



Minutes

Planning Services Committee

Wednesday 5 August 2026 6pm



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Official opening, welcome and acknowledgement

The CEO declared the meeting open at 6.01pm and called for nominations for a Presiding Member. A nomination from Cr Andrew Sullivan was the only nomination received.

At 6.05 Cr Andrew Sullivan assumed the chair.

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

Attendance, apologies and leave of absence

Attendance

Mr Ben Lawver	Mayor
Cr Andrew Sullivan	Coastal Ward
Cr Fedele Camarda	Deputy Mayor/Central Ward/Deputy Member
Cr Frank Mofflin	East Ward/Deputy Member
Cr Pip Slaughter	East Ward/Deputy Member
Mr Glen Dougall	Chief Executive Officer
Mr Matt Hammond	Director City Business
Mr Graham Tattersall	Director Infrastructure
Mr Pete Stone	Director Creative Arts and Community
Ms Chloe Johnston	Manager City Planning
Ms Melody Foster	Manager Governance
Mr David Settelaar	Manager Strategic Communications and Stakeholder Relations
Ms Kayla Goodchild	Meeting Support Officer

There were 13 members of the public and no members of the press in attendance.

Apologies

Cr Ingrid Van Dorssen	North Ward
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Leave of absence

Cr Jemima Williamson-Wong	Coastal Ward
Cr Melanie Clarke	North Ward



Applications for leave of absence

Nil

Disclosures of interest by members

Nil

Responses to previous public questions taken on notice

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

Public question time

The following member of the public spoke in relation to item PSC2608-1:
Anil Nair

The following member of the public spoke in relation to item PSC2608-2:
John Mocilac

The following members of the public spoke in relation to item PSC2608-3:
Martin Cabot
Rebecca Carter
Jeremy Carter

The following member of the public spoke in relation to item PSC2608-4:
Ben Osbourne

The following member of the public spoke in relation to item PSC2608-5:
Megan Mouritz

The following member of the public spoke in relation to item PSC2608-8:
Andrea Dudley

The following member of the public spoke in relation to item PSC2608-10:
Kate Pearson

The following member of the public spoke in relation to item PSC2608-12:
Natalie Hug

Petitions

Nil.



Deputations

Nil.

Presentations

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

Confirmation of minutes

COMMITTEE DECISION

Moved: Mayor Ben Lawver

Seconded: Cr Pip Slaughter

The Planning Services Committee confirm the minutes of the Planning Services Committee meeting dated 1 July 2026.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil

Committee member communication

Nil.



Reports and recommendations from officers

Committee delegation

PSC2608-1 NOTRE DAME UNIVERSITY CAR PARKS (3 HIGH STREET, NO. 22 MARINE TERRACE & 11-25 MOUAT STREET, FREMANTLE)
- VARIATION TO DA00210/24 (PARTIAL CHANGE OF USE TO PUBLIC CAR PARK) - (ED ET02/26, ET03/26 & ET04/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Car Park Management Plans (Variation to Term of Approval) - 3 High, 22 Marine & 11-25 Mouat
Additional Documents (viewed electronically)	2. Site Photos - UNDA Car Parks

SUMMARY

Approval is sought by the applicant for a variation to multiple Development Approvals for Partial Change of Use to (Public) Car Park (DA refs. DA0068/24, DA0069/24 & DA00210/24) at No. 3 High Street, No. 22 Marine Terrace and No. 11-15 Mouat Street, Fremantle.

These applications were granted temporary, conditional development approval by Council at its meeting on 12 June 2024, despite an on balance refusal recommendation from officers. The applications were approved by Council with the following reason outlined in the meeting minutes:

To allow activation of the site in the short term, while confirming the expectation set out in the City's strategic documents, that these sites could be redeveloped and vehicle traffic into the City centre should be reduced.

All of the above development approvals were subject to a condition of approval (condition no. 8) that limited the partial change of use to (public) car park to a time-limited (temporary) period of two (2) years, at which time the land use approval would cease.



These variation applications seek to delete this condition and replace it with a condition that permits the change of use for an additional two (2) years.

The proposal is referred to Council as the previous applications were determined by Council (with a recommendation of refusal by officers) and the applications involve an extension of a time-limited (temporary) land use approval.

The applications are recommended for on balance refusal.

PROPOSAL

Detail

Approval is sought for a variation to multiple Development Approvals for Partial Change of Use to Public Car Park (DA refs. DA0068/24, DA0069/24 & DA00210/24) at No. 3 High Street, No. 22 Marine Terrace and No. 11-15 Mouat Street, Fremantle.

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All of the above development approvals were subject to a condition of approval (condition no. 8) that limited the partial change of use to public car park to a time-limited (temporary) period of two (2) years, at which time the land use approval would cease. These variation applications seek to delete this condition and replace it with a condition that permits the change of use for an additional two (2) years.

The existing temporary approvals permitted Notre Dame University car parks at the abovementioned properties that provide for university staff parking, to become paid public car parks between 5:00PM – 12:00AM Monday to Friday and 6:00AM – 12:00AM on Saturday, Sunday and Public Holidays (i.e. outside of typical university hours)



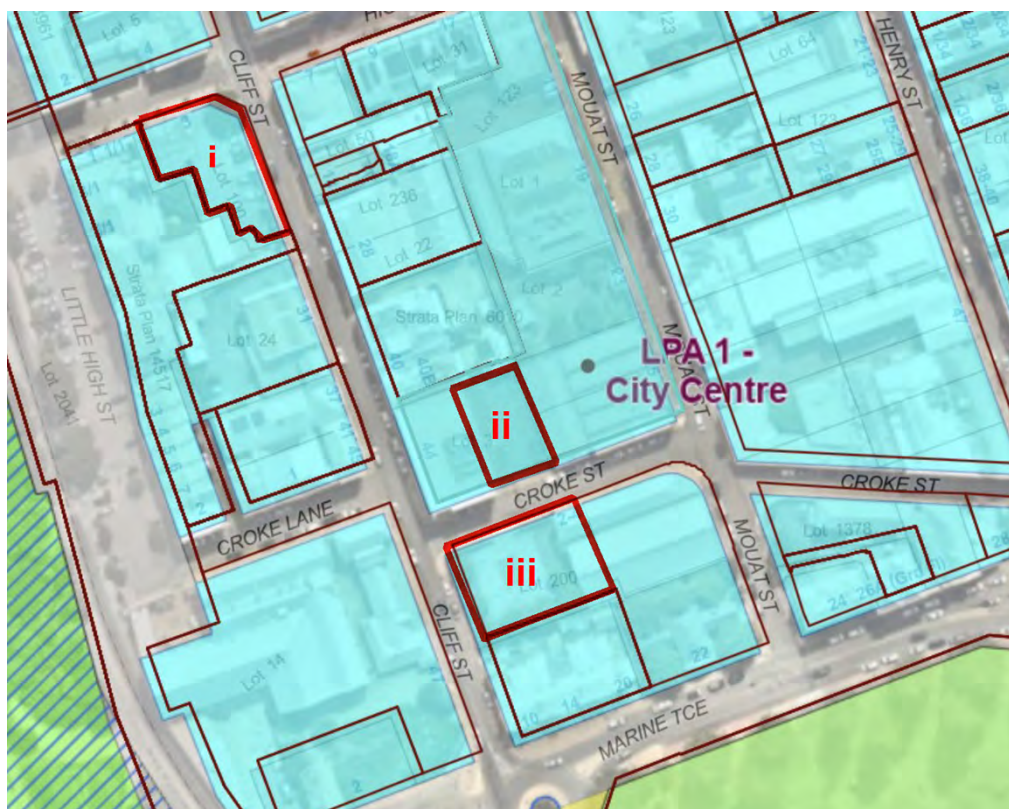
The total number of car parking bays is 79, comprising the following number from each car park (refer aerial image below for site locations):

- i. No. 3 High Street (University Car Park UP4) – 33 bays;
- ii. No. 11-25 Mouat Street (University Car Park UP3) – 19 bays; and
- iii. No. 22 Marine Terrace (University Car Park UP2) – 27 bays.

The applications are supported by a Car Park Management Plan, prepared by Secure Parking (Attachment 1) that covers all existing approvals and subject sites and supports the applicants request for amendments to existing approvals for a two-year extension of the temporary use approvals. Namely, the applications seek the deletion of condition 8 and a replacement condition that limits the term of approval to two years from 26 August 2026, being two years from when the land uses were previously required to cease, per the condition wording.

Site/application information

Date received:	28 May 2026
Scheme:	City Centre
Heritage listing:	West End Heritage Area
Existing land use:	Educational Purposes and Public Car Park
Use class:	Educational Purposes and Public Car Park
Use permissibility:	A and D respectively





CONSULTATION

External referrals

City Officer Assessment For Heritage Council of Western Australia Under Delegation HR401

As there are no physical changes to the existing structures on the site, with the exception of signage, the proposal will have no discernible benefit or impact on the cultural heritage significance of the place.

Community

Given the proposal relates only to amending a condition of approval, with no other changes to existing approvals, the applications were not publicly advertised.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application, the proposed use is a discretionary land use within the City Centre meaning that the use is not permitted unless the Council has exercised its discretion and has granted development approval after giving special notice (advertising) in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations)*.

The following elements require the Council discretion in granting development approval:

- Discretionary Land Use (Car Park)

Background

The subject sites are located at various existing Notre Dame University staff parking facilities within the Fremantle City Centre (refer aerial image above and Figure 1 below).

All of the sites are zoned City Centre and have a density coding of R-AC3. These sites are not individually heritage listed, however they do form part of the West End Heritage Area which is state heritage registered place.



The total number of car parking bays is 79, comprising the following number from each car park:

- i. No. 3 High Street (University Car Park UP4) – 33 bays;
- ii. No. 11-25 Moat Street (University Car Park UP3) – 19 bays; and
- iii. No. 22 Marine Terrace (University Car Park UP2) – 27 bays.

The previous development approvals (refs. DA0068/24, DA0069/24 & DA00210/24) permitted the respective Notre Dame staff parking areas to become paid public car parks between 5:00PM – 12:00AM Monday to Friday and 6:00AM – 12:00AM on Saturday, Sunday and Public Holidays (i.e. outside of university hours). These development approvals were subject to a condition of approval (No. 8), that stipulated:

- 8. *Notwithstanding condition 1, the partial change of use to car park hereby approved is to cease operating within two years from the date of this approval.*

These variation applications seek to delete the above condition and replace it with the following:

- 8. Notwithstanding condition 1, the partial change of use to public car parking hereby approved is to cease operating within two years of 26 August 2026.

In effect, the amended condition would grant an additional two years for the temporary land use approval from the date of the last approved application (ref. DA0210/24 – 11-25 Mouat Street).

The location of the Notre Dame University car parks subject to this change of use application (highlighted red) amongst other Notre Dame University car parks, are shown in the following extract of the university map (site photos of each car park are provided in Additional Information to this report):



Figure 1. University car parks (3 High Street (University Car Park UP4), 11-25 Moat Street (University Car Park UP3) & 22 Marine Terrace (University Car Park UP2) subject of these applications (red boundaries) among other university properties within the City Centre.

A search of the property file has revealed with the exception of the original approvals these applications seek to vary, there is no recent nor relevant planning history for the sites.

While there are some existing public car parks within the City Centre, a number of decisions have been made by Council and/or DAP in recent years to not support public car parking in, or on the periphery of the City Centre as a permanent land use. Most proposals were issued with temporary approvals, to allow the interim land use ahead of substantive redevelopment, examples include:

- 2019 - 2 Bannister Street, Fremantle
- 2019 – 223 and 225 High Street, Fremantle
- 2019 – 47 Pakenham Street, Fremantle
- 2022 - 10 Henderson Street, Fremantle
- 2023 – 28 Cantonment Street, Fremantle



Amendments to Existing Approvals

With reference to Local Planning Policy 1.1 - *Planning Refunds, Amendments, and Community Consultation* (LPP1.1), in determining an amendment to a planning approval, the local government will consider whether the nature and extent of the proposed amendment is such that the use or development the subject of the planning approval:

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

In the case of the previous development approvals, the applications and land use remains as previously approved; however, the previous approvals were effectively limited in their term of approval by the conditions of approval, specifically, condition no. 8 which limited the approval or the land use to a time-limited (temporary) period of two years.

These application seek to delete this condition from the original approval and replace it with a condition that grants an additional two year period of approval for the land use, effectively extending the temporary term of approval imposed by the condition.

As such, it is considered more appropriate to evaluate the applications under cl. 2.5 (Extension of the Term of Approval) of LPP1.1, which provides:

In considering a request for an extension to the term of a planning approval, a period of up to a further two years may be granted subject to the City having regard to the balance of the following factors:

- a) *whether the planning framework has changed substantially since the development approval was granted;*
- b) *whether the development would likely receive approval now;*
- c) *whether the applicant has actively and relatively conscientiously pursued the implementation of the development approval; and*
- d) *whether a material change has occurred to either the site to which the planning approval relates or the surrounding locality since the planning approval was granted that would alter the decision or any condition of approval.*

In consideration of the above criterion and in consistency with the previous officer recommendations, the proposed variations to the existing approvals, to extend the term of approval by an additional two years for the car park uses, the applications are not supported by officers for the following reasons (many of



which are upheld by officers from previous recommendations (updated where relevant) as the planning framework has not changed since the previous approvals nor have material changes occurred to the sites or locality generally):

- All of these existing car parks are located within the historic West End conservation area of the city centre. Local Planning Policy 3.21 (West End Heritage Area) provides that the roads in the West End were designed pre-car, and so are relatively narrow with short block lengths. The majority of streets are now one way, discouraging through-traffic and heavy vehicles, and making navigation for drivers unfamiliar with the area problematic if encouraged to seek parking in various small parking locations. Conversely, the area is noted as being highly walkable and an emphasis on pedestrian amenity has been maintained through urban and civil design.

Under the existing access arrangements at these sites, vehicle trips and traffic to and from these car parks is limited to university staff only. Should the car parks become publicly accessible in evenings/weekends and be advertised as such, this may cause additional vehicle trips and traffic, within the historic West End of the city centre, as customers seek car parking bays within these sites.

The additional traffic and vehicle movements within the West End would contravene Local Planning Policy 3.21 (West End Heritage Area) policy objectives which seek an urban design that prioritises pedestrian amenity whilst accommodating slow moving traffic and service access.

This is consistent with State Planning Policy 4.2 - Activity Centres (published July 2023) which provides that activity centres should seek to reduce private vehicle dependence, particularly for commuter trips, and manage the impacts of vehicle movements and parking as well as promote a balanced movement network that prioritises walking, cycling, public transport, and shared mobility. The policy also provides that space allocation for private car use should not compromise the achievement of activity centre land use and urban form objectives.

As such, to achieve objectives of the above policies, any new public parking facilities should only be supported outside or on the periphery of the City Centre and in particular, outside of the historic West End, where less likely to compromise City Centre policy objectives.

- Further, while it is noted the proposal only involves the change of use of existing car parking areas, the City's *Integrated Transport Strategy 2015* acknowledged that there is an oversupply of off-street parking in central



Fremantle and there is no urgent need for the provision of additional general public parking for City Centre visitors.

The transport strategy recognises that there is a need to plan for where such facilities might be provided for in the future. In this regard the Strategy discusses an approach that would see parking being provided on the periphery of the central city so that users would not be required to drive through the centre of the city to access parking. This approach is considered to minimise the impact of vehicles on the high amenity, pedestrian priority of the City centre.

The City's more recent strategic City Centre planning document, *City Plan: City Centre* (adopted by Council August 2025), supports and adds to the 2015 Transport Strategy, emphasising the goal to:

'Reduce reliance on private vehicles as the primary mode of transport to and from Fremantle City Centre. As the City Centre population grows, we will gradually need to reduce the supply of on- and off-street parking, and aligning with our Integrated Transport Strategy, aim to gradually shift this car parking provision from the City Core to multi-storey facilities around the edges'.

The City Plan also lists, as one of its priorities:

Redistributed car parking to the edge - With 85% of trips to Fremantle by car, we must rethink parking to create a more walkable, sustainable City Centre. Shifting parking to strategic locations and using demand-based management frees space for people, provides more space for greening and encourages alternative travel options — aligning with global best practices.

The City plan identifies multiple opportunities for multi-storey car parking facilities, at the City Centre periphery, where new parking facilities would be appropriate outside the core of the City Centre, and particularly out of the west end where the pedestrian is to be prioritised, including objectives to:

Consider ways to reduce car travel through the West End. Gradually reducing on and off-street parking, 20 km/hour speed limit and footpath renewal to support pedestrian experience.

This position is also consistent with the City's *Strategic Community Plan 2024 – 2034* objectives for a 'Connected City' which seeks the following:



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

By supporting these public car parks, or the extension of the their term of approval, this would contravene the objectives and priorities of the above strategic documents for the City Centre and West End specifically.

- In consideration of the above and in light of an identified excess of public parking within the City Centre already existing, the proposed fee payable public Car Parks on the subject sites are not a use that is considered necessary or desired with the region-serving role of the City centre in that they will not contribute to the range of appropriate non-residential land uses that are sought in the City centre to provide further vibrancy and activation.
- Such a proposal may also set an unwanted precedence for other private car parks within the City centre (and in particular, the historic west end) to pursue a similar change of use which contravenes the objectives of the City Centre as detailed above.

Alternative, active uses for the university car parking areas, outside of typical university hours, should be explored/considered that deliver greater activation of these spaces on weeknights and/or weekends, further to strategic objectives for the City Centre.

- The conversion of the car bays, will reduce the amount of car bays available for the existing Education Establishment land use which is not restricted to standard business hours. While staff members of the university will maintain existing parking permits for the spaces, they will not be reserved. During peak evening periods, where it is arguably more important for staff members to have a safe place to park after hours, there is no guarantee of a place being available.

Officers do acknowledge that the proposals did not create new car parking bays or parking facilities within the city centre, and in particular within the historic west end, but rather use existing private car parks for public car parking outside of university hours. As such, as no new car parking bays or facilities were created as part of the proposals, the impact upon policy objectives mentioned above is lesser



than what a development proposal creating wholly new public car parking facilities.

It is also acknowledged that there is limited ability to provide additional, new car parking facilities within the City centre, and in particular the historic West End. This is due to the local road network being established prior to the motor vehicle and the significant heritage value of a majority of properties within the West End, which is important to preserve, though conversely limits demolition and redevelopment in the area.

