should Be Weighted Appropriately Problem: The current system gives equal weight to objections from people with no proximity to and no demonstrable impact from a development, and the City has no express policy on this - leaving officers exposed to criticism that decisions were influenced by campaign pressure rather than statutory merit. New scheme should: Include an express policy statement that volume of objections is not a planning ground for refusal, and embed the Agent of Change principle - adopted unanimously at Council C2508-19 - as an express policy for objections to DAs consistent with the established character of an area. Benefit: <i>Community submissions are weighted appropriately; officers are protected from criticism that decisions were influenced by campaign volume; and applicants who comply with the statutory framework are not vetoed by unaffected third parties. An express policy puts existing good practice on the record.</i>	This is a submission on planning assessment processes and procedures, not a scheme consideration. Officers currently do not consider the volume of submissions as the sole determinant of recommendations. Submissions are looked at individually as to how they may impact affected lots.
7.	Heritage Incentives - Scheme-Level and Non-Scheme Problem: Heritage-listed buildings on inner-urban arterial corridors face a fundamental viability problem - standard residential use is difficult in a high-noise environment, alternative uses are discretionary exceptions rather than supported pathways, and there are no scheme-level incentives for conservation investment. There are many worn heritage buildings on South Terrace that illustrate this problem. New scheme should: Include scheme-level planning incentives: expanded land use permissibility equivalent to mixed-use for heritage buildings on noise-affected inner-urban	Monetary heritage incentives are not a scheme consideration. Grants, rates discounts, application rebates, etc. are considered through different City processes. There are limited avenues to incorporate incentives into a scheme, and these are usually in the form of increased

No.	Submission	Officer Response
	corridors, allowing cafe, health, wellness, studio and professional uses as supported rather than discretionary; density bonuses for conservation works; and streamlined assessment pathways. Confirm separately what non-scheme mechanism will deliver rate or fee incentives and on what timeline. Benefit: <i>Heritage conservation becomes economically viable - owners invest in maintenance rather than abandonment. A well-maintained, actively used heritage building on an inner-urban street is the best conservation outcome the scheme can produce. Clear scheme-level pathways referenced in the TPS and all relevant policies mean both officers and applicants understand the available options from the first pre-lodgement meeting.</i>	density or other development considerations. The request for such incentives is noted for consideration in a new scheme. Expanding land uses for heritage buildings may result in uses that are not consistent with the zoning of the property and which may impact amenity to adjoining properties.
8.	Heritage Buildings Must Be Liveable in the Modern Era Problem: Heritage policies focus on external appearance without providing workable pathways for the modifications necessary to make heritage buildings function as homes today - acoustic upgrades, privacy screening, thermal improvements. This creates an irreconcilable conflict between heritage listing and basic residential liveability. New scheme should: Include a R-Codes Compliant Modification Pathway in the new TPS and all relevant local planning policies enabling liveability upgrades - acoustic glazing, privacy screening, boundary treatments - assessed for heritage compatibility in design terms rather than refused outright. Reference this pathway expressly in the TPS so it applies across all heritage assessments regardless of which specific policy is engaged. Include a presumption in favour of appropriate alternative uses on inner-urban streets; and a last resort sympathetic demolition pathway where no viable use can be demonstrated. Benefit: <i>Heritage buildings are kept alive and inhabited - the only conservation outcome that works over time. Clear liveability pathways also reduce adversarial correspondence and produce better, more predictable outcomes for officers and applicants.</i>	This is a submission on how heritage buildings are assessed or a policy submission, not a scheme consideration. Modifications to heritage properties are assessed as to their impact on the heritage significance of the place. This guidance is provided in LPP 3.6. Officers commonly work with owners to determine how to improve liveability of their property in line with heritage principles. Heritage places are unique, making it difficult to set out the specified treatments in a way that would apply throughout the City.
9.	R-Codes Alignment - LPPs Must Engage the Full Performance Pathway Problem: LPP 3.6 and LPP 2.8 do not name privacy, noise, security, or site-specific circumstances as assessment criteria. Four of the six R-Codes Clause 5.2.4 design principles are absent from both policies - confirmed by DPLH on 9 June 2026. New scheme should: Embed the R-Codes performance pathway and its six design principles - (1) privacy, (2) noise and acoustic amenity, (3) security, (4) site-specific circumstances, (5) streetscape character, (6) heritage context - as an overarching principle in the new TPS itself, applying consistently across all relevant local planning policies.	This is a submission on policies, not a scheme consideration. By default, where a local planning policy sets out specific criteria and an application proposes to vary that criteria, the application is assessed against the objectives of the policy and the design principles of the R-Codes. This may be clarified in the preamble of some of the policies when

No.	Submission	Officer Response
	Redesign all relevant local planning policies to expressly name these six criteria as assessment criteria, with a gateway clause in each policy confirming it operates as design guidance only where the performance pathway is invoked. Benefit: <i>Officers have a clear, complete assessment framework at every pre-lodgement meeting; applicants know exactly what evidence is needed regardless of which policy applies; and determinations are defensible and consistent with State Planning Policy across the entire scheme.</i>	they are next reviewed. Additionally, modifications to heritage places must not be detrimental to their heritage significance.
10.	Pre-Lodgement Pathway Obligations Problem: Pre-lodgement advice that identifies only local policy provisions - without disclosing the R-Codes performance pathway - sends applicants down the wrong path, producing unnecessarily complex DAs and adversarial correspondence chains that could have been avoided. New scheme should: Include an express pre-lodgement obligation in the new TPS - not only in individual policies - that officers identify all applicable assessment pathways at every pre-lodgement meeting, including the R-Codes performance pathway and the evidence required to satisfy each design principle. A TPS-level obligation ensures this standard applies regardless of which policy or zone is relevant to the application. Benefit: <i>Applicants prepare the right DA the first time - reducing application complexity, DPLH inquiries, WAPC correspondence, and SAT reviews. A clear pre-lodgement obligation is the single most effective tool for improving the quality of DAs the City receives.</i>	This is a submission on planning assessment processes and procedures, not a scheme consideration. Officers provide pre-lodgement advice based on the existing planning legislation and generally advise that proposing something outside the deemed-to-comply criteria of the R-Codes or local planning policies will require justification. Officers cannot 'prejudge' an application during a pre-lodgement meeting but often tell proponents when a proposal may have difficulties being approved and advise proponents that they may make their case within the application.
11.	Performance Pathway - Genuine Assessment Required Problem: A determination that applies only LPP 3.6 without engaging privacy, noise, security, or site-specific circumstances is not a genuine performance assessment - and is vulnerable to reversal on appeal because it does not address what the R-Codes require it to address. New scheme should: Include in the new TPS an express requirement that adverse performance pathway determinations address each of the six R-Codes Clause 5.2.4 design principles individually in evidence-based terms - applying this obligation across all relevant local planning policies. Add mandatory senior officer pre-determination review confirming each design principle has been genuinely engaged before any refusal is made under any policy.	This is a submission on planning assessment processes and procedures, and policy interpretation, not a scheme consideration. By default, where a local planning policy sets out specific criteria and an application proposes to vary that criteria, the application is assessed against the objectives of the policy and the design principles of the R-Codes. Additionally, modifications to heritage places must not be detrimental to their heritage significance.