The proposal is also to make greater use of the sites outside of university hours, albeit the preference would be for alternative uses that activate these spaces on weeknights and/or weekends rather than just provide for parking, further to strategic objectives for the City Centre, as discussed above.

CONCLUSION

It is acknowledged that the proposals to extend the term of approval for previously approved public car park uses will not develop or create new car parking bays or parking facilities within the city centre, and in particular within the historic West End, but instead use existing private car parks for public car parking outside of university hours. It is also acknowledged that there is limited ability to provide additional, new car parking facilities within the City centre, and in particular the historic West End, which is constrained by heritage significance across the broader West End and individual buildings. The proposal provides increase use of the carpark areas outside of university hours, albeit the preference would be for alternative uses that activate these spaces on weeknights and/or weekends rather than just provide for parking, further to strategic objectives and preferred uses for the City Centre.

Notwithstanding, the proposals to extend the term of approval for the previously approved public parking bays (to be used from 5:00pm – 12:00AM Monday-Friday & 6:00AM – 12:00AM on Saturday, Sunday and Public Holidays) within the City Centre, and in particular the constrained historic West End are not supported for the following reasons:

- The proposal may lead to additional private vehicle trips and traffic within the City Centre, and in particular the constrained historic West End, which would compromise objectives of the City's LPS4, City's draft Strategic Community Plan 2024 – 2034, LPP3.21 (West End Conservation Area) and SPP4.2 (Activity Centres) which seek to reduce private vehicle dependence and trips within the City Centre, improve pedestrian amenity, manage the impacts of vehicle movements and parking as well as promote a balanced



movement network that prioritises walking, cycling, public transport, and shared mobility. Approval of the proposal may also set an undesired precedent within the City Centre and historic West End in which other currently private car parks are proposed to change to public car parks, further compromising policy objectives.

- The City's Integrated Transport Strategy 2015 and City Plan: City Centre (2025) strategic documents, identify there is already an oversupply of off-street public parking in central Fremantle and there is no urgent need for the provision of additional general public parking for City Centre visitors.

These strategies provide objectives and priorities that any new parking be provided on the periphery of the central city so that users would not be required to drive through the centre of the city to access parking. This approach is considered to minimise the impact of vehicles on the high amenity, pedestrian priority of the City centre. As such, it is of the opinion of officers that any new public parking, particularly within the constrained West End, should not be supported.

- The proposed public car parks on the subject sites are not a use that is considered necessary or desired with the region-serving role of the City centre in that they will not contribute to the range of appropriate non-residential land uses that are sought in the City centre to provide further vibrancy and activation. Alternative, active uses for the university car parking areas, outside of typical university hours, should be explored/considered that deliver greater activation of these spaces on weeknights and/or weekends, further to strategic objectives for the City Centre.

STRATEGIC IMPLICATIONS

The proposal would contravene objectives of the City's Integrated Transport Strategy 2015, City Plan: City Centre (2025) and the Strategic Community Plan 2015 - 2025 by proposing additional public parking within central areas of the Fremantle City Centre, and in particular, the historic West End, an area already constrained. Further, the draft Strategic Community Plan 2024-2034, looks to promote transport networks that reduce the need for cars in the City Centre, by permitting additional public parking areas within the City Centre, this may lead to additional vehicle trips and traffic, within the City Centre and historic West End, which may compromise pedestrian and cycling amenity



FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.

OFFICER'S RECOMMENDATION

Moved: Cr Pip Slaughter

Seconded: Cr Frank Mofflin

Council:

A. REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the variation to Planning Approval DA0068/24 (partial change of use to (public) carpark) at No. 3 (Lot 100) High Street, Fremantle, as detailed on documents dated 28 May 2026, for the following reasons:

1. By virtue of the expected increase in additional private vehicle trips and traffic within the City Centre, and in particular the constrained historic West End, to and from the public car parks would compromise objectives of the City's LPS4, City Plan: City Centre (2025) City's Strategic Community Plan 2024 – 2034, LPP3.21 (West End Conservation Area) and SPP4.2 (Activity Centres) which seek to reduce private vehicle dependence and trips within the City Centre, improve pedestrian amenity, manage the impacts of vehicle movements and parking as well as promote a balanced movement network that



prioritises walking, cycling, public transport, and shared mobility. Approval of the proposal may also set an undesired precedent within the City Centre and historic West End in which other currently private car parks are proposed to change to public car parks, further compromising policy objectives.

2. The City's Integrated Transport Strategy 2015 identifies there is already an oversupply of off-street public parking in central Fremantle and there is no urgent need for the provision of additional general public parking for City Centre visitors. The Transport Strategy and City Plan: City Centre (2025) prioritises an approach that would see any new parking being provided on the periphery of the central city so that users would not be required to drive through the centre of the city to access parking. This approach is considered to minimise the impact of vehicles on the high amenity, pedestrian priority of the City centre. As such, any new public parking, particularly within the constrained West End, should not be supported.
 3. The proposed public car parks on the subject sites are not a use that is considered necessary or desired with the region-serving role of the City Centre in that they will not contribute to the range of appropriate non-residential land uses that are sought in the City centre to provide further vibrancy and activation. Alternative, active uses for the university car parking areas, outside of typical university hours, should be explored/considered that deliver greater activation of these spaces on weeknights and/or weekends, further to strategic objectives for the City Centre.
- B. REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the variation to Planning Approval DA0069/24 (partial change of use to (public) carpark) at No. 22 (Lot 1865) Marine Terrace, Fremantle, as detailed on documents dated 28 May 2026, for the following reasons:
1. By virtue of the expected increase in additional private vehicle trips and traffic within the City Centre, and in particular the constrained historic West End, to and from the public car parks would compromise objectives of the City's LPS4, City Plan: City Centre (2025) City's Strategic Community Plan 2024 – 2034, LPP3.21 (West End Conservation Area) and SPP4.2 (Activity Centres) which seek to reduce private vehicle dependence and trips within the City Centre, improve pedestrian amenity, manage the impacts of vehicle movements and parking as well as promote a balanced movement network that prioritises walking, cycling, public transport, and shared mobility. Approval of the proposal may also set an undesired precedent within the City Centre and historic West End in which other



currently private car parks are proposed to change to public car parks, further compromising policy objectives.

2. The City's Integrated Transport Strategy 2015 identifies there is already an oversupply of off-street public parking in central Fremantle and there is no urgent need for the provision of additional general public parking for City Centre visitors. The Transport Strategy and City Plan: City Centre (2025) prioritises an approach that would see any new parking being provided on the periphery of the central city so that users would not be required to drive through the centre of the city to access parking. This approach is considered to minimise the impact of vehicles on the high amenity, pedestrian priority of the City centre. As such, any new public parking, particularly within the constrained West End, should not be supported.
 3. The proposed public car parks on the subject sites are not a use that is considered necessary or desired with the region-serving role of the City Centre in that they will not contribute to the range of appropriate non-residential land uses that are sought in the City centre to provide further vibrancy and activation. Alternative, active uses for the university car parking areas, outside of typical university hours, should be explored/considered that deliver greater activation of these spaces on weeknights and/or weekends, further to strategic objectives for the City Centre.
- C. REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the variation to Planning Approval DA0210/24 (partial change of use to (public) carpark) at No. 11-25 (Lot 3) Mouat Street, Fremantle, as detailed on documents dated 28 May 2026, for the following reasons:
1. By virtue of the expected increase in additional private vehicle trips and traffic within the City Centre, and in particular the constrained historic West End, to and from the public car parks would compromise objectives of the City's LPS4, City Plan: City Centre (2025) City's Strategic Community Plan 2024 – 2034, LPP3.21 (West End Conservation Area) and SPP4.2 (Activity Centres) which seek to reduce private vehicle dependence and trips within the City Centre, improve pedestrian amenity, manage the impacts of vehicle movements and parking as well as promote a balanced movement network that prioritises walking, cycling, public transport, and shared mobility. Approval of the proposal may also set an undesired precedent within the City Centre and historic West End in which other currently private car parks are proposed to change to public car parks, further compromising policy objectives.



2. The City's Integrated Transport Strategy 2015 identifies there is already an oversupply of off-street public parking in central Fremantle and there is no urgent need for the provision of additional general public parking for City Centre visitors. The Transport Strategy and City Plan: City Centre (2025) prioritises an approach that would see any new parking being provided on the periphery of the central city so that users would not be required to drive through the centre of the city to access parking. This approach is considered to minimise the impact of vehicles on the high amenity, pedestrian priority of the City centre. As such, any new public parking, particularly within the constrained West End, should not be supported.
3. The proposed public car parks on the subject sites are not a use that is considered necessary or desired with the region-serving role of the City Centre in that they will not contribute to the range of appropriate non-residential land uses that are sought in the City centre to provide further vibrancy and activation. Alternative, active uses for the university car parking areas, outside of typical university hours, should be explored/considered that deliver greater activation of these spaces on weeknights and/or weekends, further to strategic objectives for the City Centre.

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

COMMITTEE RECOMMENDATION ITEM PSC2608-1
(Alternative motion)

Moved: Cr Andrew Sullivan

Seconded: Cr Frank Mofflin

Council:

- A. APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Variations to Planning Approval for DA0068/24 (partial change of use to (public) carpark) at No. 3 (Lot 100) High Street, Fremantle, granted 12 June 2024, subject to the same terms and conditions, except whereby modified by the following condition(s):
 - A. Condition(s) 8 of the Planning Approval dated 12 June 2024, be deleted and replaced with the following condition(s):



8. Notwithstanding condition 1, the partial change of use to car park hereby approved is to cease operating within one (1) year from 26 August 2026.

- B. APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the variation to Planning Approval DA0069/24 (partial change of use to (public) carpark) at No. 22 (Lot 1865) Marine Terrace, Fremantle, granted 12 June 2024, subject to the same terms and conditions, except whereby modified by the following condition(s):

- A. Condition(s) 8 of the Planning Approval dated 12 June 2024, be deleted and replaced with the following condition(s):

8. Notwithstanding condition 1, the partial change of use to car park hereby approved is to cease operating within two (2) years from 26 August 2026.

- C. APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the variation to Planning Approval DA0210/24 (partial change of use to (public) carpark) at No. 11-25 (Lot 3) Mouat Street, Fremantle, granted 26 August 2024, subject to the same terms and conditions, except whereby modified by the following condition(s):

- A. Condition(s) 8 of the Planning Approval dated 26 August 2024, be deleted and replaced with the following condition(s):

8. Notwithstanding condition 1, the partial change of use to car park hereby approved is to cease operating within two (2) years from 26 August 2026.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Frank Mofflin and Cr Fedele Camarda

Against:

Nil

In accordance with clause 9.16 of the [Meeting Procedures Policy](#), Mayor Ben Lawver requested that the item be referred to the Ordinary Meeting of Council for determination. Seconded by Cr Pip Slaughter.



Reason for alternative motion – Part A:

A one year extension for the car park on High Street as a final transition away from that site being used solely for parking and with a clear directional advice note that the City will not permit the site to be used as a public car park beyond the final transitional period unless the streets are activated through permanent or temporary development capable of activating the street frontages.

Reason for alternative motion – Part B:

A two year extension for the two car parks off Croke Lane on the basis that these are located on secondary streets, their impact on the West End is minor, and the parking areas are an integral part of developments on the same sites.

Reason for alternative motion – Part C:

A two year extension for the two car parks off Croke Lane on the basis that these are located on secondary streets, their impact on the West End is minor, and the parking areas are an integral part of developments on the same sites.

Note: As part of the referral to Council, the Mayor requested that the additional parking data noted by the applicant, be provided to Council prior to final consideration.



PSC2608-2 SOUTH TERRACE, NO. 193 (LOT 1), SOUTH FREMANTLE -
PRIMARY AND SECONDARY STREET FENCE ADDITION TO
EXISTING SINGLE HOUSE - (LG DA0151/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Development Plans
Additional Documents (viewed electronically)	2. Site Photos 3. CoF Heritage Impact Assessment 4. Applicant Full Submission 5. Applicant Additional Justification

SUMMARY

Approval is sought by the applicant for a primary and secondary street fence addition to an existing Single house at No. 193 South Terrace, South Fremantle.

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

- Fencing height and permeability (primary and secondary streets)
- Sightlines

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a primary and secondary fence addition to an existing Single house at No. 193 South Terrace, South Fremantle (subject site). The proposed works include:

- Demolition of existing front fencing along South Terrace and Louisa Street frontages.
- South Terrace frontage (primary street):
 - o Construction of 2m high fence with piers to 2.2m front fencing comprising of solid masonry with 50% permeable steel picket infill and

limestone rubble, sliding vehicle access gate, and pedestrian gate (refer Figure 1).

- Louisa Street frontage (secondary street):
 - o Construction of solid 2m masonry fence with piers to 2.2m (refer Figure 2).



Figure 1 – Proposed primary street fencing (South Terrace)



Figure 2 – Proposed secondary street fencing (Louisa Street)



Development plans are included as attachment 1. It is noted that the applicant has provided additional justification in response to initial officer feedback on the proposal. This additional justification has been included as Additional Information. Throughout the application process the applicant raised general concerns and queries, these have been summarised below:

- Concern that the City's Local Planning Scheme No. 4 (LPS4) is no longer fit for purpose and, therefore, its validity was questioned by the applicant.
- Concerns regarding the planning instruments used to assess the application, including a series of questions directed to Department of Planning, Lands and Heritage (DPLH) officers about the City's local planning framework and its application. It is noted that the DPLH officers' responses do not form part of this application, however a summary is provided below for reference:
 - o DPLH confirmed that the provisions of LPP 2.8 and LPP 3.6 do not require WAPC approval and are not affected by the R-Codes transitional provisions.
 - o DPLH advised that applications not meeting deemed-to-comply provisions must be assessed against the relevant R-Code design principles.
 - o DPLH confirmed that LPS4 remains the operative local planning scheme until it is formally replaced.
 - o DPLH advised that local planning policies may vary the R-Codes where permitted under clause 3.2.3 of the R-Codes.
- Queries regarding the City's application of the Residential Design Codes, Local Planning Policies, and LPS4, including the applicable determination date for the application.
- Additional justification in support of application, provided in response to City heritage assessment of proposal.

Site/application information

Date received: 24 April 2026
Scheme: Residential R30
Heritage listing: Individually Listed Category 2 and South Fremantle Precinct Heritage Area
Existing land use: Home Business (Health Education)
Use class: Single House
Use permissibility: P



Figure 3 – Planning context map





CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Heritage

Based on documentary and physical evidence, it has been determined that the subject site has considerable cultural heritage significance for its contribution to the heritage character of the South Fremantle Precinct Heritage Area, particularly due to its aesthetic value and contribution to the streetscape. It is also individually listed on the City's Heritage List.

Boundary walls and fences are the key physical elements at the interface between private properties and the public and private realms. Traditional fencing types can contribute greatly to a heritage area's residential streetscape and so are encouraged.

The proposed primary and secondary street walling and fencing will adversely impact the aesthetic values of 193 South Terrace by partially obscuring views from the streetscape towards the heritage dwelling by its height and solidity. Its materiality and colour scheme coupled with higher construction are out of keeping with the place and the contributory examples of house and fencing present within the immediate streetscape and beyond. As such it adversely impacts the aesthetic values of both the dwelling and the Heritage Area due to its incompatibility with the historic and evolving character of South Fremantle. The proposed fence design is therefore not supported on heritage grounds.

A detailed assessment of the proposal against Local Planning Policy 3.6 – Heritage-Protected Places, Built Form and Land Use (LPP3.6) can be found in the officer comment section below.

For full Heritage Impact Assessment (HIA) prepared by City officers, refer to Additional Information. The applicant has provided additional information in support of their application, but not an alternate HIA by a heritage professional.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes. The advertising period concluded on 3 June 2026, and no submissions were received.



OFFICER COMMENT

Statutory and policy assessment

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

- Fencing height and permeability (primary and secondary streets)
- Sightlines

The above matters are discussed below.

Background

The subject site is located on the southwest corner of South Terrace and Lousia Street in South Fremantle. The site has a land area of approximately 799m² and is zoned Residential with a density coding of R30. The site has an individual heritage listing of Level 2, and is located within the South Fremantle Precinct Heritage Area.

As the subject site is located within a heritage protected place, the proposal is required to be assessed against the City's Local Planning Policy 3.6 – *Heritage-protected Places: Built Form and Land Use* (LPP 3.6). As the property is also individually listed, a Heritage Impact Assessment has been prepared in accordance with Local Planning Policy 1.6 – *Heritage Administration and Procedures* (LPP 1.6).

In addition, the application is subject to assessment against the relevant provisions of the Residential Design Codes. Compliance with the Residential Design Codes does not negate the need to satisfy the heritage assessment requirements. The proposal must be considered on its overall merits, with due regard to all applicable planning and heritage policy requirements.

The existing building is a single storey building that has been previously operated under a number of different land uses, including a health education and nutrition business operating under a Home business use and a Community Purpose use, and an Educational Establishment use. The applicant has indicated that building is currently operating as a Single house for the purpose of residential inhabitants. The subject site has recently obtained subdivision approval (ref. WAPC202182) to

split the subject site into two (2) lots, for the purpose of residential occupation (see Figure 5).



Figure 5 – Proposed Lot A (green) and Lot B (yellow) on subject site

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

- WAPC202182 – Subdivision Application
- DAP002/18 – Three x Two Storey Grouped Dwellings, and Change of use to Educational Establishment
- DA0328/17 – Retrospective approval for alterations (painting and roller shutters) to Existing Single House
- DA0104/17 – Two storey additions and alterations and additional and additional uses of Restaurant and use not listed
- DA0353/16 – Partial Change of Use to Home business (Heath Education) primary street fence alterations and signage additions to existing mixed use building (Community Purpose and Single House)



Fencing height and permeability (primary and secondary streets)

As the property is within a heritage area, the requirements of Local Planning Policy 3.6 replace the “deemed-to-comply” criteria of the R-Codes for fencing to all residential buildings in heritage-protected places. Where the proposal seeks to vary these criteria, the variation is assessed under the LPP3.6 performance criteria and the design principles of the R-Codes.

LPP3.6 outlines that fences are key physical elements at the interface between private properties and the public private realms. Traditional fencing types can contribute greatly to a heritage area’s residential streetscape and so are encouraged.

The following table evaluates the proposed fencing design against the applicable design guidance for fencing under clause 12 of LPP3.6:

12. Fencing to All Residential Buildings	
Criteria	Officer Comment
<i>For Level 1A, 1B or 2 listed places:</i>	
12.1 Retain and conserve original fences and retaining walls including brick, stone, timber and composite fences/walls. If beyond conservation, replace like-for-like.	The existing fence is not an original fence and was constructed circa. 2005, featuring low masonry base and infill metal posts.
12.3 Fencing style and design is to match the style and design of the original historic place.	The proposed primary and secondary street fencing is not considered to match the style and design of the historic place, primarily due to its solidity, materiality and colour scheme. Its materiality and colour scheme coupled with higher construction are inconsistent with the historic place, are considered to contribute to a detrimental impact on the significance of the heritage place and area. Inconsistent with design requirement(s).
<i>For non-contributory properties, contributory properties and Level 3 listed places:</i>	
12.8 Primary and secondary street fencing is to take the following forms:	The proposed fence design includes: • South Terrace frontage (primary street): - o Construction of 2m high fence with piers to 2.2m front fencing



a) Solid fencing up to 0.9m in height. b) Traditional open style (picket, post and wire or slat) up to 1.2m in height. c) Hybrid with a solid portion up to 0.5m and open style of 0.7m above the solid portion, to a total of 1.2m in height. d) Piers up to 1.5m in height	comprising of solid masonry with steel picket infill and limestone rubble, sliding vehicle access gate, and pedestrian gate. (see Figure 1) • Louisa Street frontage (secondary street): - o Construction of solid 2m masonry fence with piers to 2.2m. (see Figure 2) The proposed design exceeds the acceptable height(s) and the style is inconsistent with the design guidelines of clause 12.8. Inconsistent with design requirement(s).
12.10 Contemporary interpretations and variations are to demonstrate that they are consistent with the prevailing streetscape.	The proposed fencing is a contemporary variation that introduces an inconsistent height and style into the prevailing streetscape. To the South Terrace frontage, the two adjacent properties that form the prevailing streetscape (195 & 197 South Terrace) exhibit the following fencing heights/styles: 195 South Terrace: • 1.7m high masonry pier height, solid infill pickets to 1.5m. 197 South Terrace: • 1.8m solid masonry limestone wall with 1.5m metal picket infill. The proposed 2.0 m high fence, with piers extending to 2.2 m, exceeds the existing fence height within the prevailing South Terrace streetscape and is therefore considered inconsistent. It is considered that the fence height should be reduced to better align with the adjoining properties and achieve a more consistent streetscape outcome. Similarly, along the Louisa Street frontage, the proposed 2.0 m solid fence with 2.2 m high piers is inconsistent with the prevailing streetscape, which is characterised by lower fencing that generally accords with the design



	guidance of LPP 3.6. The proposed fence would appear visually dominant and detract from the established streetscape character. Refer to Figures 6-11 below, which illustrates the existing fencing along the South Terrace and Louisa Street frontages. Inconsistent with design requirement(s)
12.11 Variations to the above may be considered where necessary to attenuate traffic noise for properties on primary distributor, district distributor A or integrator arterial roads.	It has been confirmed with the City's Engineering/Infrastructure department that the portion of South Terrace – South Street adjoining the subject site experiences an average of approx. 9400 – 6950 vehicles per day (based off 2022 – 2026 street survey data). As such, is considered that the street meets the characteristics of a district distributor or integrator arterial road (as per Main Roads WA road types and criteria), therefore the variation can be considered. It is noted that the applicant has prepared and provided an acoustic assessment with measurements of the noise levels across the South Terrace and Louisa Street frontages. Officers note that as the reporting is not prepared by a qualified acoustic consultant the City is unable to verify it's accuracy. Notwithstanding, as discussed above it is considered that the proposed fence height of 2m – 2.2m is excessive and inconsistent with the prevailing streetscape. It is considered that the fence could be lowered in height whilst still providing adequate noise attenuation from the traffic along South Terrace. Inconsistent with design requirement(s).

NB: For the purpose of considering the "prevailing streetscape" in the assessment, prevailing streetscape under LPP3.6 is defined as follows:

Prevailing Streetscape means the characteristics of the 3 properties adjoining either side of the subject site, fronting the same street and in the same street block. In the case of a corner lot where the dwelling is orientated to the splay, the characteristics of the adjoining three properties, where appropriate, facing both streets shall be considered. Greater weight may be given to the characteristics of

the two immediately adjoining properties on either side of the subject site fronting the same street(s). For the purpose of this definition, properties separated by a street shall not be considered 'adjoining', nor shall intrusive or non-contributory properties be used to establish context.



Figure 6 – Properties within prevailing streetscape as per LPP3.6 definition



Figure 7 – Existing fencing at 195 South Terraces, hybrid masonry and solid picket infill fence, total height 1.7m



Figure 8 – Fence at 197 South Terrace, solid masonry and metal picket fence, total height 1.8m



Figure 9 – 15 Louisa Street front fence



Figure 10 – 13 Louisa Street front fence



Figure 11 – 11 Louisa Street front fence

On the basis of the above, the proposed fence is not supported pursuant to the relevant provisions of LPP3.6 as the fence exceeds the prescribed acceptable fence height(s), is a form of non-traditional fencing type and design has an insufficient level of visual permeability, therefore is cumulatively seen to have an adverse visual impact upon the streetscape as a bulky addition that also obscures views between street and dwelling.

Whilst not applicable to this application, the proposed fence would be seeking variation under the standard “deemed-to-comply” provisions for front fencing outlined in section 5.2.4 of the R-Codes, which are outlined as follows:

- *Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.*
- *Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1.*



The proposed fencing has also been considered under the R-Code design principles for street walls and fences (section 5.2.4), which are outlined as follows:

Front fences are low or restricted in height to permit passive surveillance (as per clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.*

The proposal is not considered to address the section 5.2.4 design principles for the following reasons:

- The proposed front fencing within the primary street setback would introduce the tallest front fence in the streetscape and is not considered 'low or restricted in height'. As a result, it is considered inconsistent with the prevailing character of the locality and would not enhance the existing streetscape.
- The subject site is located on a district distributor/integrator arterial road, and therefore the need for noise attenuation has been taken into consideration. While officers acknowledge the desire for acoustic mitigation for the amenity of residents, it is considered that the proposed fence height is excessive. A reduced fence height, more consistent with the established streetscape, is considered capable of providing an appropriate level of noise attenuation.
- Given the property's floor level is approximately 1 m above natural ground level (NGL), increasing the fence height to 2 m is not considered to provide effective additional privacy. The proposed outdoor living area (approx. 50m² as per Figure 12 below) is located wholly within the primary street setback and, as such, it is acknowledged that a degree of screening may be required to provide an appropriate level of privacy (refer to Figure 12). However, for the reasons outlined above, the proposed fence height of 2.0–2.2m is considered excessive. It is the opinion of officers that an alternative design solution could achieve an adequate level of privacy while incorporating a fence that is lower in height, and with reduced level of solidity that is more compatible with the surrounding streetscape.

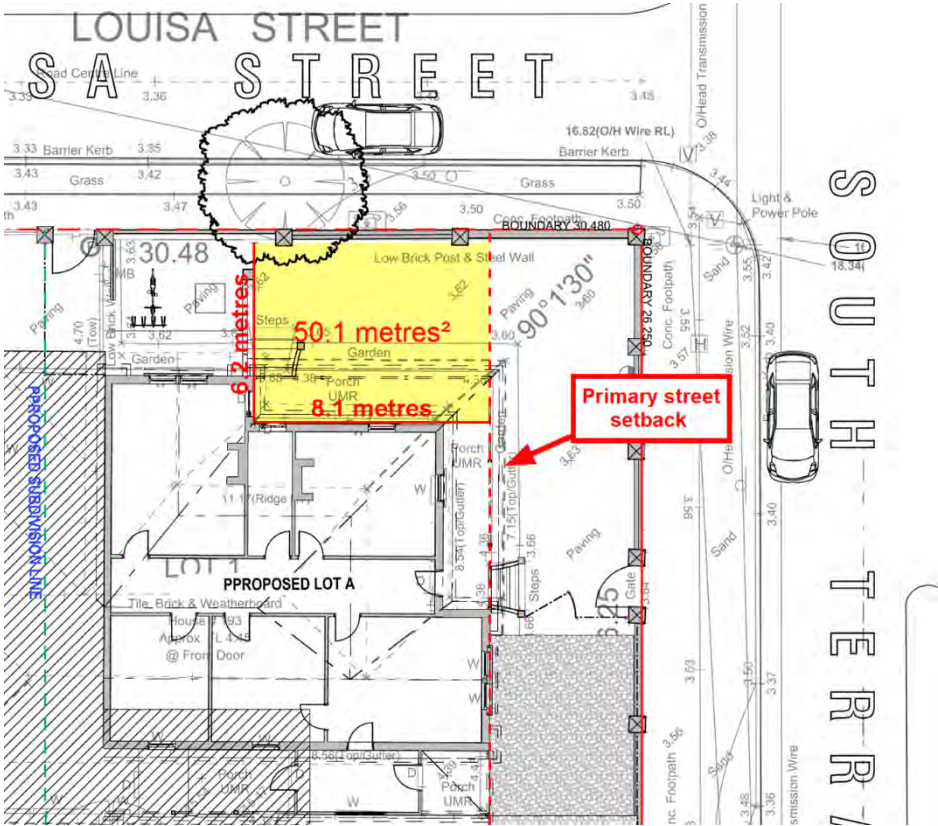


Figure 12 – Location of outdoor living area (approx. 50m²), as per approved subdivision (WAPC202182)

Sightlines

Element	Requirement	Proposed
R-Codes, Section 5.2.5 – Sightlines	Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin: i. a driveway that intersects a street, right-of-way or communal street; ii. a right-of-way or communal street that intersects a public street; and iii. two streets that intersect. (refer Figure 9a)	The proposed fence has a height of 2.2m to the solid piers and 2m to the portion of picket infill (50% permeable) located within 1.5m of where the fence adjoins the driveway on both the northern and southern edges of the driveway (South Terrace frontage). The fence also exceeds the required height and does not provide a truncation on the corner of where the two street frontages intersect (Corner of South Terrace and Louisa Street). Does not comply.



The proposed fencing is not considered to meet the Design principles of the R-Codes in the following ways:

- The proposed fencing does not offer clear unobstructed views to the abutting pedestrian path. The solid piers at 2.2m and 2m picket infill at 50% permeability creates visual obstruction for vehicles exiting the subject site on both sides of the driveway, particularly as the driveway abuts a high traffic pedestrian footpath, which is a concern for pedestrian safety and visibility at the vehicle access point of the site.
- The proposed fencing at the corner of South Terrace and Louisa Street does not offer unobstructed views to vehicles or pedestrians using the path and road. It is considered that the solidity and height of the fence result in obstructed views on the corner, which is a concern for pedestrian safety and visibility at the intersection of the two streets.

General Matters to be Considered

The proposed development is inconsistent with the following:

- The *Planning and Development (Local Planning Schemes) Regulations 2015*, including general matters to be considered when assessing development applications. *Clause 67(2)(k) and (l)* of the Deemed Provisions, require consideration of the effect of the proposal on the cultural heritage significance of the area. As detailed above the proposed development is considered to result in a detrimental impact to the heritage significance of the South Fremantle Heritage Area, and the heritage significance of the individual place (193 South Terrace).
- *Clause 67(2)(r)* requires considerations to the suitability of the land for the development taking into account the possible risk to human health or safety. As detailed above the proposed development is considered to result in obstructed vehicle sightlines where the fence adjoins the driveway that intersects South Terrace and abutting pedestrian footpath, and at the corner of South Terrace and Louisa Street, that is considered to present a risk to pedestrian safety and visibility.

CONCLUSION

The proposed primary and secondary street fencing is not supported by officers as it is inconsistent with the prescribed fencing types and design requirements of LPP3.6, is not considered compatible with the heritage place and character of the area and has the potential to impact pedestrian safety with unacceptable visual obstructions to the sightlines from the vehicle access point of the subject site on South Terrace.



STRATEGIC IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.



OFFICER'S RECOMMENDATION

Moved: Cr Frank Mofflin

Seconded: Cr Pip Slaughter

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Primary and Secondary Street Fence Addition to Existing Single House at No. 193 (Lot 1) South Terrace, South Fremantle, as detailed on plans dated 22 April 2026, for the following reasons:

1. By virtue of the excessive height, non-traditional design/type and insufficient visual permeability of the proposed fence, the fence is inconsistent with clauses 67 (2)(l) and 67(2)(k)) of the *Deemed Provisions* as well as the design guidance and requirements of Local Planning Policy 3.6 (Heritage-protected Places Built Form and Land Use) and section 5.2.4 (Street walls and fences) of the Residential Design Codes. It is therefore considered that the proposal will have an adverse visual impact upon the heritage significance of the place and wider South Fremantle Precinct Heritage Area.
2. By virtue of the excessive level of visual obstruction to vehicle sightlines where the fence adjoins the driveway that intersects South Terrace and abutting pedestrian footpath, the fence is considered to present a risk to pedestrian safety and visibility at vehicle access points and therefore, is inconsistent with section 5.2.5 (Sightlines) of the Residential Design Codes and clause 67(2)(r) of the *Deemed Provisions*.

In accordance with clause 10.1 of the [Meeting Procedures Policy](#), the following procedural motion was moved, as provided in the additional documents:

COMMITTEE DECISION ITEM PSC2608-2

Moved: Cr Andrew Sullivan

Seconded: Cr Fedele Camarda

Council:

DEFER the application to the next appropriate Planning Services Committee with the advice that the Council is not prepared to grant planning approval to the application for the Primary and Secondary Street Fence Addition to Existing Single House at No. 193 (Lot 1) South Terrace, South Fremantle, based on the current submitted plans and invite the applicant, prior to the next appropriate Planning Services Committee to consider submitting an amended proposal to address the reasons for refusal outlined in the Officer recommendation.



Carried: 4 / 1

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Fedele Camarda and Cr Frank Mofflin

Against:

Cr Pip Slaughter

Reason for alternative motion:

To allow the applicant to provide revised plans.



PSC2608-3 MANNING STREET, NO. 5 (LOT 28) - UNAUTHORISED ROOF SHEETING ADDITION TO FIRST FLOOR TERRACE (ED DA0164/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Amended Development Plans
Additional Documents (viewed electronically)	2. Applicant Justification Statement and Building Reports 3. Site Photos

SUMMARY

Approval is sought by the applicant for unauthorised roof sheeting additions to first floor roof terrace at No. 5 (Lot 28) Manning Street, Fremantle.

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

- Solar Access (Overshadowing)
- Visual Privacy
- Open Space

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for unauthorised roof sheeting additions to first floor roof terrace at No. 5 (Lot 28) Manning Street, Fremantle (subject site). The unauthorised works include the roofing of a previously approved pergola (open-framed structure) above a first-floor terrace of the existing dwelling.

The applicant submitted amended plans on 24 June 2026, to reflect what had been constructed on site (not proposed changes), including the following elements:

- Updated first floor terrace roof sheeting detail to reflect what has been constructed on site, comprising 'Laserlite 2000 (clear)' polycarbonate panel sheeting on the southern roof slope of the terrace pergola, and solid 'Colorbond' panel sheeting on the northern side of the terrace pergola (refer Image 1 below);
- Updated first floor terrace southern edge privacy screening to reflect what has been constructed on site, comprising fixed aluminium louvre screening (refer Image 2 below).

Amended development plans are included as Attachment 1.

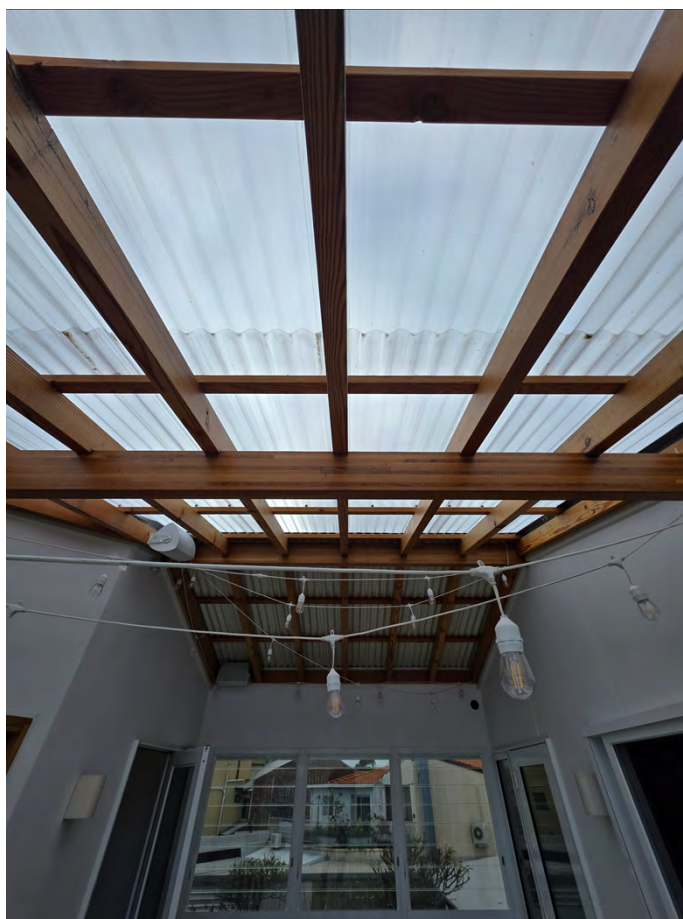


Image 1. Unauthorised roof sheeting additions (solid Colorbond sheeting to the northern face of roof and 'Laserlite 2000 (clear)' polycarbonate panel sheeting on the southern roof slope) to the first-floor terrace pergola. Image taken 1 July 2026.



Image 2. Visual privacy screening erected to southern edge of first floor terrace.
Image taken 1 July 2026.