No.	Submission	Officer Response
	<i>Benefit: Determinations are defensible, consistent, and appeal-proof - protecting the City from SAT reviews and reversals that are expensive and reputationally damaging for both sides.</i>	
12.	Local Policies Must Work With the R-Codes, Not Against Them Problem: LPP 3.6 and LPP 2.8 are written as closed instruments that leave no space for privacy, noise, security, or site-specific circumstances. The City's own officer report (C2508-15, 27 August 2025) described LPP 3.6 as a due regard instrument in which alternate proposals can be considered - but the policy text does not reflect this. New scheme should: Include an express statement in the new TPS that all local planning policies operate as design guidance only where the R-Codes performance pathway is invoked - applying this principle scheme-wide, not only to heritage and fence policies. This TPS-level statement, reinforced by individual gateway clauses in each relevant local planning policy, ensures no policy can be applied as a determinative threshold in a performance pathway assessment regardless of the type of application or which policy applies. Benefit: <i>Policies work with the R-Codes rather than against them - reducing the risk of the City's assessments being found inconsistent with State Planning Policy, and giving officers a clear and defensible basis for approvals as well as refusals.</i>	The new Model Scheme Text reads the R-Codes into the planning scheme. By default, where a local planning policy sets out specific criteria and an application proposes to vary that criteria, the application is assessed against the objectives of the policy and the design principles of the R-Codes. Additionally, modifications to heritage places must not be detrimental to their heritage significance.
13.	Heritage Policies Must Align With the Statutory Definition of Amenity Problem: The Planning and Development (Local Planning Schemes) Regulations 2015 define amenity as including liveability, comfort, privacy, quiet, and protection from pollution - but LPP 3.6 has no criteria for any of these. Every future DA at a heritage-listed property - room extensions, bedrooms, boundary treatments - will engage these standards, and no current assessment pathway addresses them. New scheme should: Require all local planning policies applying to heritage-listed properties to align with the statutory definition of amenity, so that modifications necessary to make a heritage house liveable in the modern era are assessed for heritage compatibility in design terms rather than refused as external changes to fabric. Reference this obligation expressly in the new TPS and all relevant policies. Benefit: <i>Owners can prepare approvable DAs for everyday residential improvements; officers have a clear and complete assessment framework; and the City is seen as providing relevant, practical, and constructive options for heritage property owners rather than a system of restriction without resolution.</i>	This is a submission on planning assessment processes and procedures, and policy interpretation, not a scheme consideration. Where an application does not meet the deemed-to-comply requirements of the R-Codes or local planning policies, each development application is assessed on its merits and how it fits within its context. This means that not all properties would be appropriately given the same variations, even when those properties are in close proximity. Officers currently take the existing streetscape (and any approvals) into consideration when determining how an application fits in with said streetscape.

No.	Submission	Officer Response
14.	Design Review for Complex Performance Pathway Applications Problem: The R-Codes recommend design review for complex performance pathway applications, but the City has no design review panel for residential performance pathway applications - meaning applicants bear the entire cost of expert preparation with no independent guidance, and officers assess complex applications without independent expert support. New scheme should: Establish a Local Design Review Panel for performance pathway applications at heritage-listed residential properties, consistent with the WAPC Design Review Guide and its successor Local Government Design Review Panel Manual. The timing of LPS5 is directly aligned with the State framework update. Benefit: <i>Applicants receive independent expert guidance before lodging - reducing adversarial correspondence and disproportionately complex DAs. Officers have independent expert support for complex decisions. The City is seen as providing a constructive, expert-supported pathway that produces better outcomes for everyone.</i>	This is a submission on planning assessment processes and procedures not a scheme consideration. A Design Review Panel already exists to provide design guidance on large applications. Smaller applications are assessed by an officer and reviewed by a supervisor before a delegated decision is made or the proposal is referred to Council. Owners proposing more complex applications are sometimes encouraged to seek assistance from a private planning consultant.
15.	Public Advertising Must Describe the Purpose of the Application Problem: Performance pathway applications at heritage-listed properties are advertised with drawings only - no description of purpose, no amenity context, no reference to which R-Codes design principles are invoked. The community is invited to comment on the wrong question, generating objections that cannot carry weight in the performance pathway assessment. New scheme should: Require that public notices for performance pathway applications include a plain-language description of the amenity purpose and which R-Codes design principles are invoked - so the community responds to the right question. In a fence application, for example, the notice should explain that the fence is the instrument to provide residential privacy, noise reduction, and security in a busy arterial corridor. Benefit: <i>Community consultation produces meaningful input that officers can properly weight in the assessment - rather than heritage-framed objections to amenity applications. Better community input produces better decisions and fewer grounds for appeal.</i>	This is a submission on planning assessment processes and procedures, not a scheme consideration. The City advertises variations without adding additional commentary that could be seen to prejudice decisions or comments on the proposal. Larger, complex applications are accompanied by technical reports that may set out reasons and justifications for variations.



O'Connor Commercial and Industrial Zone Review 2026

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O'Connor Commercial and Industrial Zone Review

Introduction

Purpose and objectives

The purpose of this report is to review the O'Connor Industrial and Commercial area to determine how well it functions and consider whether any changes should be made in the new local planning scheme.

The report explores:

- The context of the O'Connor industrial area and how it relates to the greater City area;
- The purpose and objectives of the Industrial zone;
- The existing land use permissibility and their alignment with the purposes of the zone and recommendations from the Department of Planning, Lands and Heritage;
- Areas of conflict, risk and opportunities for the industrial uses; and
- The ongoing pattern of subdivision and future availability of land for industrial uses.

Scope

The scope of this examination encompasses land within the Industrial and Commercial zones of O'Connor.

Background

The suburb of O'Connor is predominantly industrial land framed by small pockets of commercial and residential land. The suburb is bisected by Stock Road and bordered by South Street to the south, both of which are Primary Regional Roads under the control of Main Roads. The suburb is bordered to the north and the east by the local government of the City of Melville.

In addition to the industrial base, O'Connor includes significant large format showrooms, generally located at major intersections and along transport routes. These showrooms are largely within the commercial zone but have lawfully expanded to intrude into some industrial lots under the current planning framework.

Two small pockets of residential land are also located along South Street. The one to the west of Stock Road is predominantly low density (R20) residential zoned land with a few commercial lots. The residential land east of Stock Road and bordering the City of Melville is low to medium density (R20 – R80) and includes some land zoned 'Neighbourhood Centre' comprising existing shops.



Within the Industrial zoned land abutting the residential lots, the City's Local Planning Scheme No. 4 includes a buffer zone that prohibits some specific industrial uses in order to protect the amenity of the residential land. However, this buffer zone has some identified gaps where the industrial zone abuts the residential zone.

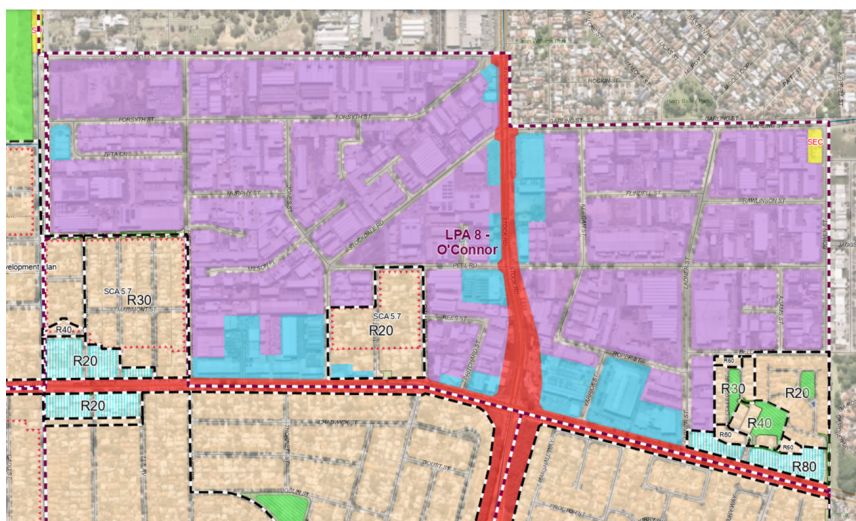


Figure 1: Aerial zoning map of O'Connor from City mapping (purple denotes Industrial zone, blue denotes Commercial zone, hatched blue denotes Neighbourhood Centre, salmon denotes Residential, green denotes parkland, and red Primary Regional road reserve)

State Statutory and Strategic Context

Under the State's *Industrial Land Steering Committee 10-Year Industrial Land Strategy 2025*, the O'Connor Industrial Area fits within the Central Sub-region (Figure 2).

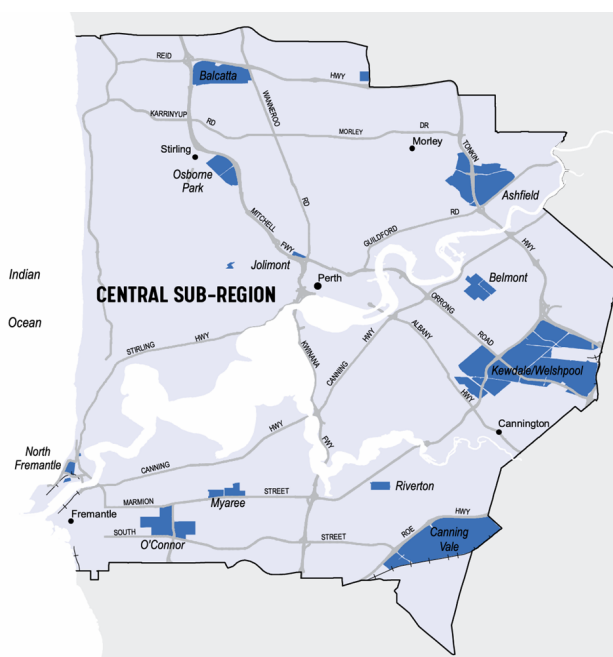


Figure 2: Central Sub-region

The 2025 Central Sub-region industrial estate's employment density is significantly higher than that of industrial areas in outer regions. More importantly, with the changing nature of industries, the employment levels in the Central sub-region are expected to increase.