Site / application information

Date received: 4 May 2026

Scheme: Residential (R30)

Heritage listing: Individually Listed (Level 3), Not within Heritage Area

Existing land use: Single House

Use class: Single House

Use permissibility: P

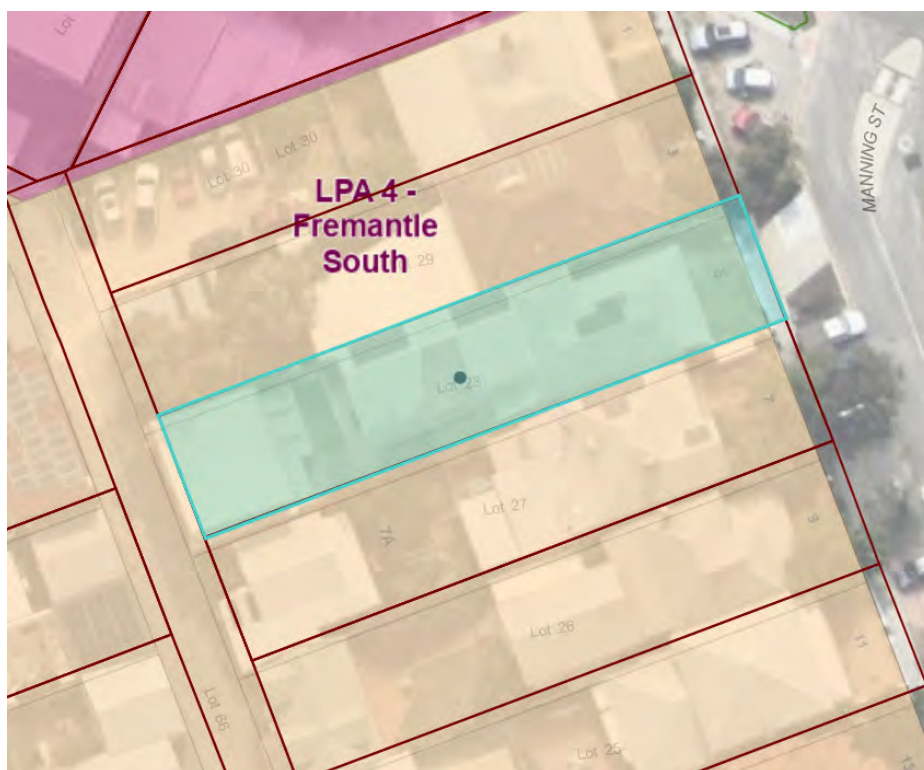


Figure 1 – Planning context map



Figure 2 – Subject site aerial image (April 2026)



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the unauthorised works seek discretion against the R-Codes. The advertising period concluded on 3 June 2026, and one (1) submission was received. The following issues were raised (summarised):

- Overshadowing and loss of light: the roof covering increases overshadowing, decreases access to sunlight.
- The open terrace was previously identified as an important design feature addressing the building bulk and overshadowing concerns from the original proposals that were not supported, by roofing this element, it has negated the positive design changes.
- The open space is reduced by roofing the terrace, the open terrace was previously cited as compensating for the lack of open space elsewhere on the site.
- Building bulk: the void or break in the upper floor of building that was provided by the open terrace was a notable amendment to the original plans toward reducing the bulk of the upper floor by providing an open terrace that separated the upper floor elements and provided a break in the bulk that is no longer achieved now that the roof has been installed
- There are multiple errors or inconsistencies in the plans and what has been constructed on site, including the roofing, privacy screening, lot boundary setbacks incorrect and additional pergola beams.

It is noted the plans have been amended to better reflect what has been constructed on site, including the roof sheeting and screening details referred to above.

The remainder of the comments are addressed in the officer comment section below.



OFFICER COMMENT

Statutory and policy assessment

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

- Solar Access (Overshadowing)
- Visual Privacy
- Open Space

The above matters are discussed below.

Background

The subject site is located on the west side of Manning Street near the junction of Wray Avenue, Fremantle. The site has a land area of approximately 481m² and is currently a Single house. The site is zoned Residential and has a density coding of R30. The site is individually heritage listed. The site has a significant slope from south-east to north-west of approximately 3.0m across the site.

The surrounding area is characterised by 1-2 storey single houses and grouped dwellings with low scale commercial uses within the mixed use zone along Wray Avenue approximately 30m to the north of the site.

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

- VA0012/23 – 'Variation to DA0100/22 (Two Storey Additions and Alterations to Existing Single House). Approved by Council on 4 October 2023.
- DA0100/22 – 'Two Storey Additions and Alterations to Existing Single House'. Approved by Council on 7 December 2022.
- DA0361/11 – 'Detached Two Storey Ancillary Accommodation Addition to an existing Single House'. Approved by Planning Committee on 25 January 2012.



With reference to the above previous development applications, it is noted that with respect to the original application for the two storey additions (ref. DA0100/22), the application was originally referred to the 6 July 2022 Planning Committee with a recommendation for refusal by officers. The Planning Committee invited the applicant to amend the development plans to address the reasons for deferral, namely the bulk and scale of the rear addition, the impact on the southern neighbouring lot including building bulk and overshadowing, and the impact on the existing heritage dwelling. Following several sets of amended plans, the applicant provided a final set of amended plans on 24 October 2022, which were ultimately approved by Committee.

The key amendments to plans that resulted in an officer recommendation for approval and ultimately, Council approval, were as follows (refer also, Figure 3 below):

- Shifting the additions to the rear of the original dwelling to preserve its heritage values;
- Increasing the southern lot boundary setbacks to both the ground and upper floor to reduce bulk impacts upon the southern neighbour; and
- The introduction of a break in the upper floor built form through a proposed roof terrace (with open pergola roof) to separate sections of the upper floor addition to reduce the building bulk and overshadowing impact of this upper floor addition upon the adjoining southern neighbour and in particular, overshadowing of the outdoor living area of this dwelling.

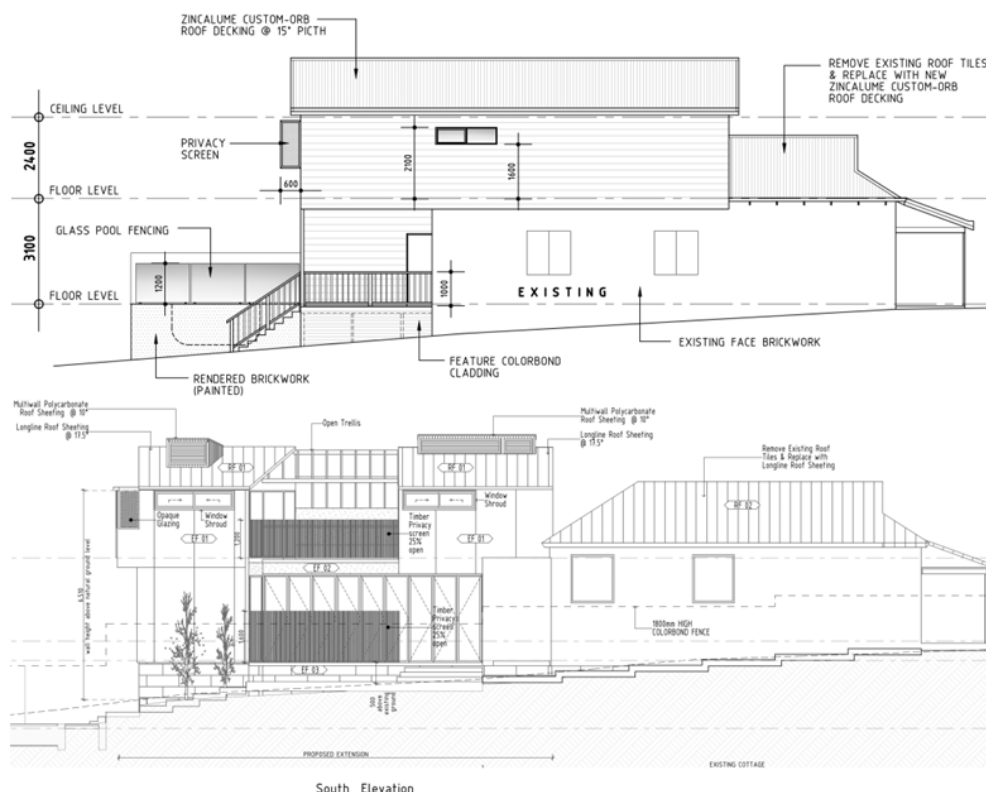


Figure 3. Comparison of originally submitted plans (south elevation) under application ref. DA0100/22 (top plan) and the amended plans (south elevation) that were approved by Council (bottom plan), noting the 'open trellis' (pergola) above the first floor terrace, centrally located in the upper floor of the rear addition.

The amended plans were ultimately considered to have adequately addressed previous concerns and were approved by Council at its meeting on 7 December 2022.

On 4 October 2023, Council approved an application to vary the original approval (ref. VA0012/23); however, the amendments to plans were limited to:

- Increase in the proposed rear Cellar addition floor area;
- Modify proposed ground and first floor rear addition floor layouts (southern and northern lot boundary setbacks to remain as previously approved); and
- Extend roof 0.6m (600mm) over western end of First Floor addition.



These amendments resulted in a marginal increase in overshadowing of the adjoining neighbour (from the rear roof extension); however, this additional shadow did not fall on areas of outdoor living area but rather the roof of the adjoining ancillary dwelling and were seen to cause no further amenity impact and as such, the variations were recommended for approval by officers and ultimately approved by Council.

Subsequent to the above, a building permit was issued by the City and works were undertaken in accordance with approvals (including the amendments approved under VA0012/23) and the additions have been constructed on site.

Notwithstanding, since the completion of the approved works, additional unauthorised works have been undertaken on the subject site that involve installing roof sheeting over the previously approved unroofed pergola over the first floor terrace, these unauthorised works are the subject of this application (refer image 1 above and additional site photos at Additional Information 2 of this report).

Solar Access (Overshadowing)

Element	Requirement	Proposed	Extent of Variation
Original Approval (DA0100/22)	Deemed to Comply: up to 168m ² (35% of southern neighbours parent lot)	190m ² (39% of southern neighbours parent lot)	22m ² (4%)
Amended Proposal (VA0012/23) – rear roof extension.	Deemed to Comply: up to 168m ² (35% of southern neighbours parent lot)	193.4m ² (40.3% of southern neighbours parent lot)	25.4m ² (5.3%)
Unauthorised works (this application)	Deemed to Comply: up to 168m ² (35% of southern neighbours parent lot)	<i>Applicant</i> Assessment (refer Figure 4 below):	35m ² (7.2%)
		203m ²	
		<i>Officer</i> Assessment (refer Figure 5 below):	46m ² (9.5%)
		214m ²	

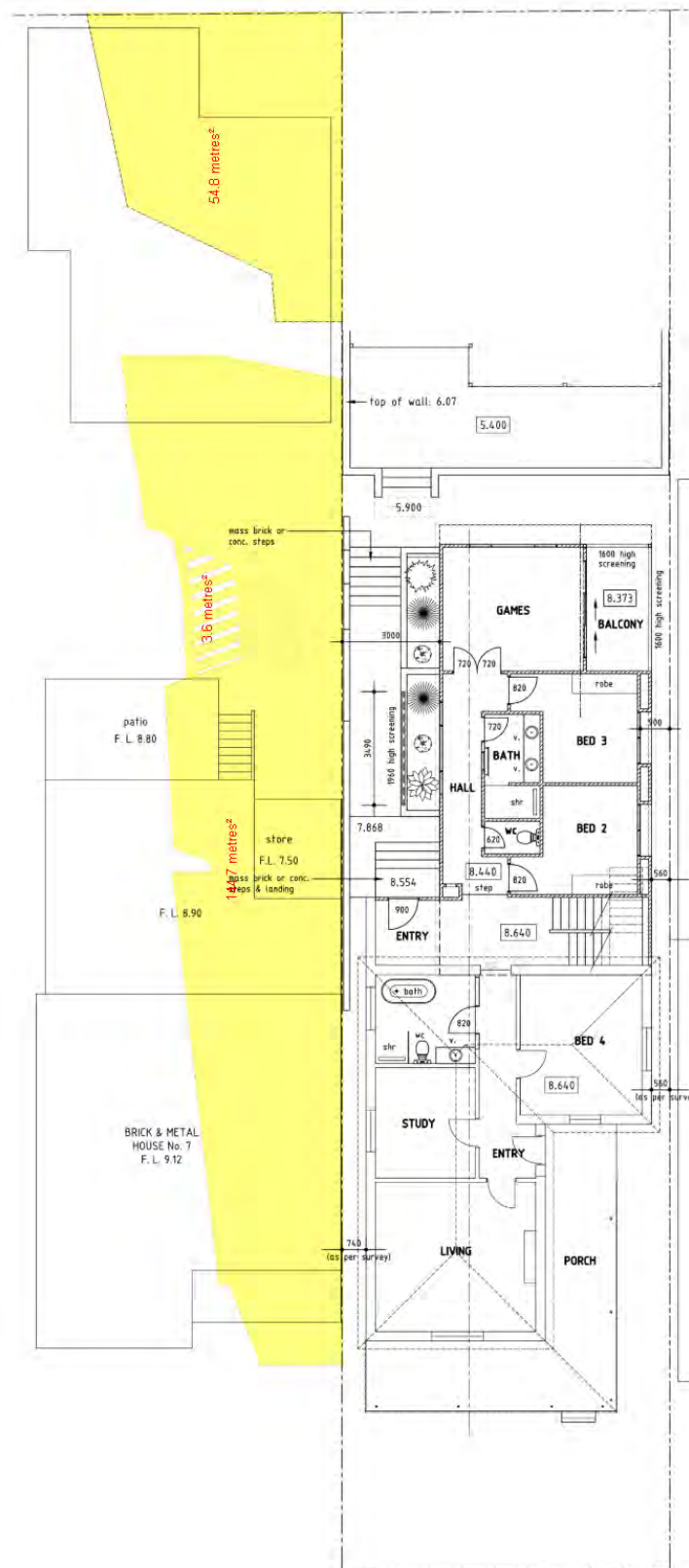
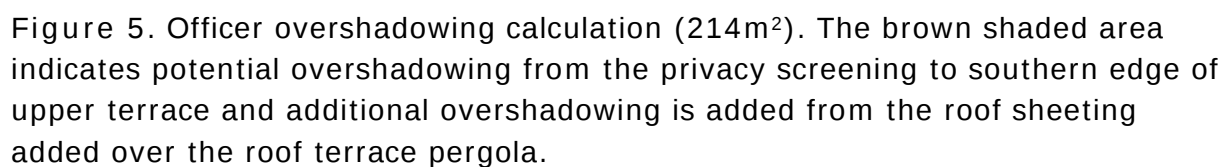


Figure 4. Applicant overshadowing calculation (203m²).





With reference to the above figures, the officer's calculation (Figure 5) has reassessed the overshadowing, taking into account the unauthorised roof sheeting additions over the upper floor terrace pergola (refer Image 1 above) as well as the visual privacy screening that has been erected on the southern edge of the upper floor terrace (refer Image 2 above). It is considered appropriate to account for these elements in the assessment as the visual privacy screening, at the time of R-Code assessment for solar access (midday on June 21), will contribute to the overshadowing of the adjoining lot.

Similarly, while the roof sheeting on the southern side of the pergola roof is noted as being 'Laserlite 2000 (clear)' polycarbonate, no evidence has been provided that such a covering would not contribute to overshadowing of the adjoining property and it is considered that despite being clear polycarbonate, it would reduce light transmission to some degree and therefore also contribute to overshadowing of the adjoining site, and has therefore been included in the calculation. This is confirmed in the Practice Notes published by the Department of Planning, Lands and Heritage that support the codes, which state:

"There is no recognition of partial shadowing under R-Codes Vol. 1 clause 5.4.2 C2.1. where such a situation arises, it should be identified in the shadow calculations, as translucent materials and screening still casts a shadow. The 'design principles' allow for variation and the extent and impact of any partial shadowing in excess of the 'deemed-to-comply' requirements. Level of translucency can be taken into consideration under the 'design principles'".

It should be noted that officers previously advised in an email to the applicant dated 3 November 2023 following the issue of the determination of application ref. VA0012/23, the following advice:

- *Any screening material proposed to this southern edge of the upper floor deck be of a material that still allows for solar/light penetration/permeability while still obscuring views for privacy (i.e. such as translucent glass or the like); and*
- *Please ensure the design of the pergola above the deck matches that shown on the approved first floor plan, any beams should be as minimal as possible and the pergola must remain permanently open as shown on the approved plans (i.e. cannot be a vergola or the like that can be closed off at times).*

On the basis of the above, the additional overshadowing caused by the unauthorised roof panel additions (refer Image 1 above) and screening erected (refer Image 2 above) is not considered to meet the design principles of the R-Codes as these additions result in additional overshadowing of the adjoining dwelling's primary outdoor living area, as is illustrated in Figure 6 below that

[illegible]

57/192



Further, the unauthorised additions contravene the specific design outcome that was achieved by providing the introduction of a break in the upper floor built form through a proposed roof terrace (with open pergola roof) to separate sections of the upper floor addition which served to reduce the building bulk and overshadowing impact of this upper floor addition upon the adjoining southern neighbour and in particular, overshadowing of the primary outdoor living area of this dwelling.

The applicant has submitted a Justification Statement and Building Reports (Additional Information 1) document to justify the roofing of the first-floor terrace, citing in summary:

'Due to significant and ongoing water ingress affecting the dwelling, urgent remedial works were required to prevent structural damage and health risks. These works included the installation of a roof covering over the first-floor deck area.'

This justification is supported by a Builder's Report, Planning Justification, Moisture Report and other supporting documentation and photographs, with full details found in Additional Information 1.

The justification is generally not accepted by officers to support additional overshadowing as adequate water proofing to external walls/openings/seals should have/should be employed/designed into these external elements to prevent such occurrences as is the case for other open terraces to dwellings and buildings throughout the City. It is also noted as discussed on a site visit on 1 July 2026, that the apparent source of the water ingress, stemming from an improperly sealed window on the terraces northern wall, has since been remediated and therefore it is considered the roof covering should no longer be required to prevent further damage. No further written justification or amendments have been provided following this discussion.

In summary, the additional overshadowing caused by the unauthorised additions are contributing to adverse overshadowing of the adjoining property primary outdoor living area and are not supported by officers, forming a recommended reason for refusal of the application.



Visual Privacy

The following elements have been reassessed under the visual privacy provisions of the R-Codes Vol. 1:

- i. First Floor Terrace – Southern Elevation; and
- ii. First Floor Terrace – Northern Elevation Window.

These elements are discussed in detail below.

First Floor Terrace – Southern Elevation

With regard to the previously approved applications, DA0100/22 & VA0012/23, the approved plans demonstrated that the southern edge of the terrace would be provided an R-Code compliant (*at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property*) visual privacy screen, reinforced by relevant conditions of approval.

Further, given it was noted that any solid screening to the southern end of the terrace may cause overshadowing, previously not accounted for, further advice was provided as follows:

‘Any screening material proposed to this southern edge of the upper floor deck be of a material that still allows for solar/light penetration/permeability while still obscuring views for privacy (i.e. such as translucent glass or the like)’

It is acknowledged that screening has been provided to the southern edge of the terrace (refer Image 2); however, the screening is in the form of fixed, angled aluminium louvres. This screening, at the time of R-Code assessment for solar access (midday on June 21), is contributing to the overshadowing of the adjoining lot. Furthermore, while the angled louvres prevent overlooking of the adjoining dwelling adjoining when looking directly south from the terrace, however, they do not prevent direct overlooking of the rear outdoor living area of the adjoining dwelling if looking/facing south-west from the terrace (refer Image 3 below) and as such, are ineffective in providing adequate visual privacy screening over the outdoor living areas of the adjoining property. As such, the screening that has been erected is not considered to adequately meet the requirements of the R-Codes in protecting the privacy of the adjoining dwelling and is therefore not supported by officers.



Image 3. View looking south-west from terrace through fixed, angled aluminium louvres - image taken 1 July 2026.

First Floor Terrace – Northern Elevation Window

With regard to the previously approved applications, DA0100/22 & VA0012/23, the approved plans demonstrated that obscure louvre glazing would be provided to the northern elevation windows to the first floor terrace, refer extract of approved plans under application ref. VA0012/23 below:



Figure 6. Extract of approved plans, northern elevation, application ref. VA0012/23.



With reference to Image 1 above, the obscure glazing has not been implemented and clear glazing has been applied to the opening which allows direct overlooking of the adjoining property which is not supported by officers.

Both of the above visual privacy variations and concerns from officers form recommended reasons for refusal of this application.

Open Space

Element	Requirement	Proposed	Variation
Open Space per previous approvals (DA0100/22 & VA0012/23)	216m ² (45%)	196m ² (40%)	20m ² (5%)
Open Space per unauthorised works (this application)	216m ² (45%)	177m ² (36.7%)	39 (8%)

As a result of the unauthorised works and specifically, the impermeable roof covering over the previously open first floor terrace, this has reduced the overall open space and increased the previously approved open space discretion, which is not supported by officers under the design principles of the R-Codes for the following reasons:

- The impermeable roofing additions over the first-floor terrace have increased the resulting= building bulk of the additions. The break in the upper floor built form through the terrace (with open pergola roof) to separate sections of the upper floor addition was introduced to reduce the building bulk and overshadowing impact of this upper floor addition. The unauthorised roofing of the terrace has reduced the design outcome that the approved plans were supported to achieve.

CONCLUSION

With reference to the detailed assessment above, the unauthorised works, specifically the roofing of the previously approved open first floor terrace and the inadequate visual privacy screening of openings to this terrace have resulted in adverse amenity impacts in the form of overshadowing, visual privacy and building bulk upon adjoining residential properties and therefore recommended for refusal by officers.



STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.

OFFICER'S RECOMMENDATION

Moved: Cr Pip Slaughter

Seconded: Mayor Ben Lawver

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Unauthorised Roof Sheetting Additions to First Floor Terrace at No. 5 (Lot 28) Manning Street, Fremantle, as detailed on plans dated 24 June 2026 for the following reasons:

1. By virtue of the additional overshadowing over the primary outdoor living area of the adjoining southern neighbour caused by the unauthorised additions, the proposal is inconsistent with the design principles of the Residential Design Codes in terms of Solar Access for Adjoining Sites



(overshadowing) and is considered to cause an unacceptable amenity impact upon the adjoining southern property.

2. By virtue of the inadequate visual privacy screening provided to the southern edge of the upper floor terrace and the omission of required visual privacy treatment of the northern openings of the upper floor terrace, the proposal is inconsistent with the design principles of the R-Codes in terms of Visual Privacy is considered to cause an unacceptable amenity impact upon the adjoining properties by providing direct overlooking of habitable spaces of these properties.

PROCEDURAL MOTION

At 7.50pm the following procedural motion was moved:

COMMITTEE RECOMMENDATION

Moved: Cr Frank Mofflin

Seconded: Cr Fedele Camarda

The item be deferred for a decision at the next appropriate Planning Services Committee meeting to allow for the applicant to consider alternative designs to reduce the overshadowing to the neighbour.

Carried: 3 / 2

For:

Cr Andrew Sullivan, Cr Fedele Camarda and Cr Frank Mofflin

Against:

Mayor Ben Lawver and Cr Pip Slaughter

In accordance with Delegation 1.1 of the City of Fremantle [Delegated Authority Register](#), the above item will be referred to the Ordinary Meeting of Council for final determination.



PSC2608-8 SUFFOLK STREET, NO. 5 (LOT 3), FREMANTLE - CHANGE OF
USE TO UNHOSTED SHORT-TERM RENTAL ACCOMODATION -
(CR DA0192/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Site Plan 2. Management Plan and Code of Conduct
Additional Documents (<i>viewed electronically</i>)	3. Applicant response Letter 4. Site Photos

SUMMARY

Approval is sought by the applicant for a change of use to Unhosted short-term rental accommodation at No. 5 Suffolk Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Land use ('A')
- Parking

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of an existing Single house to Unhosted short-term rental accommodation at No. 5 Suffolk Street, Fremantle (subject site). There are no works proposed.

Development plans are included as attachment 1 as well as management plan and code of Conduct as attachment 2.



Site/application information

Date received: 22 May 2026
Owner name: Andrea Jean Dudley
Submitted by: Andrea Jean Dudley
Scheme: Residential R35
Heritage listing: Individually Listed Level 2
Existing land use: Single House
Use class: Un-hosted Short Term-Rental Accommodation
Use permissibility: A

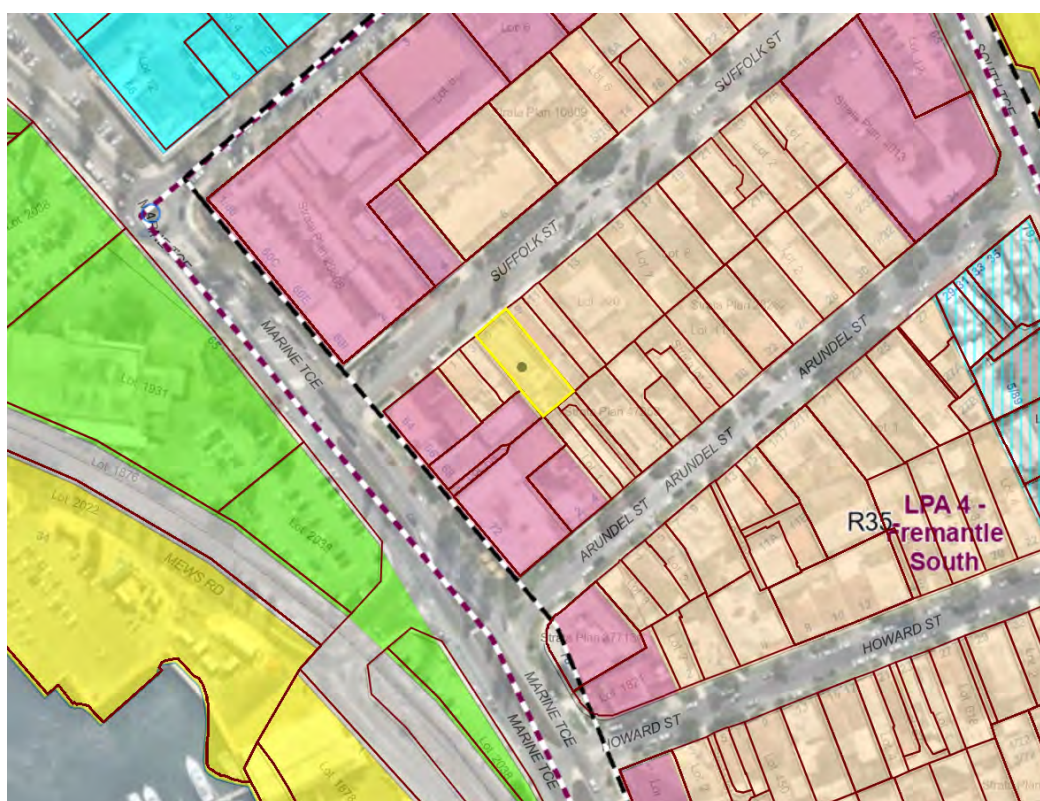


Figure 1 – Context map



Figure 2 – Ariel view of site

CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proposal required a merit-based assessment against the Scheme and local planning policy. The advertising period concluded on 10 June 2026, and two (2) submission were received against the application. The following issues were raised (summarised):

- Concerns of noise and anti-social behaviour due to the Change of use.
- Concerns of management plan not being followed.



In response to the above, the applicant provided a response to these submissions, included as additional information (attachment 3), further detailing the compatibility and management of the property.

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

- Application accompanied by a management plan and code of conduct that outline controls and measures regarding noise and anti-social behaviour.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 specifically land use and car parking provisions. The relevant assessment criteria are discussed as follows:

- Land use

The above matters are discussed below.

Background

The subject site is located on the south side of Suffolk Street. The site has a land area of approximately 284m² and is currently a Single house. The site is zoned Residential and has a density coding of R35. The site is included on the City of Fremantle Heritage List as a level 2.

A search of the property file has not revealed any relevant planning history.

A search on the Short-Term Rental Accommodation Register revealed that one (1) Grouped dwelling adjoining the subject site is registered as an Unhosted short-term rental accommodation (see below image).



Figure 3 – Surrounding properties of 27b Fothergill checked for Unhosted STRA registration, green highlighted have none, orange has Unhosted STRA registration

Land Use

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



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

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

Development within the residential zone shall —

- i. provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*
- ii. safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*
- iii. encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*
- iv. recognise the importance of traditional streetscape elements to existing and new development,*
- v. conserve and enhance places of heritage significance the subject of or affected by the development, and*
- vi. safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.*

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

- The proposed Unhosted short-term rental accommodation comprises three (3) bedrooms and proposes a maximum of six occupants. Due to the small scale, it is not considered to have a significant detrimental impact to the amenity of the area or adjoining residents.
- The applicant has provided a management plan and code of conduct included as attachment 2 to address any potential impacts to adjoining



properties. Compliance with these documents will be secured via recommended conditions of approvals if managed appropriately as per the attached management plan and code of conduct.

- The subject site is located on the edge of the City Centre zone and with a 250m distance to a variety of tourist destinations such as the esplanade, Fremantle fishing harbour and high frequency public transport.
- No structural works are proposed as a part of this application. The proposal will therefore have no impact on the heritage significance of the subject site.

Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

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

The objectives of this policy are to:

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

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



Table 1 – Assessment against LPP2.27

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



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



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



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

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

- As there are no changes proposed to the existing building, there will be no impact to the character of the area.
- A three (3) bedroom Unhosted short term Rental Accommodation, the scale, design and operation will have little impact on surrounding properties due to the provide management plans that will provide the necessary controls to contain said impact.
- As outlined in the background section, the vibrancy and viability of the Residential zone is maintained with the majority of the surrounding properties still utilised for permanent residence.



- Proposed short fall of one (1) parking bay is acceptable due to the intended use as a tourist accommodation and location near high frequency public transport.

Due to the above assessment provided, the proposed Unhosted Short-Term Rental Accommodation satisfies the requirements and objectives of LPP 2.27.

CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at No. 5 Suffolk Street, Fremantle. With consideration to the officer assessment above, the proposed change of use to Unhosted Short-term rental accommodation is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of the area. The land use is compatible with the objectives of the Residential zone and LPP2.27, as the accommodation is minor in scale and with minimal amenity impact to adjoining residents.

STRATEGIC IMPLICATIONS

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

Thriving City - A resilient seven-day economy

- Visitor-focused amenity and infrastructure supports the delivery of an exceptional visitor experience.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle
Delegated Authority Register.

OFFICER'S RECOMMENDATION

Moved: Cr Fedele Camarda

Seconded: Cr Frank Mofflin

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No.5 (Lot 3) Suffolk Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 22 May 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Andrea Jean Dudley as the current landowner only. If Andrea Jean Dudley ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of six (6) guests at any one time, based on the three (3) bedrooms within the dwelling.
4. The Management Plan and Code of Conduct dated 22 May 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. The approved code of conduct is to be made available to all occupants of the approved unhosted short-term rental accommodation prior to their stay.
5. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Include the property owner or manager's contact information, including contact telephone and email information.



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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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

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



AMENDMENT

Moved: Cr Pip Slaughter

Seconded: Mayor Ben Lawver

Replace Condition No. 2 of the officer's recommendation with the following wording:

~~2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Andrea Jean Dudley as the current landowner only. If Andrea Jean Dudley ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.~~

2. Notwithstanding condition 1, this approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Andrea Jean Dudley as the current landowner for a period of 12 months from the date of this approval only. If Andrea Jean Dudley ceases to be the landowner of the site, or the temporary 12 month period from the date of this approval is reached, the Unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.

Amendment Carried: 3 / 2

For:

Mayor Ben Lawver, Cr Andrew Sullivan and Cr Pip Slaughter

Against:

Cr Fedele Camarda and Cr Frank Mofflin

Reason for amendment:

Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.



COMMITTEE DECISION ITEM PSC2608-8
(Officer's recommendation, as amended)

Moved: Cr Fedele Camarda

Seconded: Cr Frank Mofflin

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No.5 (Lot 3) Suffolk Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 22 May 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. *Notwithstanding condition 1, this approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Andrea Jean Dudley as the current landowner for a period of 12 months from the date of this approval only. If Andrea Jean Dudley ceases to be the landowner of the site, or the temporary 12 month period from the date of this approval is reached, the Unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.*
3. The approved use is restricted to a maximum of six (6) guests at any one time, based on the three (3) bedrooms within the dwelling.
4. The Management Plan and Code of Conduct dated 22 May 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. The approved code of conduct is to be made available to all occupants of the approved unhosted short-term rental accommodation prior to their stay.
5. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Include the property owner or manager's contact information, including contact telephone and email information.



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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil



PSC2608-4 KNUTSFORD STREET, NO. 17/5 (LOT 17), FREMANTLE -
CHANGE OF USE TO UNHOSTED SHORT-TERM RENTAL
ACCOMMODATION - (CR DA0157/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Site plan and parking plan 2. Management Plan 3. Code of Conduct
Additional Documents (viewed electronically)	4. Applicant Cover Letter 5. Applicant Response to Submissions 6. Site Photos

SUMMARY

Approval is sought by the applicant for a change of use from Multiple dwelling to Unhosted short-term rental accommodation at No. 17/5 Knutsford Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Land Use ('A')

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of an existing two (2) bedroom Multiple dwelling to Unhosted short-term rental accommodation at No. 17/5 Knutsford Street, Fremantle (subject site). There are no works proposed.

Development plans are included as attachment 1 as well as Management Plans and Code of conduct as attachments 2 & 3.

Site/application information

Date received: 28 April 2026
Owner name: Ben Osborne
Submitted by: Ben Osborne
Scheme: R25
Heritage listing: Memorial Reserve Precinct Heritage Area / Not Listed
Existing land use: Multiple Dwelling
Use class: Unhosted Short-Term Rental Accommodation
Use permissibility: A