As an industrial area, O'Connor supports businesses within the wider City of Fremantle and surrounding areas, particularly the maritime industry, by providing a local base for manufacturing and distribution. While larger distribution hubs such as Kewdale and Kwinana cater to huge regional operators, O'Connor tends to be used for more local enterprises.

State Planning Policy 4.1 – Industrial Interface (SPP 4.1)

State Planning Policy 4.1 provides strategic direction at State level for industrial land within Western Australia. It also contains guidance and planning controls for industrial land at a local planning scheme level and ultimately informs local government planning response.

SPP 4.1 was considered as part of the City's Local Planning Strategy as set out in the table below:



Regional Planning Instrument	Policy Overview	Local Planning Strategy Implications and Responses
State Planning Policy 4.1 – Industrial Interface (SPP 4.1) 2022	Guides planning decisions with the aim of protecting the long-term future operation of industry and infrastructure facilities, by avoiding encroachment from sensitive land uses and potential land use conflicts. The policy encourages the use of statutory buffers; facilitating industrial land uses with offsite impacts within specific zones and compatible interface between strategic/general industry zones and sensitive zones. Supports land use conflict being addressed as early as possible in and with increasing detail at each stage. Recognises the overlap of various environmental, health and safety regulations and guidelines and outlines considerations for decision-makers in this regard.	O'Connor Industrial area and the Port buffer areas are defined by Special Control Areas within the scheme and associated policies to minimise risk and land use conflict with surrounding sensitive (particularly residential) areas. Current local planning framework broadly consistent with SPP though requires some further work to fully align. Ongoing work to maintain and ensure consistency includes: Responses (Part 1 action cross-reference): Review the O'Connor Industrial Area buffer to better align with state standards and minimise land use conflict. (T3: 4vi.r-s) Promote review of Port separation requirements and buffer provisions, particularly in consideration of strategic direction for Port and changing operational needs. (T5: 2iv.g,h)

The following provisions of SPP 4.1 inform the review of the O'Connor Area:

- **6.1.3 Compatible zones, reserves and land uses**

To ensure industrial impacts are avoided, mitigated or managed, where necessary, compatible zones, reserves and land uses should be provided to allow for a gradual land use transition between industrial and sensitive land uses.

Compatible zones, reserves and land uses are typically those considered to be more accommodating or tolerant of, industrial off-site impacts and/or safety risks and help maintain operational certainty for industry. The inclusion of sensitive land uses in compatible zones and reserves should be considered on a case by case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial



impacts can be avoided, mitigated or managed. Compatible zones and reserves may include Light Industry, Service Commercial, Commercial, Rural Enterprise, Rural, Mixed Use and Public Open Space, among others.

- *General Industry zones*

General industry land uses, and ideally the associated impact area, should be contained within a General Industry zone. Impacts not able to be contained within the General Industry zone may, following a technical impact assessment, be accommodated within compatible zones and reserves to provide an appropriate interface. The effect of future industrial development and expansion, and the potential resulting off-site impacts, should also be considered. Sensitive land uses should not be permitted in the General Industry zone or the associated impact areas within General Industry zones.

The type and location of sensitive land uses in the surrounding compatible zones or reserves should be contemplated on a case by case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial impacts can be appropriately avoided, mitigated or managed.

- *Light Industry zones and other compatible zones and reserves*

The Light Industry zone can be used in conjunction with other compatible zones and reserves, such as the Commercial zone, to achieve a compatible land use transition at the interface of General Industry zones. Public open space, and related reserves, can be a compatible land use in some circumstances depending on its intended use, and the type and extent of off-site impacts and/or safety risks that may be experienced.

The location of sensitive land uses within Light Industry zones should be considered on a case by case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial impacts can be appropriately avoided, mitigated or managed. There is a general presumption against land uses with a residential purpose within the Light Industry zone. Light Industry zones and other compatible zones and reserves that directly adjoin sensitive land uses should be designed to:

- a) ensure any emission and risk impacts do not exceed the site boundary*
- b) provide a high level of amenity to complement the land use transition.*

Light industrial land use impacts are generally more manageable and require more stringent measures for those uses at the direct interface with sensitive land uses. Land uses in the Light Industry zone which have the potential to generate emissions that affect adjoining land should not be located directly at the interface with sensitive land uses and should preferably be closer to an adjoining General Industry zone.

- *6.1.6 Subdivision and development*



This section should be read in conjunction with Operational Policy 4.1 Industrial Planning.

Industrial subdivision should accommodate and design potential industrial land uses in such a way as to sufficiently avoid, mitigate or manage impacts on adjoining land.

The following should be considered in relation to this policy:

- a) development associated with off-site impacts and/ or safety risks is located within the appropriate zone or reserve and there is provision of a compatible land use transition between industry and sensitive zones and reserves*
- b) development on land within impact areas is to be consistent with the purpose of providing a compatible land use transition between industries and sensitive land uses, and should not include industrial proposals that would affect the integrity of the interface*
- c) information on the nature and extent of any off-site impacts, which may include technical assessments and reports and/or proposed management plans to support development applications and local development plans*
- d) identification of any approvals, permits or licences required under other legislation, such as approvals and licencing under the Environmental Protection Act 1986 and safety requirements under the Dangerous Goods Safety Act 2004 and Petroleum and Geothermal Energy Resources Act 1967, among others, as they relate to the planning application.*

Applications for development approval should generally only be supported where it has been adequately demonstrated that any industrial impacts can be managed within the existing extent of the impact area.

Development Control Policy DCP 4.1 - Industrial Subdivision

DCP 4.1 complements SPP 4.1 and provides statutory context to its requirements.

The following provisions of DCP 4.1 apply:

3.2 RELATIONSHIP TO ADJACENT DEVELOPMENT

3.2.1 *It is important that the design of an industrial area ensures compatibility with adjacent commercial and/or residential areas. This may be achieved in the following ways:*

- a) an arterial street or freeway may be used as a buffer area. Here both industrial and residential lots may face internal roads with appropriate landscaping and screening along the arterial road frontages.*
- b) alternatively, compatibility may be achieved by sensitive landscaping, berming, and other site planning techniques.*

DCP 4.1 does not specify minimum lot sizes in consideration of minimum site area requirements for industrial land and mitigating the risk of reduced viability for industry activity due to land fragmentation, however it does advise:



3.3.3 *The Commission recognises that lot sizes for the different types of industrial subdivision will vary according to function and purpose. No minimum lot sizes are specified within this policy, as the land area required for a particular industrial activity or activities should reflect the most efficient and beneficial utilisation of the land involved. In considering appropriate lot sizes for an industrial subdivision, the Commission will have regard to the following factors:*

- a. *the subdivision, where it involves the creation of a significant number of lots, should provide for variety in lot size;*
- b. *the size of lots should provide sufficient space to accommodate the industrial operations and buildings envisaged, make allowance for possible future expansion, and allow the site to function properly and efficiently in terms of development requirements of the local authority(s) concerned These requirements may relate to such factors as safe ingress and egress, vehicular movement within the curtilage of the site, parking, deliveries, storage and bin areas, boundary setback requirements and landscaped areas*
- c. *the overall pattern of lot sizes in the locality and the type of industrial activity characteristic of the locality in which the subdivision is located;*
- d. *planning policies and other requirements of the Commission, the local authority and other consultees (primarily relevant servicing authorities) which relate to specific areas, localities or activities*

Further, DCP 4.1 does not mandate a minimum public open space provision but states:

3.6.1 *The Commission has no general requirement for the provision of public open space in industrial areas. However, it is necessary to ensure that adequate facilities are available for both passive and active recreation during workers leisure periods, and it may require land to be given up free of cost for this purpose in particular circumstances. In this regard, the size of workforce in the area, the proximity of existing public open space and the scale of new development being proposed will be taken into consideration.*

3.6.2 *In addition, land in an industrial subdivision may also be required to be given up as public open space in order to provide for buffer strips and/or suitable planted areas between industrial uses and any adjacent non industrial areas. Again, the decision will be dependent upon the particular circumstances of the application.*

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

The Regulations include the Model Scheme Text, which every new scheme is to follow. Within it are set out standard objectives for a variety of zones, relevantly:



Model provisions for local planning schemes (zoning)	
Zone	Objective
Light Industry	- To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. - To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	- To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. - To accommodate industry that would not otherwise comply with the performance standards of light industry. - Seek to manage impacts such as noise, dust and odour within the zone.
Service Commercial	- To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. - To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones

Manner and Form – Consistent Local Planning Schemes May 2024

In 2024, the Department of Planning, Lands and Heritage released a report on creating consistent local planning schemes. The report encompasses the audit findings of local planning schemes across Western Australia and outlines recommended land use permissibility with the ultimate aim to standardise local planning schemes across Western Australia at all available opportunities. This report directly informs the review of the City's Local Planning Scheme in preparation for LPS5.