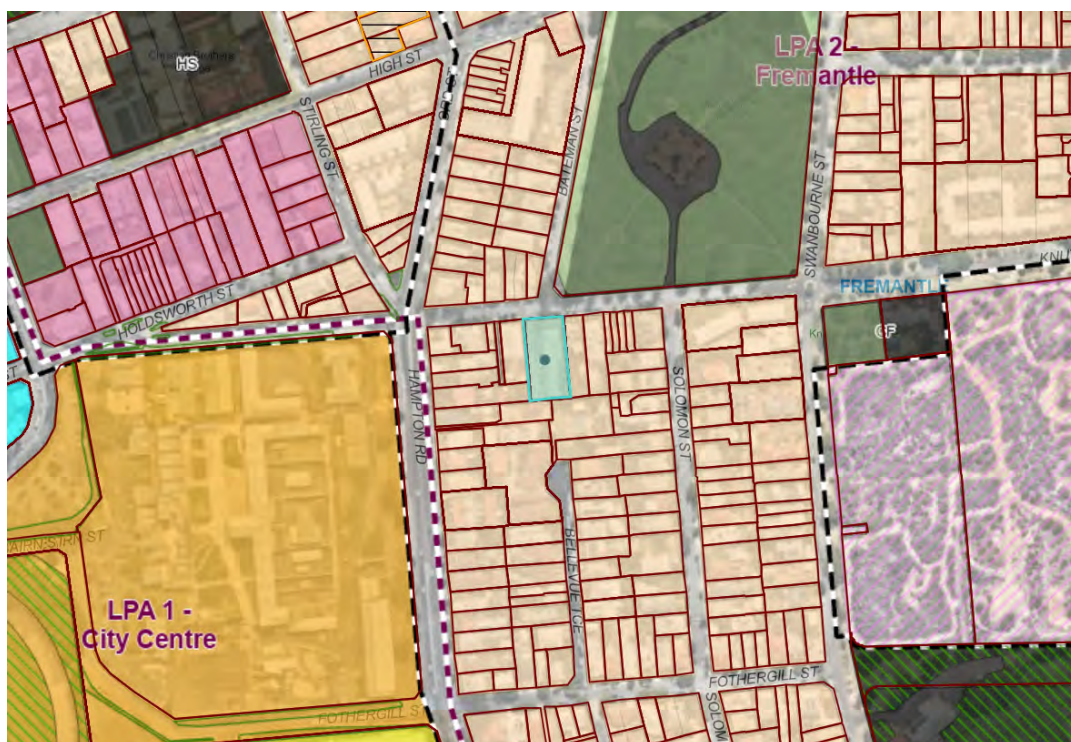


Figure 1 – Context Map

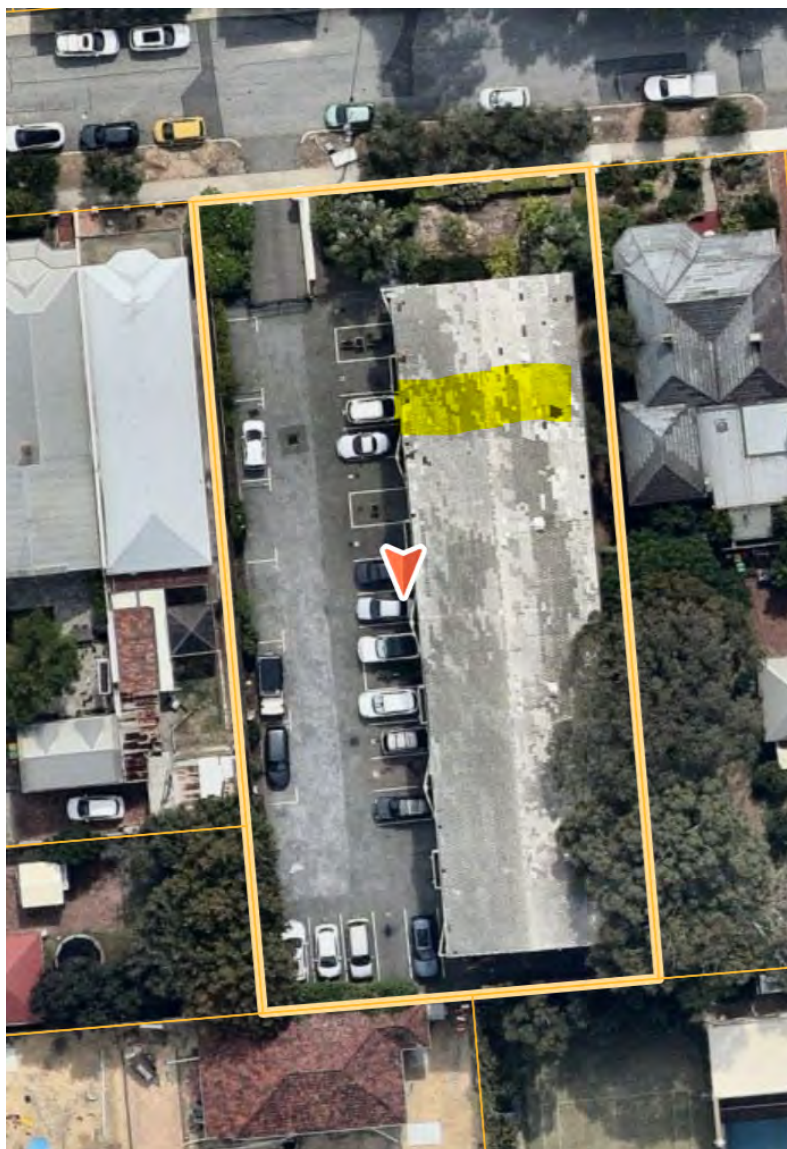


Figure 2 – Aerial View

CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proposal required a merit-based assessment against the Scheme and local planning policy. The advertising period concluded on 5 June 2026, and seven (7) submissions were received, one (1) in support of the proposal and six (6) objecting to the proposal. The following issues were raised (summarised):



- Concerns of noise, anti-social behaviour and parking availability.
- Applicability and oversaturation of Unhosted Short-Term Rental Accommodation use in the apartment building and area.

In response to the above, the applicant submitted a letter responding to the raised concerns – see attached.

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

- Submitted management plan and code of conduct outlines process for controlling noise, anti social behaviour and parking that provide suitable management methods as per the requirements of Local Planning Policy 2.27 Unhosted Short-Term Rental Accommodation. This management plan is recommended for approval as part of the application.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 specifically land use and car parking provisions. The relevant assessment criteria are discussed as follows:

- Land use

The above matters are discussed below.

Background

The subject site is located on the south side of Knutsford Street. The two (2) bedroom dwelling subject of this application has a floor area of 63m² and is located within a strata development consisting of 24 Multiple dwellings. The site is zoned Residential and has a density coding of R25. One (1) car bay is allocated to the subject dwelling.

The site is not individually heritage listed but is located within the Memorial Reserve Precinct Heritage Area.

A search of the property file has revealed no relevant planning history for the site.



Three (3), including the dwelling subject of this application, of the 24 Multiple dwellings within the apartment building are currently registered as Unhosted short-term rental accommodation, representing 12.5% overall.

Land Use

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

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

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

Development within the residential zone shall —

- i. *provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*
- ii. *safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*
- iii. *encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*
- iv. *recognise the importance of traditional streetscape elements to existing and new development,*
- v. *conserve and enhance places of heritage significance the subject of or affected by the development, and*



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

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

- The proposed Unhosted short-term rental accommodation comprises two bedrooms and proposes a maximum of four (4) occupants. It is not considered to have a significant detrimental impact to the amenity of the area or adjoining residents due to its low scale and provided management plan and code of conduct is followed accordingly - see attached management plan (attachment 2)
- The subject site is located on the edge of the City Centre and mixed use zones and is within a short distance (less than 400m) of entertainment and tourism sites such as Monument Hill, Fremantle Oval and Fremantle markets.
- No structural works are proposed as a part of this application, the proposal will therefore have no impact on existing streetscape or heritage character of the area.

Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

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

The objectives of this policy are to:

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



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

Table 1 – Assessment against LPP2.27

1. Built Form and Site Appearance	Officer comment
1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.	No change is proposed to the existing built form.
1.2 On-site signage is required for all proposals and is: a) Limited to sign plaques or plates affixed to the main frontage of the building. b) To not exceed 0.5m ² per dwelling. c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site. d) To include the property owner or manager's contact information.	A condition of approval is recommended to ensure compliance with signage requirements.
2. Car Parking	Officer comment
2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).	The subject site as per r-codes requires 1 parking bay - provided. 2 (2) bedrooms, no additional parking required.
2.2 City Centre Zone – The City Centre is a pedestrian friendly location with plentiful retail and dining options within walking distance, close to many of the City's tourist attractions and is well serviced by public transport. Therefore, there is no requirement for the provision of on-site parking within this zone.	N/A
3. Dwelling Occupancy	Officer comment
3.2 Grouped and Multiple Dwellings - Maximum occupancy of no more than two persons per bedroom, excluding persons under 16, to a maximum of six persons.	The subject dwelling is a two (2) bedroom dwelling. A maximum of four (4) persons are permitted to occupy the bedrooms/dwelling



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



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



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

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

- As there are no changes proposed to the existing structure, there will be minimal to no impact on the character of the area.
- Provided management plan provide necessary controls for scale and operation of proposed use and will have little impact on surrounding properties.
- Due to the majority of the multiple dwelling properties within the site still utilised for permanent residence, the scale, design and location of the proposed use will have little detrimental impact on the viability of the residential zone .



Due to the above assessment provided, the proposed Unhosted Short-Term Rental Accommodation satisfies the requirements and objectives of LPP 2.27.

CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at 17/5 Knutsford Street, Fremantle. With consideration to the officer assessment above, the proposed change of use to Unhosted Short-term rental accommodation is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of the area. The land use is compatible with the objectives of the Residential zone and LPP2.27, as the accommodation is minor in scale and with minimal amenity impact to adjoining residents.

STRATEGIC IMPLICATIONS

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

Thriving City - Attraction and retention of diversified investment and talent

- Fremantle holds a reputation as a desirable place to work and visit which attracts investment from businesses and developers.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 17/5 (Lot 56) Ord Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 28 April 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Ben Osborne as the current landowner only. If Ben Osborne ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of four (4) guests at any one time, based on the two (2) bedrooms within the dwelling.
4. The Management Plan and Code of Conduct dated 28 April 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. The approved code of conduct is to be made available to all occupants of the approved unhosted short-term rental accommodation prior to their stay.
5. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and
 - d) Include the property owner or manager's contact information, including contact telephone and email information.

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



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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Mayor Ben Lawver moved the following amended officer's recommendation as provided in the additional documents:

AMENDED OFFICERS RECOMMENDATION

Moved: Mayor Ben Lawver

Seconded: Cr Frank Mofflin

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 17 / 5 (~~Lot 56~~ ~~Strata Lot 17~~) ~~Ord Street~~ ~~Knutsford Street~~, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 28 April 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.



2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Ben Osborne as the current landowner only. If Ben Osborne ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of ~~four (4)~~ two (2) guests at any one time, based on the ~~two (2)~~ one (1) bedrooms within the dwelling.
4. The Management Plan and Code of Conduct dated 28 April 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. The approved code of conduct is to be made available to all occupants of the approved unhosted short-term rental accommodation prior to their stay.
5. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and
 - d) Include the property owner or manager's contact information, including contact telephone and email information.

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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;



- vehicles;
- amplified acoustic systems; and
- patron noise.

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

Reason for alternative motion:

Correction to ensure correct street address reflected in the recommendation.

Clarification has been provided by the applicant that while two bedrooms exist on site, only one is proposed to be used for Unhosted Short Stay Rental Accommodation, with the other locked and not accessible.

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

AMENDMENT

Moved: Cr Pip Slaughter

Seconded: Cr Frank Mofflin

Replace condition No. 2 of the officer's recommendation with the following wording:

Council:

- ~~2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Ben Osborne as the current landowner only. If Ben Osborne ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.~~
2. Notwithstanding condition 1, this approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Ben Osborne as the current landowner for a period of 12 months from the date of this approval only. If Ben Osborne ceases to be the landowner of the site, or the temporary 12 month period from the date of this approval is reached, the Unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.



Amendment Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter, Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil

Reason for amendment:

Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.

COMMITTEE RECOMMENDATION ITEM PSC2608-4

(Officer's recommendation, as amended)

Moved: Mayor Ben Lawver

Seconded: Cr Frank Mofflin

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 17/5 (*Strata Lot 17*) *Knutsford Street*, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 28 April 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. *Notwithstanding condition 1, this approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Ben Osborne as the current landowner for a period of 12 months from the date of this approval only. If Ben Osborne ceases to be the landowner of the site, or the temporary 12 month period from the date of this approval is reached, the Unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.*
3. The approved use is restricted to a maximum of *two (2)* guests at any one time, based on the *one (1)* bedroom within the dwelling



4. The Management Plan and Code of Conduct dated 28 April 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. The approved code of conduct is to be made available to all occupants of the approved unhosted short-term rental accommodation prior to their stay.
5. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and
 - d) Include the property owner or manager's contact information, including contact telephone and email information.

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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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



Carried: 3 / 2

For:

Mayor Ben Lawver, Cr Pip Slaughter and Cr Frank Mofflin

Against:

Cr Andrew Sullivan and Cr Fedele Camarda

In accordance with Delegation 1.1 of the City of Fremantle [Delegated Authority Register](#), the above item will be referred to the Ordinary Meeting of Council for final determination.



PSC2608-5 FOTHERGILL STREET, NO. 27B (LOT 82), FREMANTLE -
CHANGE OF USE TO UNHOSTED SHORT-TERM RENTAL
ACCOMMODATION - (CR DA0141/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Site plans 2. Management Plans 3. Code of Conduct
Additional Documents (viewed electronically)	4. HCWA response letter 5. Applicant Cover Letter 6. Applicant Response to Submission 7. Site Photos

SUMMARY

Approval is sought by the applicant for Unhosted short-term rental accommodation at No.27B Fothergill Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), and Local Planning Policies. These discretionary assessments include the following:

- Land Use ('A')

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of an existing Single House to Unhosted short-term rental accommodation at No. 27B Fothergill Street, Fremantle. There are no works proposed to the existing dwelling as part of this application.



Development plans are included as attachment 1 as well as Management Plans and Code of Conduct as attachments 2 & 3.

Site/application information

Date received:	17 April 2026
Owner name:	Guy Mouritz
Submitted by:	Guy Mouritz
Scheme:	Residential – R25
Heritage listing:	Individually Listed Category 1A and Fothergill Street Precinct Heritage Area
Existing land use:	Single House
Use class:	Unhosted Short-Term Rental Accommodation
Use permissibility:	A



Figure 1 – Context Map



Figure 2 – Aerial View

CONSULTATION

External referrals

Heritage Service (DPLH)

The application was referred to Heritage Services as the subject site is a state heritage listed level 1A property. Heritage Services have advised that they have no objection to the proposal subject to:

- Change of use to Unhosted Short-Term Rental Accommodation.

These matters can be dealt with as relevant conditions and advice notes.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proposal required a merit-based assessment against the Scheme and local planning policy. The advertising period concluded on 5 June 2026, and 1 submission was received against the application. The following issues were raised (summarised):



- Objection to Unhosted Short-Term Rental accommodation use across the City of Fremantle generally due to impact on housing availability, affordability and residential amenity.

In response to the above, the applicant additional response letter – see attachment 6.

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

- Assessment for change of use applications to Unhosted Short-Term Rental Accommodation are made against the objectives of the relevant zone and provisions of Local Planning Policy 2.27 Unhosted Short-Term Rental Accommodation that seek to protect the amenity of adjoining residential properties and mitigate the impact of any STRA within its particular location and context. Below is an assessment of the proposal against these zone objectives and policy to ensure this.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 specifically land use and car parking provisions. The relevant assessment criteria are discussed as follows:

- Land use

The above matters are discussed below.

Background

The subject site is located on the south side of Fothergill Street. The site has a land area of approximately 392m² and is currently a Single House. The site is zoned Residential and has a density coding of R25.

The site is individually heritage listed and located within the Fothergill Street Precinct Heritage Area.

Immediate surrounding streetscape is made up of a blend of heritage and non-heritage residential dwellings that are majority Single Houses.



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

- A retaining wall, decking, primary street fence and outbuilding addition approved in DA0476/11
- A variation with minor alterations to the above approval in VA0036/12

A search on the State STRA register revealed that no adjoining property is registered as a Unhosted Short-Term Rental Accommodation (see below image).



Figure 3 – Surrounding properties of 27b Fothergill Street checked in State STRA register for registration and are found to have none are highlighted in green

Land Use

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



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

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

Development within the residential zone shall —

- i. provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*
- ii. safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*
- iii. encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*
- iv. recognise the importance of traditional streetscape elements to existing and new development,*
- v. conserve and enhance places of heritage significance the subject of or affected by the development, and*
- vi. safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.*

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

- The proposed Unhosted short-term rental accommodation comprises of two bedrooms with a maximum of four occupants. Because of the small scale, it is not considered to have a significant detrimental impact to the amenity of the area or adjoining residents if managed appropriately as per the attached management plan (attachment 2)
- The subject site is located on the edge of the City Centre zone and within a walkable distance to entertainment and tourism uses such as the Fremantle oval and Fremantle markets (~500m).



- No structural works are proposed as a part of this application and the proposal will therefore have no impact on existing streetscape or heritage character of the area.

Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

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

The objectives of this policy are to:

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

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

Table 1 – Assessment against LPP2.27

1. Built Form and Site Appearance	Officer comment
1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.	No change is proposed to the existing built form.
1.2 On-site signage is required for all proposals and is: a) Limited to sign plaques or plates affixed to the main frontage of the building.	A condition of approval is recommended to ensure compliance with signage requirements.



b) To not exceed 0.5m ² per dwelling. c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site. d) To include the property owner or manager's contact information.	
2. Car Parking	Officer comment
2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).	The subject site is compliant with existing approval for parking. As only two bedrooms are proposed to be rented out, only the existing one bay is required to be provided.
2.2 City Centre Zone – The City Centre is a pedestrian friendly location with plentiful retail and dining options within walking distance, close to many of the City's tourist attractions and is well serviced by public transport. Therefore, there is no requirement for the provision of on-site parking within this zone.	N/A
3. Dwelling Occupancy	Officer comment
3.2 Grouped and Multiple Dwellings - Maximum occupancy of no more than two persons per bedroom, excluding persons under 16, to a maximum of six persons.	N/A
3.3 Rooms not originally designed as bedrooms (e.g. living / dining rooms) cannot be converted for STRA occupancy calculations.	Existing bedrooms are approved lawful bedrooms.
4. Location Requirements	Officer comment
4.1 In order to prioritise permanent residents within the City Centre Zone so as to retain a lively and vibrant centre throughout the year, consideration will be given to the number of hosted and unhosted short term rental accommodation properties registered at the time of the development application being lodged.	N/A
5. Servicing Considerations	Officer comment
5.1 Development is to be connected to a reticulated potable water supply.	Complies



5.2 Development is to be connected to a reticulated sewage or serviced by an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.	Complies
6. Time Limitations of Approvals	Officer comment
6.1 Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.	The proposal is for an Unhosted short-term rental for four (4) persons. It is not considered that this will result in any significantly detrimental impact to the amenity of adjoining properties/dwellings or the area generally. As such a 12 month approval limit is not considered to be required.
7. Restriction of Operator	Officer comment
7.1 Due to the detailed management measures required to operate an unhosted short term rental accommodation in accordance with this policy, development approval for unhosted short-term rental accommodation is restricted to the approved landowner and will not run with the property. A change in landowner will require a new development applicant for unhosted short-term rental accommodation to be submitted and approved.	Compliance with this provision will be secured via a recommended condition of approval.
8. Management Plans and Other Unhosted Short-Term Rental Accommodation Application Requirements	Officer comment
8.1 Where an unhosted short-term rental accommodation is located on a strata title, a letter from the Strata Manager or Strata Management Company in support of the proposed use is to be included with the development application.	N/A
8.2 For proposals located in all zones except the City Centre zone, a site plan indicating the location of on-site parking is to be provided with the development application.	Parking location indicated in provided plans.
8.3 Development applications must include a Management Plan detailing the following:	A Management Plan (see attached) accompanied the



a) Contact details (phone number and email address) of the Property Manager, which may be the landowner or an external agent. The Property Manager is to respond to nuisance behaviour within 12 hours of a complaint. b) Method of booking and checking in. c) Confirmation of location of designated on-site / visitor parking bays. d) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. e) Complaint management procedures addressing nuisance behaviour which may include: • Violence or threats • Loud aggressive behaviour, including yelling, screaming or arguing • Excessively loud noise nuisance • Overlooking • Light spill • Barking dogs • Smoke or odours. f) Waste management strategies to ensure appropriate disposal. g) Bushfire emergency response procedures (in designated bushfire prone areas).	lodgement of the application which addresses the requirements of this provision. Compliance with this Management Plan will be secured via a recommended condition of approval.
8.4 A detailed Code of Conduct is to be made available to all occupants and included with the development application. The Code of Conduct is to include the following: a) Contact details of the Property Manager, including after-hours contact details. b) Expected behaviour of occupants / visitor to minimise impact on neighbours. c) Any restrictions of visitors or parties/ events. d) Location of on-site car parking for occupants / visitors, as well as any parking restrictions applicable to the location. e) Details of alternate transport options, such as public transport.	A Code of Conduct (see attached) has been provided for this application which addresses the requirements of this provision. Compliance with the Code of Conduct will be secured via a recommended condition of approval. A copy of the Code of Conduct is to be made available to the occupants of the accommodation.



f) Details regarding waste management, including specific expectations of guests regarding waste disposal and bin collection. g) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. h) Bushfire emergency response procedures (where applicable). i) Any other information relevant to the use of the property which may impact the amenity of the location.	
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The proposed Unhosted short-term rental accommodation meets the objectives of LPP2.27 for the following reasons:

- As there are no changes proposed to the existing structure, there will be minimal to no impact on the character of the area.
- A two bedroom Unhosted short term rental accommodation, the scale, design and operation will have little impact on surrounding properties. The applicant has also provided a management plan that will provide the necessary measures to assist in containing said impact.
- As outlined in background section, the residential availability and amenity of the residential zone is maintained with the majority of the surrounding properties still utilised for permanent residence.