Among other relevant considerations, *Manner & Form* echoes DCP 4.1 by recommending that lot sizes are introduced as a primary control within local planning schemes to complement provisions in the scheme and relating local planning policies.



CONSISTENT LOCAL
PLANNING SCHEMES
REPORT



4.1 Short to mid-term actions (1-3 years)

Model provisions

1. Update the model provisions to include:
 - (a) proposed changes identified in Appendices A and B for land uses, zones, reserves and associated definitions and objectives
 - (b) modified use class definitions for P, D, A and I as identified in section 3.3.1.
2. Local governments located in the Metropolitan Region and Peel Region Scheme areas to commence amending their schemes to be consistent with updated model provisions and local planning scheme guidance.

Deemed provisions

3. Update the deemed provisions to include
 - (a) model provisions relating to non-conforming uses and restrictive covenants
 - (b) separation of land use terms in the deemed provisions from other terms defined in the deemed provisions
 - (c) a requirement for the decision maker of an Application for Development Approval to include the land use definition(s) of all approved land use(s) as an advice note on a decision

Supporting implementation actions

4. Prepare local planning scheme guidance to provide:
 - (a) guidance on the process of preparing and amending a local planning scheme;
 - (b) greater transparency on the process for varying model provisions and for sharing information on approved variations to the model provisions, including a published list

of approved variations to the model provisions, along with justification for their approval and applicability to other local governments;

- (c) translation and alignment of non-model land uses, zones and reserves with those contained in the model provisions;
- (d) standardised zoning table and primary development controls for commercial and industrial type zones as per Appendix C (later expanding to include all model zones);
- (e) improved guidance on the inclusion in schemes of additional uses, restricted uses, special use zones, non-conforming uses and special control areas;
- (f) improved guidance and updated manner and form for undertaking reports of review and amendments to local planning schemes; and
- (g) guidance on how local government can package up the local planning scheme text and the deemed provisions to assist readability and ease of use.

5. Consider preparing, for consultation with key stakeholders, a discussion paper to identify the need and process for the preparation of a design code for industrial zones and potentially the service commercial zone.

4.2 Long term actions (3 years+)

Model and deemed provisions

6. 10 year review of the model and deemed provisions

Supporting implementation actions

7. Ongoing review and update of local planning scheme guidance.
8. Depending on outcomes from the discussion paper on a design code for industrial zones, prepare and implement design code.

The Manner and Form report further includes a suggested land use table with the permissibility of various land uses set out and standardised. These suggested land use permissibility's are discussed below.

Local Strategic and Statutory Context

City of Fremantle Local Planning Strategy 2026

The City's Strategy states that O'Connor is a major driver of economic input providing sites for businesses that contribute to much of Fremantle's economic input – manufacturing and transport, postal and warehousing. Its continued operation and protection from encroachment and land use conflicts is consequently economically important. Some rationalisation of the boundaries in conjunction with future planning for the South Street rapid transit corridor could be contemplated.

Opportunities for further expansion of maritime based industry, research and commerce (blue economy) have been identified as a potential growth area for Fremantle, complementing the heavier industry conducted along the Western Trade Coast.

The strategy further identifies the following planning actions be considered:

- Reviewing the Industrial zoning of residential properties in O'Connor.
- Review existing scheme provisions related to the O'Connor Industrial area to ensure they are effective and protect the objectives of the Industrial zone. This



may include the O'Connor Industrial Interface Special Control Area and/or land use permissibility.

Local Planning Scheme No. 4 (LPS4)

Relevant to this report, LPS4 sets out overall objectives for zones, land use permissibility by zone, and creates the O'Connor buffer zone. The relevant zones are as follows:

Zone	Objective
Industrial zone	Development within the industrial zone shall — (i) provide for manufacturing, processing and fabrication industry, the storage and distribution of goods and associated uses, service industry, utilities and communication, ancillary retail which by the nature of their operations should be separated from residential areas, and (ii) ensure that development contributes to a high standard amenity and design as well as compatibility with adjacent residential areas.
Commercial zone	Development within the commercial zone shall— (i) provide for the development of offices and associated commercial and larger scale uses, including showrooms, and warehouses and uses requiring outdoor displays, (ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and (i) to conserve places of heritage significance the subject of or affected by the development.

The scheme sets out land uses that may be considered within the Industrial and Commercial zones. It includes a number of land uses that are not industrial uses, such as:

- Amusement Parlor
- Club Premises
- Community Purpose
- Consulting Rooms
- Educational Establishment
- Hospital
- Hotel
- Liquor Store – Large
- Medical Centre
- Office
- Place of Worship
- Public Amusement
- Recreation – Private
- Restaurant
- Small Bar
- Tavern

Land uses are further discussed below.

LPS4 also creates the O'Connor buffer zone, which was originally established to protect industrial activity within O'Connor from encroaching non-compatible uses and vice versa. This includes residential development, which is present within and immediately abutting the suburb boundaries of O'Connor. Likewise, the 30-metre buffer serves both to restrict adverse impacts inclusive of noise and odour from neighbouring residential development, and to provide greater operational confidence for industrial-based activities in O'Connor to proceed without fear of conflict with non-industrial activities.

The buffer zone area boundaries, objectives, and the land use limitations are as follows:

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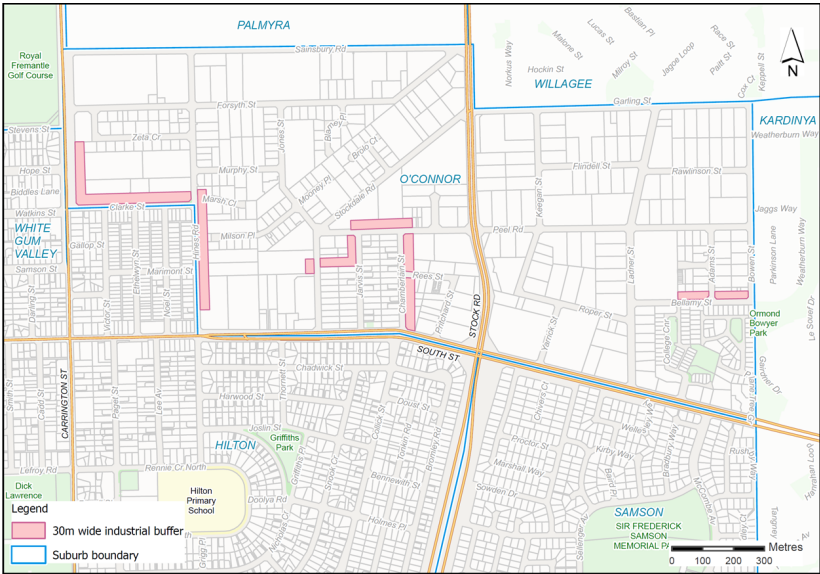


Figure 3: Buffer zones

5.6 O'Connor Industrial Interface Area	
5.6.1 Purpose	
(a) To retain the O'Connor Industrial area as a strategic industrial area for Fremantle and the South-West metropolitan region and to ensure that development contributes to high standard of amenity and design as well as compatibility with adjacent residential uses. (b) To retain existing residential areas as predominantly low density residential, with access to suitable open space and protection of amenity from adjoining industrial uses. (c) To ensure the development of the South Street Neighbourhood Centre as a vibrant community hub that serves the day-to-day needs of nearby residents. (d) To ensure safe access and movement for pedestrians and cyclists. (e) To prevent, as far as practicable, the intrusion of commercial and industrial traffic into residential streets.	
5.6.2 Land Use	
5.6.2.1 Despite the provisions of Table 1, the following uses are designated as "X" not permitted.	
(i)	industry—general (licensed),
(ii)	service station,
(iii)	fuel depot,
(iv)	motor vehicle repair,
(v)	motor vehicle wrecking, and
(vi)	transport depot.