Due to the above assessment provided, the proposed Unhosted short-term rental accommodation satisfies the requirements and objectives of LPP 2.27.

CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at 27B Fothergill Street, Fremantle. With consideration to the officer assessment above, the proposed change of use to Unhosted short-term rental accommodation is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of the area. The land use is compatible with the objectives of the Residential zone and LPP2.27, as the accommodation is minor in scale and with manageable amenity impact to adjoining residents.



STRATEGIC IMPLICATIONS

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

Thriving City - Attraction and retention of diversified investment and talent

- Fremantle holds a reputation as a desirable place to work and visit which attracts investment from businesses and developers.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.



OFFICER'S RECOMMENDATION

Moved: Mayor Ben Lawver

Seconded: Cr Frank Mofflin

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 27B (Lot 82) Fothergill Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 17 June 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Guy Mouritz as the current landowner only. If Guy Mouritz ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.
3. The use hereby approved shall at all times comply with the definition of Unhosted short-term rental accommodation as provided by Schedule 2 clause 1 of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows

Unhosted short-term rental accommodation means short-term rental accommodation that —

- a) is not hosted short-term rental accommodation; and
- b) accommodates a maximum of 12 people per night.

Notwithstanding the above interpretation, the approved use is restricted to a maximum of four (4) guests at any one time, based on the number of bedrooms within the property (2).

4. The Management Plan and Code of Conduct dated 17 June 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle.
5. The approved code of conduct is to be made available to all occupants of the approved Unhosted short-term rental accommodation prior to their stay.
6. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;



- b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
- c) Include the property owner or manager's contact information, including contact telephone and email information.

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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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



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

AMENDMENT

Moved: Cr Pip Slaughter

Seconded: Mayor Ben Lawver

Replace Condition No. 2 of the officer's recommendation with the following wording:

~~2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Guy Mouritz as the current landowner only. If Guy Mouritz ceases to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.~~

2. Notwithstanding condition 1, this approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Guy Mouritz as the current landowner for a period of 12 months from the date of this approval only. If Guy Mouritz ceases to be the landowner of the site, or the temporary 12 month period from the date of this approval is reached, the Unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.

Amendment Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil

Reason for amendment:

Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.



COMMITTEE DECISION ITEM PSC2608-5
(Officer's recommendation, as amended)

Moved: Mayor Ben Lawver

Seconded: Cr Frank Mofflin

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 27B (Lot 82) Fothergill Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 17 June 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. *Notwithstanding condition 1, this approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Guy Mouritz as the current landowner for a period of 12 months from the date of this approval only. If Guy Mouritz ceases to be the landowner of the site, or the temporary 12-month period from the date of this approval is reached, the Unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.*
3. The use hereby approved shall at all times comply with the definition of Unhosted short-term rental accommodation as provided by Schedule 2 clause 1 of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows

Unhosted short-term rental accommodation means short-term rental accommodation that —

- a) is not hosted short-term rental accommodation; and
- b) accommodates a maximum of 12 people per night.

Notwithstanding the above interpretation, the approved use is restricted to a maximum of four (4) guests at any one time, based on the number of bedrooms within the property (2).

4. The Management Plan and Code of Conduct dated 17 June 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle.



5. The approved code of conduct is to be made available to all occupants of the approved Unhosted short-term rental accommodation prior to their stay.
6. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Include the property owner or manager's contact information, including contact telephone and email information.

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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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



Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil



Council decision

PSC2608-12 REQUEST FOR COMMENT ON THE METROPOLITAN REGION SCHEME AMENDMENT TO LIFT THE URBAN DEFERRED ZONE IN NORTH FREMANTLE

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Director Planning, Place and Urban Development
Voting requirements:	Simple Majority Required
Decision making authority:	Council
Attachments:	1. North Fremantle Urban Precinct - Concurrent MRS - LPS Rezoning

SUMMARY

The Department of Planning, Lands, and Heritage (DPLH) has advised it is preparing a report to seek Western Australian Planning Commission (WAPC) determination on the request to lift the Urban Deferred Zoning, in the Metropolitan Region Scheme (MRS) for the 'North Fremantle Urban Precinct' (adjacent to Port Beach).

The City is supportive of the general approach to change the land use from industrial to urban, however, has also been consistent in its commentary that key planning issues must be better resolved prior to lifting the 'Urban Deferred' status. The key matters that remain inadequately resolved to date are:

- Coastal Planning / Development Setbacks
- Integrated Transport Plan for North Fremantle

The WAPC / DPLH is not proposing to undertake any further formal consultation process regarding lifting the area from Urban Deferred to Urban.

However, DPLH has invited the City to provide further comment on this important planning matter, specifically, on commencement of rezoning the area concurrently under Local Planning Scheme No. 4 to Development Area.

This report recommends that Council responds to DPLH that it continues to support urban development in principle in this location, however,



remains deeply concerned that lifting of the Urban Deferred is being contemplated by Government whilst there remains:

- Inadequate regional coastal planning and analysis that demonstrates the optimum coastal setback (width of Reserve) between the ocean and new development.
- Inadequate strategic transport planning, noting that the current Curtin Link proposal is focussed on future-proofing regional through-traffic for cars and is not an integrated urban solution that looks at all modes; heritage and place; and integrates the transport needs stemming from Future of Fremantle Study.

In conclusion, the City believes it is premature to lift the Deferred status until these strategic planning matters are more fully addressed. It therefore also believes that initiating a concurrent amendment to its Local Planning Scheme is premature.

BACKGROUND

In 2022, the Western Australian Planning Commission (WAPC) invited the City to provide preliminary comment on a proposed Metropolitan Region Scheme (MRS) Amendment – North Fremantle Development Precinct (RLS/1012).

The subject site is approximately 23ha in area in North Fremantle. The site is bound by Port Beach Road to the west, Primary Regional Road reserve to the east, Tydeman Road and Freight Rail Reserve to the south, and Walter Place to the north (refer to figure 1). The land has historically been used for industrial purposes including a fuel terminal and lubricant depot by Viva Energy Australia (formerly Shell Australia), a former Standard Wool site and a former Caltex operation.

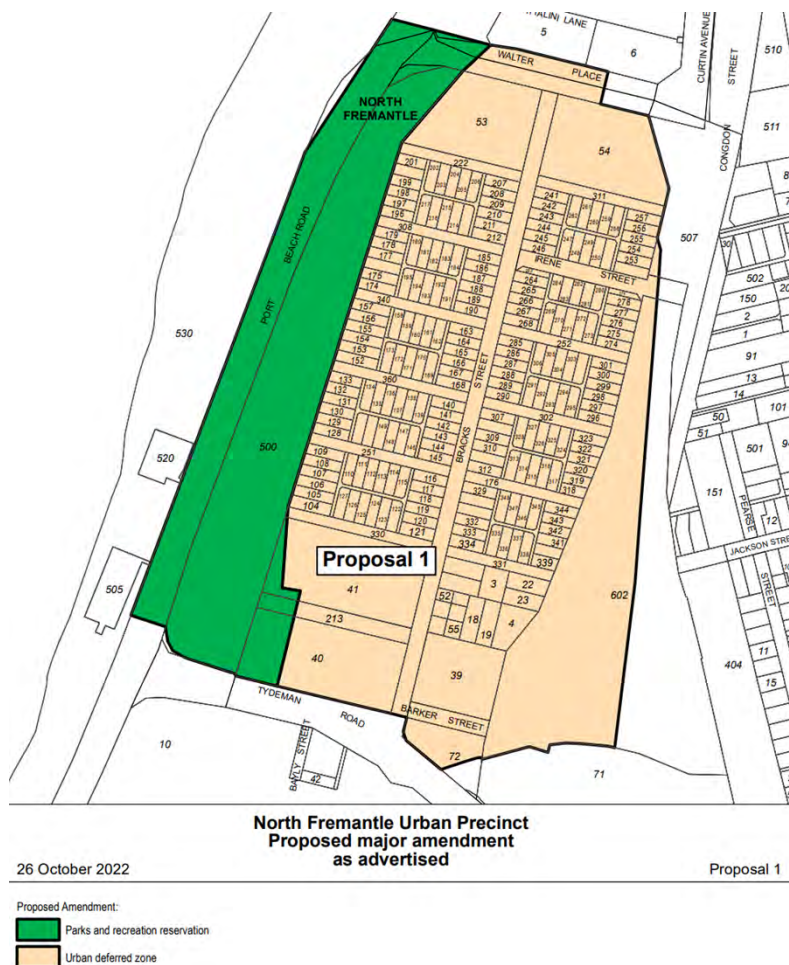


Figure 1: Proposed North Fremantle Urban Precinct area for MRS rezoning

The amendment proposed to rezone the subject site (approximately 23ha) from 'Industrial' to 'Urban' and 'Parks and Recreation'. While there were some residual industrial uses still functioning on the land, the proposal outlined that the subject site was no longer used or required for its past industrial use. The applicants therefore proposed the land be rezoned for urban development, noting its close location to Fremantle and North Fremantle, the Fremantle passenger railway (approximately 150m), and Port Beach as key reasons for this request.

City of Fremantle's Initial Comments (2022)

At the 6 April 2022 Planning Committee Meeting, Council resolved to advise the WAPC that (PC2204-12):

1. *The exploration of alternative land uses for the North Fremantle Development Precinct is reasonable given the vacant, and largely cleared, status of the land in this precinct. 'Urban' zoning presents a logical option given its prime location, subject to the WAPC being satisfied that the loss of*



this land to industrial use (whether related to Fremantle Port or other industrial land needs) would not be contrary to the objectives of the Commission's Economic and Employment Lands Strategy: non-heavy industrial. However, due to the land's past industrial use, its proximity to a section of coastline of high regional recreational significance and vulnerability to coastal hazards and the Fremantle Port, regional and local transport and access considerations, and the Future of Fremantle work and impact of future development on the site to the wider area, there are several issues that the City considers need a greater degree of resolution prior to the subject site being suitable for zoning for urban redevelopment. These are as follows:

- 2. Determination of the extent of land required for an enlarged coastal foreshore Parks and Recreation Reserve, taking into account the need for the portion of the reserve inland of the year 2120 coastal erosion hazard line to provide sufficient space for environmental conservation and public recreational needs, noting that to meet these needs community infrastructure to service Port Beach as a second beach 'node' to relieve pressure on Leighton Beach and accommodate growing population demands for beach use will be required.*
- 3. The land being capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services.*
- 4. Future of Fremantle planning has sufficiently advanced to a stage that depicts clear objectives to guide future development in the area.*
- 5. Regional road planning requirements have been resolved and provision made for them.*
- 6. Having regard to point 1 a) above, the City requests the WAPC to engage in further discussions with the City of Fremantle, the proponents and other relevant stakeholders to review the extent of land required to be included within an expanded Parks and Recreation Reserve in order to meet the long-term recreational demands upon this precinct in addition to addressing the risks and impacts of coastal processes.*
- 7. Subject to resolving the appropriate extent of land required for inclusion in the coastal foreshore Parks and Recreation Reserve as referred to in point 2 above, the City considers that the remaining land subject to the rezoning proposal could more appropriately be considered for a MRS 'urban deferred' zoning in the first instance, to allow for more planning to be completed*



prior to a transfer to the Urban zone. The lifting of urban deferred status should be tied to demonstration of the matters referred to in point 1b, 1c and 1d above having been satisfactorily addressed.

Following Council's resolution, the WAPC subsequently resolved to initiate formal community consultation to rezone the area from 'Industrial' to 'Urban Deferred', which was generally in line with Council's recommendation. The zoning of 'Urban Deferred' requires that more information be submitted prior to a zoning to 'Urban' and any consequent development.

City's Response to WAPC's Formal Consultation (2023)

The formal WAPC request was considered at the 3 May 2023 Planning Committee Meeting (PC2305-5) and the 24 May Ordinary Council Meeting. The report discussed that there were still several outstanding issues that needed a greater degree of resolution prior to being rezoned 'Urban Development'. Information in the report accompanying the WAPC request provided the following responses to Council's original comments:

City of Fremantle's Initial Comments	WAPC amendment report responses to City of Fremantle's Initial Comments
The loss of industrial land and the land being located within the Fremantle Port Buffer area.	The <i>Central Sub-regional Planning Framework</i> primarily reflects the sites industrial use. A small strip along the northern and eastern boundary of the site is within the Activity Centre - Frame around the North Fremantle District Centre. The Framework states that in frame areas, there is an opportunity to investigate higher residential densities and the potential expansion of the core area (commercial and mixed uses) over time. The proposed Urban Deferred zone and Parks and Recreation reserve is considered to be a logical transition and continuation of the urbanisation of the locality which is consistent with the general intent of the Framework.
The land's proximity to Fremantle Port.	As the amendment area is partly located within the port buffer areas 1 & 2, and any development is constrained by the port buffer considerations including built form, land use and density, this matter, and the need for these constraints on future development considering the future of Fremantle Port, is to be addressed prior to the lifting of Urban Deferment. Requires resolution prior to the transfer to the Urban zone: • consideration of the Fremantle Port buffer.



An expanded Parks and Recreation reserve area to meet the long-term recreational demands of the precinct.	As the proposed coastal foreshore reserve and any additional recreational area in this location is to be finalised having regard to the Future of Fremantle Planning Committee (FFPC) outcomes, this has been included as a requirement to be considered prior to the lifting of Urban Deferment. The department's officers have noted the reserve boundary can also be modified at the final approval stage of the amendment to urban deferred zone and Parks and Recreation reserve. Requires resolution prior to the transfer to the Urban zone: confirmation of coastal foreshore reserve requirements.
A consideration of the wider transport and urban area to deliver an integrated urban environment.	As there is uncertainty on the regional road network which has yet to be finalised, this has been included as a matter to be addressed prior to the lifting of Urban Deferment. Requires resolution prior to the transfer to the Urban zone: confirmation of regional road and transport requirements in the locality.
The provision of essential services and staging and financing of services.	The Water Corporation advises that it may be possible to extend water and sewerage services to the site as a standalone development, provided that the developers fund extensions and upgrades to the surrounding networks. The extent of any upgrades will be determined by the land use mix and development yields in the local structure plan.
Future of Fremantle planning being sufficiently advanced to a stage that depicts clear objectives to guide future urban integration and development in the area.	The area is within the FFPC area of consideration. The Future of Fremantle project is in the early stages and is estimated to be completed by mid-2024. A multi-disciplinary team is to develop a future focused Land Use Plan incorporating a highly integrated land use, transport and infrastructure response and supporting Economic Development Strategy for bringing economic growth, investment and employment into Fremantle. Requires resolution prior to the transfer to the Urban zone: finalisation or substantial progression of the Future of Fremantle project.



At the 24 May 2023 Ordinary Council Meeting, Council resolved to advise the WAPC that it:

1. *Refers the WAPC to its initial comments, Council Meeting 27 April 2022 (Item PC2204), and adds the following comments to assist with clarifying the key planning issues that require resolution prior to any of the site being suitable for rezoning:*
 - 1.1. *COASTAL RECREATIONAL NEEDS – An evidence based assessment on the extent of land required for precinct/regional recreation and beach access in this location, considering this in context of the: (a) Leighton Foreshore Masterplan; (b) existing demand and capacity at the Leighton node; and, (c) predicted growth / future demand for public land in the vicinity of Port Beach as determined through the Future of Fremantle studies.*
 - 1.2. *COASTAL EROSION – an evidence based assessment of coastal hazards to ensure the reserve is of sufficient width to maintain a functional coastal foreshore reserve into the future and to protect infrastructure and property.*
 - 1.3. *TRANSPORT – a clear government plan for the regional and local transport network in North Fremantle to deliver a well-integrated urban destination and resolve: (a) the extension/ alignment/ urban design and capacity of Curtin Avenue, including its inter-relationship with Stirling Highway; (b) freight and passenger rail,; and, (c) required urban connectivity from the North Fremantle town centre through the site to the foreshore node;*
 - 1.4. *FUTURE PORT PLANNING – a clear government position on the future redevelopment plans being developed through Future Fremantle Committee, in particular, the type and intensity of land uses proposed and the associated transport / access requirements within the North Fremantle peninsula;*
 - 1.5. *PORT BUFFER ZONE – Acknowledging the port buffer zone currently restricts potential urban development to non-residential uses, deliver a process that avoids short-term planning outcomes on the subject site that run contrary to the proper and orderly planning of the broader neighbourhood / precinct. Urban zoning within the existing buffer zone should only proceed once the buffer is no longer required.*
2. *With regard to 1.1 to 1.2, further notes that:*
 - 2.1. *The Amendment Report prepared by the WAPC states that North Fremantle Coastal Hazard Risk Management and Adaptation Plan provided by the proponent calculates the coastal foreshore reserve as having a width of between 28.1 and 70m by 2115. This is incompatible with the infrastructure and access requirements of a regional beach.*



2.2. Studies undertaken for the Leighton Beach development identified the need for a minimum 150m foreshore reserve and that subsequent to this assessment the sea-level rise coefficient has increased such that the current recreational assets may be compromised within the 100-year planning horizon.

2.3. That regular summer demand currently exceeds capacity within the available reserve at Leighton Beach, demonstrating that the assessment in determining the recreational access needs for that section of foreshore reserve has proved to be inadequate and highlighting the need for ample provision in the Port Beach Node to accommodate current and future demand.