5.6 O'Connor Industrial Interface Area

5.6.2.2 Despite the provisions of Table 1, the following use is designated "A"— (i) motor vehicles, boat or caravan sales.

5.6.3 Except as provided for in the Scheme, residential development is to comply with the provisions of the Residential Design Codes including variations as allowed for in the Codes.

5.6.4 In considering applications for industrial and commercial buildings Council shall have regard to all of the following —

- design of vehicle ingress / egress to minimise traffic impacts including intrusion of commercial vehicles into adjoining residential streets,
- high standard of landscaping, and
- materials and finishes to complement the visual amenity of the area.

5.6.5 Despite the provisions of clause 4.7.3, Council generally will not support relaxation of the standard parking requirements.

Local Planning Policy 3.8 – Local Planning Area - O'Connor

Local Planning Policy 3.8 – Local Planning Area 8 - O'Connor (LPP 3.8) was recently reviewed in late 2025 in anticipation of the holistic area review and as part of a comprehensive local planning policy review program. Key changes entailed reduction of permissible site cover and expansion of landscaping requirements, in addition to administrative updates and consolidation of the policy for ease of use.

The policy provides design controls for non-residential land in O'Connor and reaffirms the function of the buffer zone as protection for uses within and adjacent to the Industrial zone. Where there are residential components to a development affected by the policy, only the maximum height and street setbacks of clause 2.3 and 2.4 of LPP 3.8 apply.

The objectives of the policy are as follows:

- To retain the O'Connor Industrial area as a strategic industrial area for Fremantle and the South-West metropolitan region and to ensure that development contributes to high standard of amenity and design as well as compatibility with adjacent residential uses.
- To provide for the development of commercial uses along major roads and to restrict the encroachment of such uses into residential and industrial areas.
- To prevent increased conflict between new built form and future planned widening of Stock Road.
- To protect the amenity of existing residential areas via the Buffer Area, with protection of amenity from adjoining industrial uses.
- To ensure safe access and movement for pedestrians and cyclists.



- To prevent, as far as practicable, the intrusion of commercial and industrial traffic into residential streets.
- To enhance the streetscape and reduce the urban heat island effect through the provision and maintenance of vegetation and trees.

Discussion

In preparation for a new local planning scheme, the O'Connor Industrial and Commercial areas have been audited to get a picture of the current state of affairs. A desktop and physical audit was carried out to get a snapshot of the current area, with existing scheme controls compared to State strategies, policies and guidelines, as well as other local government planning schemes.

Challenges

The O'Connor Industrial Area faces several challenges:

- Noise, odour and traffic impact to adjoining residential and commercial land zones places risk of operations being limited or curtailed for industrial activity.
- Diversity of existing and approvable land uses within the industrial zone that may be in conflict with noisy, intensive industrial uses through type of activity or increase in traffic.
- Fragmentation of land through subdivision, resulting in a permanent loss of larger lots.
- Aligning local planning controls with State Government requirements (manner & form).

Buffer zone

The current LPS4 buffer zone controls create a 30 metre buffer in areas where industrial lots abut or are across from residential lots. Within this area, a handful of the more intense industrial land uses are limited. The purpose of the buffer zone is to both protect the amenity of residential uses, and protect the continued operation of the industrial zone by reducing land use conflicts. The current buffer zone does not align with all nearby residential zones and lacks some key clarity. The map below sets out in blue where there is no buffer to adjacent or nearby residential lots.

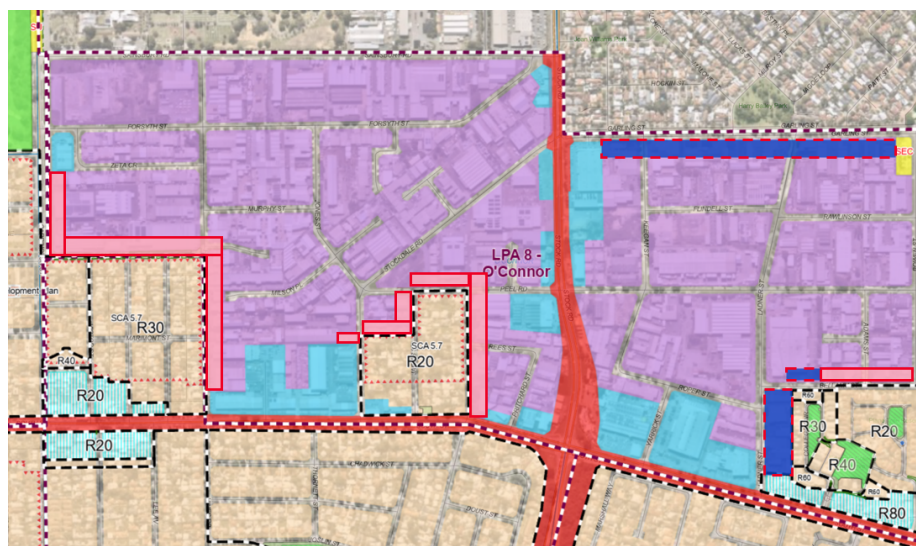


Figure 4: Pink is existing buffer zone. Blue is where buffer zone should be considered for extension.

The new scheme could consider extending the buffer zone to cover all areas where the Industrial Zone currently meets the Residential Zone. Further, instead of just forbidding specified land uses, the new scheme could also consider incorporating the State Government recommendations by creating a new Light Industry zone, which is a zoning used expressly for the purpose of being a transition between industrial land and non-industrial land. For simplicity, any land within the 30 metre buffer could then be assessed under the new Light Industry zoning.

Site Audit

Based on the above assumptions, City officers explored the suburb of O'Connor to visually confirm land uses and characteristics present within the existing and potential buffer zone. A photographic record of the inspection was recorded, with existing land use classifications inferred based on the operations observed and the City's records.

The site inspection assisted in confirming the present character of industrial and service commercial land uses within the buffer zone, and existing potential amenity impacts yielded by business activity upon neighbouring nearby residential land. Further, it assisted in identifying four lots potentially containing land uses that would become 'non-confirming land uses' in the event of the introduction of a Light Industry buffer zone and resulting restriction of land use permissibility. Under a new scheme amended in this way, non-confirming uses would be allowed to continue with their operations but not intensify a use that is not compatible with the Light Industry zone.



Land use

The current scheme includes allowances for many land uses that are not industrial and may cause a conflict with existing and future industrial uses. As more non-industrial uses come in, the efficacy of the industrial zone is diluted due to more potential land use conflicts such as traffic, noise and general amenity with different uses having quite different expectations of the area. State guidance is that industrial areas should be maintained, with allowable land uses modified to reduce the prevalence of non-industrial uses within the zone. Where non-industrial uses intrude into an industrial zone, they may bring increased traffic and visitors which may hamper the operation of industrial uses. It is critical to maintain a degree of certainty that industrial operations will not be chased out by other land uses. This could be done by tightening up the range of uses that could be considered within the zone.

A comparison between the land uses from the Model Scheme Text (MST) recommended by the State Government's Manner and Form report and the existing land uses are as follows:

Land Uses under current LPS4	Manner and Form (Light Industry Zone)	Manner and Form (Commercial)	Existing (LPS4) Commercial	Manner and Form (General Industry)	Existing (LPS4) Industrial
Amusement Parlour (Private Recreation)	X	P	D	X	D
Animal Establishment	X	A	A	X	D
Art Gallery (Exhibition Centre)	X	D	D	X	X
Betting Agency	X	X	D	X	D
Brewery (Beverage Production Facility)	D	D	A	P	D
Bulky Goods Showroom	X	P	D	X	P
Car Park	P	P	A	D	A
Caretaker's Dwelling	<i>Not included in MST</i>	<i>Not included in MST</i>	D	<i>Not included in MST</i>	D
Child Care Premises	X	D	A	X	X
Cinema / Theatre	X	X	A	X	X
Civic Use	A	D	D	A	P
Club Premises	X	A	D	X	P
Commercial Vehicle Parking	P	D	P	P	P
Community Purpose	A	D	D	X	P
Consulting Rooms	X	D	P	X	P



Land Uses under current LPS4	Manner and Form (Light Industry Zone)	Manner and Form (Commercial)	Existing (LPS4) Commercial	Manner and Form (General Industry)	Existing (LPS4) Industrial
Convenience Store	D	D	A	X	P
Drive-through Food Outlet	X	D	A	X	X
Educational Establishment	A	A	A	A	D
Exhibition Centre	X	D	D	X	D
Family Day Care	X	X	A	X	X
Fast Food Outlet	D	D	A	X	X
Fuel Depot	A	X	X	P	P
Funeral Parlour	D	D	D	X	D
Garden Centre	D	P	D	X	P
Grouped Dwelling	X	X	A	X	X
Home Business	X	X	A	X	X
Home Occupation	X	X	A	X	X
Home Office	X	X	A	X	X
Home Store	X	X	A	X	X
Hospital	X	A	D	X	A
Hotel	X	X	X	X	A
Independent Living Complex	X	X	X	X	X
Industry	X	X	X	P	P
Industry - Cottage	<i>Not included in MST</i>	<i>Not included in MST</i>	X	<i>Not included in MST</i>	P
Industry - General (Licensed)	<i>Not included in MST</i>	<i>Not included in MST</i>	X	<i>Not included in MST</i>	D
Industry - Light	P	D	X	D	P
Industry - Noxious	<i>Not included in MST</i>	<i>Not included in MST</i>	X	<i>Not included in MST</i>	A
Industry - Service	<i>Not included in MST</i>	<i>Not included in MST</i>	A	<i>Not included in MST</i>	P
Liquor Store - Large	X	X	A	X	A
Liquor Store - Small	X	X	X	X	X
Lunch Bar	D	D	D	X	D
Market	X	D	D	X	X
Medical Centre	X	D	P	X	D
Motor Vehicle, Boat or Caravan Sales	X	P	P	X	P
Motor Vehicle Repair	D	A	A	P	P



Land Uses under current LPS4	<i>Manner and Form (Light Industry Zone)</i>	<i>Manner and Form (Commercial)</i>	Existing (LPS4) Commercial	<i>Manner and Form (General Industry)</i>	Existing (LPS4) Industrial
Motor Vehicle Wash	P	P	P	P	P
Motor Vehicle Wrecking	<i>Not included in MST</i>	<i>Not included in MST</i>	X	<i>Not included in MST</i>	D
Multiple Dwelling	X	X	A	X	X
Night Club	X	X	X	X	X
Office	X	D	P	X	P
Place of Worship	X	D	D	X	D
Public Amusement	<i>Not included in MST</i>	<i>Not included in MST</i>	A	<i>Not included in MST</i>	P
Reception Centre	X	D	A	X	D
Recreation - Private	X	P	D	X	D
Residential Aged Care Facility	X	X	X	X	X
Residential Building	X	X	A	X	X
Resource Recovery Centre	A	X	X	A	D
Restaurant / Cafe	X	X	D	X	A
Restricted Premises	X	D	A	X	A
Service Station	D	D	D	D	P
Serviced Apartment	X	X	X	X	X
Shop	X	X	X	X	X
Single House	X	X	A	X	X
Small Bar	X	X	X	X	A
Tavern	X	X	X	X	A
Telecommunications Infrastructure	P	P	A	P	A
Tourist and Visitor Accommodation	X	X	X	X	X
Trade Display	P	D	D	X	P
Trade Supplies	A	A	A	A	P
Transport Depot	A	X	X	D	P
Unhosted Short-Term Rental Accommodation	X	X	D	X	X
Veterinary Centre	X	P	A	X	P
Warehouse / Storage	P	P	A	P	P
Waste Storage Facility	A	X	X	D	D



The planning schemes of other local governments were reviewed to determine how they dealt with land use and the interface between industrial and non-industrial land, and the objectives of each zone. That audit is contained within Appendix 1.

It is noted that some large-scale commercial bulky goods showrooms exist within the existing industrial zone. If the land use tables above are used as guidance, these lots may be rationalised into the commercial zone.

When considering the interface between industrial, commercial and residential land, the general principle is that the zoning should be designed to keep high frequency traffic and non-industrial uses out of the central portion of O'Connor. Large scale commercial uses should be, as they generally are now, located at intersections to make them more easily accessible in ways that do not impact the interior of the industrial area. Residential land uses should be further protected through the use of a buffer zone or rezoning. Uses that may be eliminated in an industrial zone through the above land use table are still considered in other zones, such as Mixed Use and Neighbourhood Centres, where they may be more appropriate anyway.

Subdivision

State Development Control Policy 4.1 – Industrial Subdivision contains broad guidance on subdivision of industrial land. It does not specify a minimum lot size, but does set out factors to consider when assessing a subdivision, including ensuring that land is usable for the purposes for which it is zoned.

The 2012 Economic and Employment Lands Strategy found that most industrial land demand in Perth and Peel was from two distinct areas:

1. International and national firms seeking large warehouses (more than 4000 m²) and land areas (above 2-3 ha).
2. Small scale local businesses seeking warehouse space less than 1000 m².

There has been a clear reduction in the number of large lots within O'Connor, as over the years land has been subdivided. Once subdivided and in separate ownership, land is rarely re-amalgamated. The result is that the large lots necessary to support larger scale industries including manufacturing and warehousing are disappearing, replaced with smaller lots. These smaller lots tend to be used for small (individual) storage units or for recreational uses.

The carparking demand intensity also tends to be higher for smaller tenancies due to the nature of the associated land uses (i.e. car parking requirements for a warehouse tends to be substantially less than consulting rooms or an office). This trend is resulting in land fragmentation within O'Connor and means that larger scale businesses are a) less likely to establish or remain in O'Connor and b) larger businesses are more likely to be adversely affected by the consequences of juxtaposing their operations adjacent to smaller / built strata lots which may have higher traffic demands.



The figure below indicates the lot sizes within O'Connor based on a review of the information held by the City. Due to a difficulty in finding older records, there may be some errors, but the overall pattern of increased subdivision remains clear:

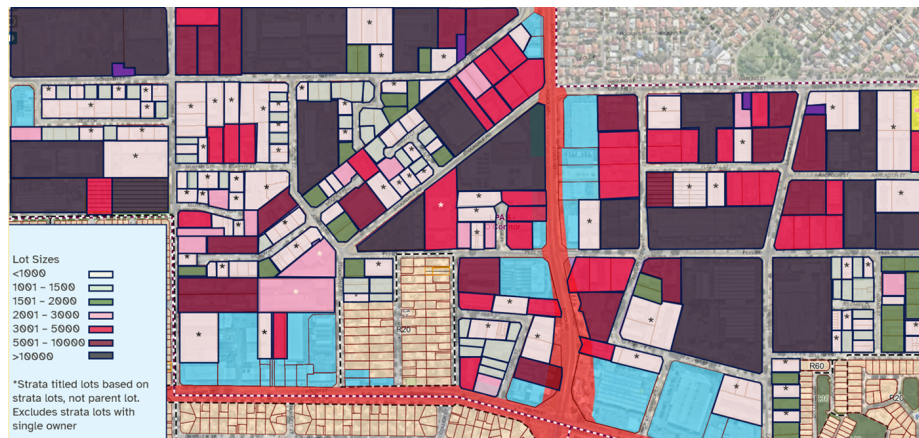


Figure 5: Pattern of subdivision in O'Connor

Given that large lots are critical to supporting local businesses, a new planning scheme may wish to consider imposing some form of subdivision control to prevent further lot size minimisation.

Conclusion

The use of the O'Connor Industrial zone needs to be protected from non-residential encroachment and subdivision that may limit its future use as an industrial base supporting local commercial activity. Based on the existing pattern of land use and subdivision, the area is at risk of losing its capability to support a range of industrial uses. It is recommended that a new local planning scheme consider the following:

- Expanding and improving the buffer area and its land use and built form controls;
- Reviewing allowable non-industrial land uses within the Industrial zone to protect industrial activity;
- Normalising zoning along the existing buffer to reflect existing service commercial uses on major traffic routes;
- Considering whether subdivision controls are required to reduce land fragmentation.



APPENDIX 1

Local Government Audit

Four neighbouring local government town planning schemes were reviewed to inform the recommended approach for the industrial interface of O'Connor. The surveyed local governments do not utilise a Buffer Area but rather rely on alternative design and zoning solutions such as reserves, light industry, or scheme and policy provisions to protect the operations of the industrial areas and the amenity of adjoining non-industrial occupants.

City of Cockburn

- [Town Planning Scheme No.3](#)
- Development Area DA4 in Munster Locality features portions of the Development zone planned to be rationalised next to Light Industry zone. Only true example of interface challenge locally. Road reserves otherwise resolve it without a buffer.
- The City is currently in the process of preparing a new Local Planning Scheme (LPS13 - due to past concurrent schemes).

City of Kwinana

- [Town Planning Scheme No.3](#) (Town Centre) adopted in 1998 and only amended 5 times since adoption
- [Town Planning Scheme No.2](#) amended 165 times since adoption in 1992
- Includes the Naval Base and future Westport
- TPS2 Has 14 zones, including General Industry, Light Industry, Mixed Business 1, Service Commercial, Commercial
- Utilises greenbelt in Medina area to protect residential zone from industrial activity

City of Rockingham

- [Town Planning Scheme No.2](#) adopted in 2004 and amended 195 times since.
- TPS2 has 16 zones which includes zones that will ultimately be retired.
- Has a Service Commercial, Light Industry, General Industry, and Special Industry zone. Areas of key business activity that are of strategic industrial importance to the locality such as the Port Kennedy Business Enterprise park have their own zone accordingly, whereas the Development WA (formerly) Landcorp industrial estate of East Rockingham are governed by industrial zoning and their own estate guidelines.

City of Melville

- [Local Planning Scheme No.6](#)
- A much newer scheme, adopted in 2017. Last amended on 30 May 2025 for STRA
- Has seven zones. Only Light Industry for industrial, then Service Commercial, then Mixed Use, then Centre (C1-C4).
- Also has Private Clubs / Institutions zone, Urban Development, and Residential
- Light Industry zone abuts the O'Connor strategic industrial area and acts as a buffer to non-residential land uses by proxy.

Local Government Planning Scheme Zoning Objectives Comparison

City	Service Commercial	Light Industry / Service Industry	General Industry / Industry	Strategic / Special Industry	Other
City of Fremantle	Nil – Mixed Use zone currently allows for some industrial activity similar to a Mixed Business zone, however: Development within the mixed use zone shall – (i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones; (ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain; (iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area; (iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and (v) conserve places of heritage significance the subject of or affected by the development.	Nil – uses O'Connor Buffer Area	Development within the industrial zone shall – (i) provide for manufacturing, processing and fabrication industry, the storage and distribution of goods and associated uses, service industry, utilities and communication, ancillary retail which by the nature of their operations should be separated from residential areas, and (ii) ensure that development contributes to a high standard amenity and design as well as compatibility with adjacent residential areas.	Nil	Nil
City of Cockburn	Nil – uses a Mixed Business zone which will be retired in LPS13	To provide for light and service industries and associated uses which are compatible with and acceptable with close proximity to, residential uses.	To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.	To provide for Strategic Industrial areas of State or Regional significance; and to provide for a range of industrial activities associated with defence, resource and marine activities.	Hope Valley – Wattleup Redevelopment Act 2000 Area under Latitude 32 in partnership with Development WA – governed by the Act and the HWRA Masterplan



City	Service Commercial	Light Industry / Service Industry	General Industry / Industry	Strategic / Special Industry	Other
City of Kwinana	The Council's intention in controlling development within the Service Commercial Zone is to; a) Promote in the Service Commercial Zone Showroom uses. b) Not permit in the Service Commercial Zone Shop uses.	Division 5 – Industrial Zones For the purpose of this Scheme, industry has been classified into two types of zones, being Light Industry and General Industry. A noxious Industry as defined in this Scheme shall be subject to the "SA" provisions of Clause 64 of the deemed provisions and shall be zoned as General Industry. A use falling within the General Industrial zone including any offensive trade or noxious industry shall be considered by Council in accordance with industrial classifications and locational criteria that Council shall adopt from time to time. Where a use, the subject of the General Industrial zone may have an environmental impact on an adjacent local authority area, Council shall refer such an application together with all relevant information to that authority for its comments. (excerpt cut here)		Nil	Extractive Industry Application for approval to commence development in respect of extractive industry shall include rehabilitation measures intended to secure an identified end use consistent with policies contained in Part III (Policies & Zones). 3.13.1 Extractive Industry shall be carried out in accordance with the approved Management Plan, subject to any conditions that Council sees fit to protect the amenity of the locality.



City	Service Commercial	Light Industry / Service Industry	General Industry / Industry	Strategic / Special Industry	Other
City of Rockingham	To promote the establishment of showrooms/storerooms, service functions, offices, commercial recreation and bulk retail uses requiring larger floor areas with a high standard of building development, landscaping and working environment.	The following objectives apply to industrial zoned land within the Scheme Area:- a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable; b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate land use, design and landscaping controls; and c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards.			Port Kennedy Business Enterprise zone To promote service commercial and office land uses within the area to service the demands of the locality and in recognition of the local government's regional responsibility to provide light industrial land within the region, encourage the development of light industrial land uses in an orderly and proper manner.



City	Service Commercial	Light Industry / Service Industry	General Industry / Industry	Strategic / Special Industry	Other
City of Melville	- Accommodate commercial activities which, because of the nature of their business, require good vehicular access and/or large sites. - To prohibit residential development. - To provide for a range of commercial and industrial services and associated services as well as facilities for the storage and distribution of goods, which are required to meet the needs of the sub-regional community and which, by reason of their scale, character and requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within any of the Centre zones. - Provide for a range of wholesale sales, showrooms, trade and services which by reason of their scale character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones. - To ensure the nature, form and scale of development is such as not to prejudice the commercial services provided for within any of the Centre zones, recognising the strategic significance of such centres with reference to their accessibility and co-location efficiencies. - To ensure the design and landscaping of development is conducive to safe and efficient vehicular access, safe and convenient pedestrian access between adjacent premises and a level of visual amenity which is compatible with any adjacent commercial, mixed-use or residential areas.	- To provide for a range of industrial uses and service industries generally compatible with urban areas that cannot be located in service commercial and centre zones. - Ensure that where any development adjoins zoned or developed residential properties, the development is suitably setback, screened or otherwise treated so as not to detract from the residential amenity.	Nil	Nil	Nil

Sub
Area
1.3.1

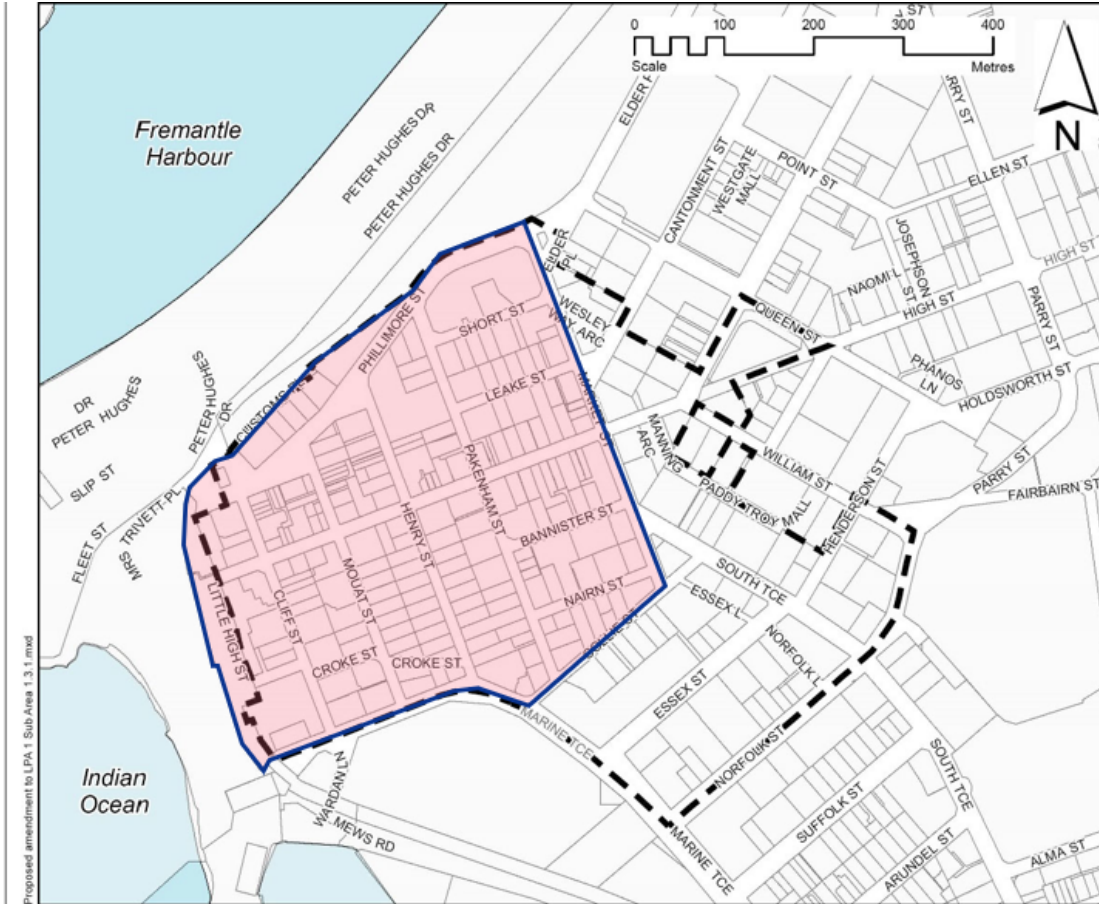


Figure 1: Sub Area 1.3.1 (dashed line) and West End Heritage Area (in pink)

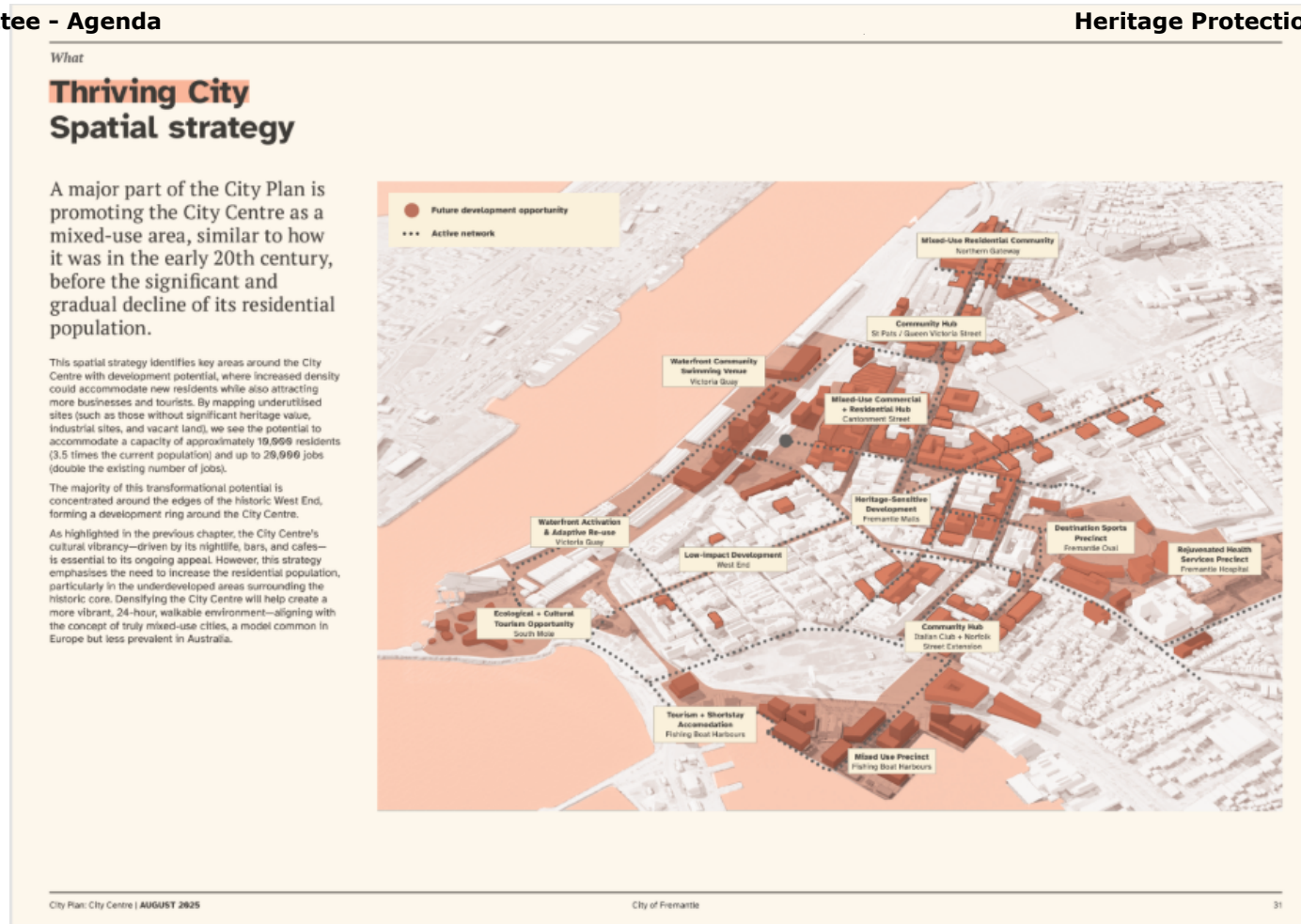
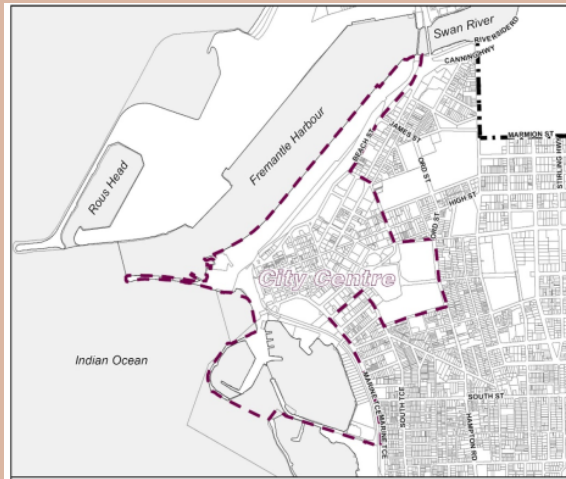


Figure 2: Excerpt from City Plan: City Centre

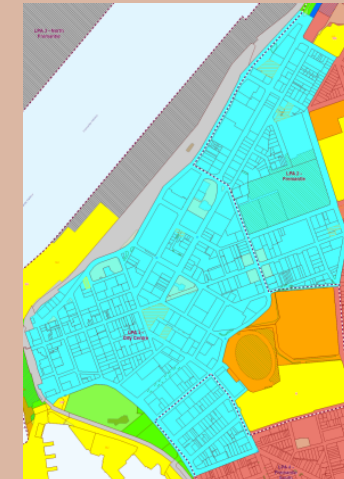
City Centre



Current Scheme



City Plan



MRS

Heritage

Lot Size

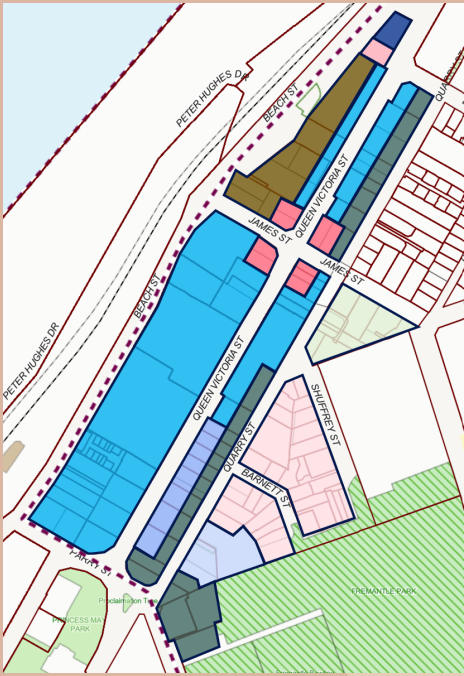
LPS4 Height



- Level 1A (state heritage)
- Level 1B
- Level 2
- Level 3



- >3000 sqm
- 2001 – 3000 sqm
- 1001 – 2000
- Strata lots >3000 sqm



- 32.5m (~10 storeys)
- 28m (~8 storeys)
- 26m (~8 storeys)
- 24m (7 storeys)
- 22m (6 storeys)
- 19m (5 storeys)
- 18m (~5 storeys)
- 15m (4 storeys)
- 10m (3 storeys)
- 7.5m (2 storeys)

Figure 2: City Centre northern area