2.4. The cumulative impact of intensive development within the amendment area combined with other urban planned infill in Fremantle and North Fremantle, and most notably the future Fremantle Ports redevelopment, will create significant additional beach use and infrastructure needs. Minutes – Ordinary Meeting of Council 24 May 2023

2.5. Over recent decades the Port Beach node has suffered one of the highest levels of coastal erosion in the Metropolitan area. The severity of the coastal erosion to the south of Tydeman Road has given rise to a coastal retreat strategy in this area which will result in additional demand for recreational infrastructure within the foreshore area to the north of Tydeman Road.

- 3. In light of the above, the Council advises the proposed cadastral boundary between the Parks and Recreation Reserve and Urban Deferred Zone is not supported by evidence and is inadequate for future needs and risks. Council recommends that an additional portion of the proposed Urban Deferred zone west of Bracks Street will need to be rezoned to Parks and Recreation Reserve prior to any redevelopment in order to meet these needs.*
- 4. Confirms the Council's willingness and deep interest in working collaboratively with all relevant government agencies to help deliver acceptable legislative and planning frameworks for the key issues listed above, to enable high quality sustainable development of the North Fremantle.*

Government Approval for 'Urban Deferred' (2024)

The MRS Amendment to rezone the land from 'Industrial' to 'Urban Deferred' and 'Parks and Recreation Reserve' was passed by Parliament and signed into law on 15 August 2024. The WAPC's consideration of MRS Amendment 1400/41 outlined



four matters requiring further consideration as part of any request to transfer the Precinct to the 'Urban' zone, being:

1. Future of Fremantle: Finalisation or substantial progression of the FoF project;
2. Transport: Confirmation of regional road and transport requirements in the locality;
3. Coastal Foreshore: Confirmation of coastal foreshore reserve requirements; and
4. Fremantle Port: Consideration of the Fremantle Port buffer.

Addressing the 4 Key Issues (2025)

In June 2025, the proponents submitted further information on the above issues and the City was again asked to provide preliminary comment.

About the same time, the State Government announced that it would be carrying out a major transport study of the North Fremantle peninsula.

At the 27 August 2025 Ordinary Council Meeting, Council resolved (C2508-18):

1. *Acknowledges the work prepared by the applicant as part of the lifting request and their engagement with the City over the past 18 months; and note that Council has had limited opportunity to review the information provided and, with that context, provides the following initial response and reserve the right to provide a further detailed response on the matters listed in part 3 and 4.*
2. *Express deep concern to the WAPC and Minister for Planning, that the lifting process of the Urban Deferred Zoning has not included transparent community consultation thus far, and encourages the WAPC to allow for submissions to be made by the community ahead of a final decision.*
3. *Advises the WAPC that it does not support the Lifting of the Urban Deferment request for the North Fremantle Urban Precinct, until there is resolution of the following matters:*
 - a) *Completion of the proposed North Fremantle Integrated Transport Design Study by DPLH that provides clear direction to transport planning for North Fremantle that also underpins sound land-use planning capable of delivering an integrated urban plan for the North Fremantle Peninsula;*
 - b) *Further consideration of the coastal foreshore reserve requirements, including:*



- i. documenting the impacts of the North Fremantle Integrated Transport Design Study on the coastal foreshore reserve area; and*
 - ii. assessment of, and long-term provision for, the additional recreational assets that are required to enable Port Beach to function as a regional coastal recreation node, in addition to but separate from the Leighton Node, noting that current recreation assets fall well short of accommodating existing and future needs;*
 - iii. assessment of, and long-term provision for, the additional land needed to mitigate the existing spatial inadequacies around the Leighton node in providing suitable accessibility and function to that node;*
 - iv. redressing the inconsistency in foreshore reserve width available to serve future generations towards the southern end of the Urban Precinct and to ensure the foreshore reserve provides adequate and continuous public access from Leighton through to Sandtracks Beach and the Future of Fremantle area;*
- 4. Council requests the following concerns be addressed by the WAPC in consultation with the City of Fremantle and community as a precursor to Council support for the lifting of the Urban Deferment:*
 - a) The community preference is for managed retreat in dealing with the long-term adaptation of the coast to accommodate climate change. There is special value placed on maintaining the long stretches of wide sandy beaches unimpeded by groynes or other intrusive coastal protection devices. While it is acknowledged that some coastal protection devices will be inevitable as part of the Future of Fremantle project, these need to be restricted to the southern end as far as reasonably possible to ensure the character of Port Beach is not forever compromised by poor foreshore planning at this time. This requires the foreshore reserve adjacent to the Urban Precinct to be significantly wider than currently proposed.*
 - b) It is noted that the foreshore reserve at Leighton Beach was planned at a time when the impacts of sea level rise were underestimated in the first iteration of SPP2.6. If the sea level rise coefficient currently used was applied to that node, the required foreshore reserve width would be closer to 200m compared to the 150m that was settled on. The Port Beach Node has at least the same extent of recreational asset needs and is in a zone experiencing greater erosion compared to Leighton. Hence, it is demonstrably unacceptable that the proposed foreshore width at Port Beach would taper to being*



narrower than the inadequate reserve width at the Leighton Node. The reserve width at the Urban Node must be significantly wider than at the Leighton Node and increasing in width towards the southern end where erosion is greater.

- c) The existing reserve width at the Leighton Node has proved to be inadequate in providing for current recreational needs, especially in providing for the needs of the Leighton Surf Life Saving Club. The only opportunity to mitigate the inadequacies is for the WAPC to provide additional foreshore reserve width at the northern end of the Urban Node and in a manner that is functionally separate from the Port Beach node.*
- d) The proponent has only provided a coastal planning assessment based on existing assets. These existing Port Beach assets are clearly inadequate in serving current needs. The current node fails to provide space for parklands, recreational areas away from the beach, sustainable dunes to provide protection from the sea breezes, or adequate parking. Furthermore, there has been no assessment or the types of community and commercial assets needed to serve the long-term needs of the regional community, noting that 70% of beach users come from South of the River, or the significant population increase associated with the Future of Fremantle area. For example, there is clearly a regional demand for additional surf club facilities, cafes and the like, but no spatial assessment has been carried out to ensure the reserve width will accommodate such needs now or in the future. The requirements of SPP2.6 can not be satisfied by only seeking to accommodate the demonstrably inadequate existing assets.*
- e) The assessment of reserve width remaining at the 100-year planning (Fig 5.1 in the coastal assessment) highlights the inadequacy of the proposed foreshore reserve especially towards the southern end. The diagram highlights that the only way the reserve could be considered sustainable is to accept the need for radical coastal engineering devices that the community and Council have consistently opposed. A reliance on engineered solutions is inconsistent with SPP2.6 when there is ample opportunity to accommodate additional reserve width at this stage of planning.*
- f) The unique characteristics of the North Fremantle Peninsula are currently fragmented into several disconnected cells that fail to benefit from the tremendous lifestyle and commercial opportunities that the area can deliver. The further planning of individual transport corridors for each transport mode, all separated from each other and the urban cells around them, will only exacerbate the disconnect that already plagues the peninsula. The proposed North Fremantle*



Integrated Transport Design Study provides an opportunity to address the disconnect by exploring how regional movement needs can be integrated with connected urban environments. In particular, the eastern edge of Urban Precinct, the land between it and the North Fremantle Town Centre, and the Town Centre itself must be considered through a single planning process to properly identify how the regional north-south transport activity can be integrated with local east-west movement and connectors.

- g) The proponent's assumption that their land can be developed independent of the potential upgrades to the surrounding movement network is a recipe to create another isolated and unintegrated cell of development. It is a proposal that seeks to ignore the need to complete the critical transport planning first. There is a genuine risk that the cell of development will essentially turn its back to the unresolved transport corridor rather than genuinely integrate with it.*
- h) The proponent offers only the opportunity for a 70's style grade separated crossing solution between the Urban Precinct and the rest of North Fremantle. The Council expectation is for fully integrated east-west connectivity between the Town Centre and the Port Beach foreshore node. Until such time as the Transport Design Study is completed, it remains premature to consider urban development along the eastern edge of the Urban Precinct*
- i) While it is noted that the proponent is not advocating for the Curtin-Stirling link which is proposed by MRWA, the Council notes its fundamental opposition to the concept. In the tight confines of the peninsula, the possibility of grade separated road flyovers is diametrically opposite to the integrated urban outcome that is needed. The only acceptable resolution of the north-south transport corridors is to investigate grade separated rail options, including the possibility of an elevated rail option. It is imperative that such a fundamental change in the transport typology is understood prior to development. A grade separated rail network will also generate the possibility of east-west urban road connections that link between Stirling Highway and an extended Curtin Avenue, and by logical extension provide access into the Urban Precinct and connectivity to the Town Centre. Again, this highlights why the Transport Design Study needs to be completed first to inform how the Urban Precinct can better integrate with its surrounds.*
- j) The Future of Fremantle studies and those related to the new bridge sought to bypass meaningful consideration of how to resolve the regional transport network through the peninsula. That is why the North Fremantle Integrated Transport Design Study is now an essential prerequisite to further development. However, the*



proponent relies on the initial transport concepts in the Future of Fremantle report to suggest their developments can progress independently of potential short and long-term changes in the transport networks. It is considered fundamentally premature to assume that the transport networks are resolved sufficiently to give the certainty needed once land is zoned Urban. This is particularly concerning at the southern end of the Urban Precinct in relation to both the alignment of Curtin Avenue, the rail corridor, and the ultimate location and number of future river crossings.

- k) The triangle of government-controlled land to the east of the Urban Precinct continues to be treated in isolation of the Urban Precinct. It remains concerning, especially where that land widens to the south, that this land may continue to act as a barrier to east west movement rather than be seen as an opportunity for urban integration.*
- l) This particularly relevant to the prospect for the North Fremantle Station to be relocated in a way that ensures it is encompassed by an urban station precinct. Likewise, the significant quantity of government land locked up in the triangle must be allowed to reach its full potential by being planned as part of an integrated urban precinct rather than being blighted as left-over unplanned land.*

Current Request from WAPC for City Comment (2026)

The City has received a letter, dated 6 July 2026, from DPLH inviting the City to provide a comment in relation to the matter of a concurrent amendment to the Local Planning Scheme. At some stage, the Local Planning Scheme will be required to amend zoning from 'Industrial' to 'Development Area'. The WAPC may consider the timing of this as part of its determination around lifting of the Urban Deferment.

For the City to provide a considered comment on this, the City must first be satisfied that the key planning matters that needed to be resolved – prior to lifting of the Urban Deferred status – have been adequately addressed.

At the time of writing this report, it was anticipated that further information may be provided by the state government on transport. Should this information be provided, it will be circulated for consideration and debate at Committee and/or Council.

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

Under section 126(3) of the *Planning and Development Act 2005*, the Western Australian Planning Commission (WAPC) has the ability to concurrently amend a local planning scheme where a regional scheme is being amended, in order to align the two schemes. If the WAPC does not rezone the City's Local Planning Scheme No. 4, a separate local planning scheme amendment would need to be carried out, or the amendment may be rolled into the City's new local planning scheme, which is currently being drafted.

STRATEGIC IMPLICATIONS

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

Liveable City - Connected city

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

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

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

CONSULTATION

Consultation on the MRS rezoning from Industrial to Urban Deferred was carried out by the DPLH in 2023. The DPLH is not initiating any further formal public consultation and is only giving referral bodies, such as the City, an opportunity to comment on the matter of the local planning scheme rezoning.

OFFICER COMMENT

In principle, Officers consider 'Urban' zoning of the precinct as a logical step towards its future development - consistent with Council's position going back to 2022.

The MRS Amendment 1400/41 report that was considered by the WAPC in rezoning the site from Industrial to Urban Deferred, identifies the following matters which are to be addressed as part of a request for Lifting of the Urban Deferment:



1. Finalisation or substantial progression of the Future of Fremantle project.
2. Confirmation of regional road and transport requirements in the locality.
3. Confirmation of coastal foreshore reserve requirements.
4. Consideration of the Fremantle Port Buffer.

Again, this was broadly consistent with Council's position.

Following Government support to rezone the precinct from Industrial to Urban Deferred, progress on the four key planning matters are discussed below.

1. Future of Fremantle

Finalisation of the Future of Fremantle (FoF) study was achieved in November 2024 with the completion and release of the Future of Fremantle Place and Economic Vision report. The report is comprehensive in its framing of the future development and economic potential of the North Fremantle peninsula (as well as Victoria Quay and South Quay opposite), once these areas are vacated by the relocation of container operations.

The FoF report however is unclear regarding future and interim transport connections for the broader North Fremantle area, the most evident example being the intent of the connection between Curtin Ave and Stirling Highway (see Figure 1 below) and the lack of clarity regarding the status and nature of the Curtin Avenue extension.

In terms of the WAPC 'condition' that the FoF Study needed to be finalised, this has clearly been achieved, however, a critical aspect of the Study that was omitted was the integration of land-use and transport with the existing urban systems, functions and physical environment of North Fremantle.



Figure 2: Future of Fremantle Vision

2. Confirmation of regional road and transport requirements

For many years, Main Roads WA have been contemplating two options to cater for long-term traffic demands through the North Fremantle peninsula:

- A. Curtin Extension – Extending Curtin Ave south adjacent to the train line to connect to Tydeman Road.
- B. Curtin Link – Linking Curtin Avenue to Stirling Highway across the train line.

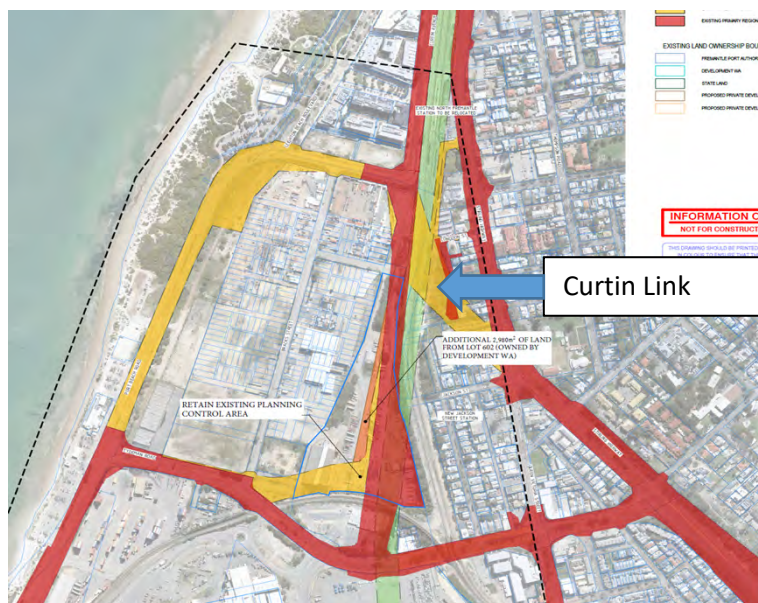


Figure 3: Land currently set aside for potential road network

In mid-2025, the State Government announced that it would undertake a North Fremantle Integrated Transport Design Study (MFITDS), which scope was:

“Understanding the land required for regional transport infrastructure in North Fremantle and at North Fremantle Train Station. Future planning stages will consider integration and accessibility of the Station and include community consultation.”

This work was coordinated between DTMI, the Public Transport Authority, Main Roads WA and DPLH. Meetings were also held between these agencies and representatives from the City of Fremantle and the landowners of the North Fremantle Urban Precinct. Focused mainly on future-proofing long-term north-south regional car use (as an alternative to the Freeway), this work has not produced a comprehensive study that explores various scenarios for transport and land-use planning on the North Fremantle peninsula.

It is understood that DTMI has recently provided DPLH with confirmation that it is satisfied – from a transport perspective – to lift the Urban Deferred, based on the retention of the Curtin Link option (re-routing Curtin Ave across the rail line, immediately south of Leighton, to combine with Stirling Highway before crossing the river on a widened Stirling Bridge, through to Leach Highway.)



The City holds fundamental opposition to this, based on the following:

- The Curtin Link 'option' was originally developed in 2004 in response to potential congestion (including port freight) on Tydeman Road. The brief for road network planning needs updating to a post-port scenario and testing of multiple options.
- It is focused around car-based thinking, not integrated transport.
- It prioritises long-term north-south regional vehicular traffic over all other planning, place and modal-shift considerations.
- The Future of Fremantle transport requirements are inadequately considered and are not modelled.
- Minimal to no analysis of existing place, heritage, community and walkability of North Fremantle as a potential transit orientated precinct.
- An absence of exploring alternative scenarios, based on contemporary city planning and 'Movement and Place' principles.
- If the Curtin Link goes ahead, DTMI has indicated that the Curtin Ave Extension would not be feasible – however a major road will also need to extend down the west side of the railway to service FoF. This 'sub-regional' road would then need to be designated along Port Beach Road, or realigned through the Urban Development area, e.g., Bracks Street.
- Both the FoF study and the City's view is that the coastal Reserve should be predominantly a 'green corridor', not a major road corridor.

The City is currently undertaking an integrated study on transport options as part of the *City Plan: North Fremantle* project. It is anticipated that this work will provide a solid foundation for further discussion with state government agencies (completion date: December 2026).

As a preview to some of the thinking behind the City Plan, the following diagram illustrates one of many scenarios that should be considered that looks at balancing regional traffic with local movements, higher densities (including FoF), whilst building on a place-based approach to enabling future development:



Figure 4: Extract from Draft City Plan: North Fremantle

Initial transportation work undertaken by City Officers point to the possibility that the Curtin Link could be implemented in the future if proven to be necessary for regional traffic, potentially as a tunnel. But this should be seen as a 'last resort' and only after all other development and transport options have been exhausted. It should not be the primary driver of all planning at this point.

Importantly, one of the key events that will enable other major infrastructure changes to occur (and limit options into the future) will be the replacement of the rail bridge over the Swan River and the existence of the freight rail link into the Port. The new alignment of rail; whether the station is relocated; and how this integrates with FoF planning, will be a major planning exercise that needs some consideration at this point in time.

'Short-Term' Planning Decisions

From a purely transport perspective, any decision to enable development to progress within the 'Urban Deferred' precinct should ensure there is no adverse impact on future transport options.

While the exact alignment of the Curtin Avenue Extension would need to be determined through future planning, the City considers an alignment similar to that shown below would satisfy the long-term transport requirements associated with major redevelopment in North Fremantle.

As a minimum, the areas identified should be retained as Urban Deferred to preserve future options for delivering the transport network required to support redevelopment of the area.

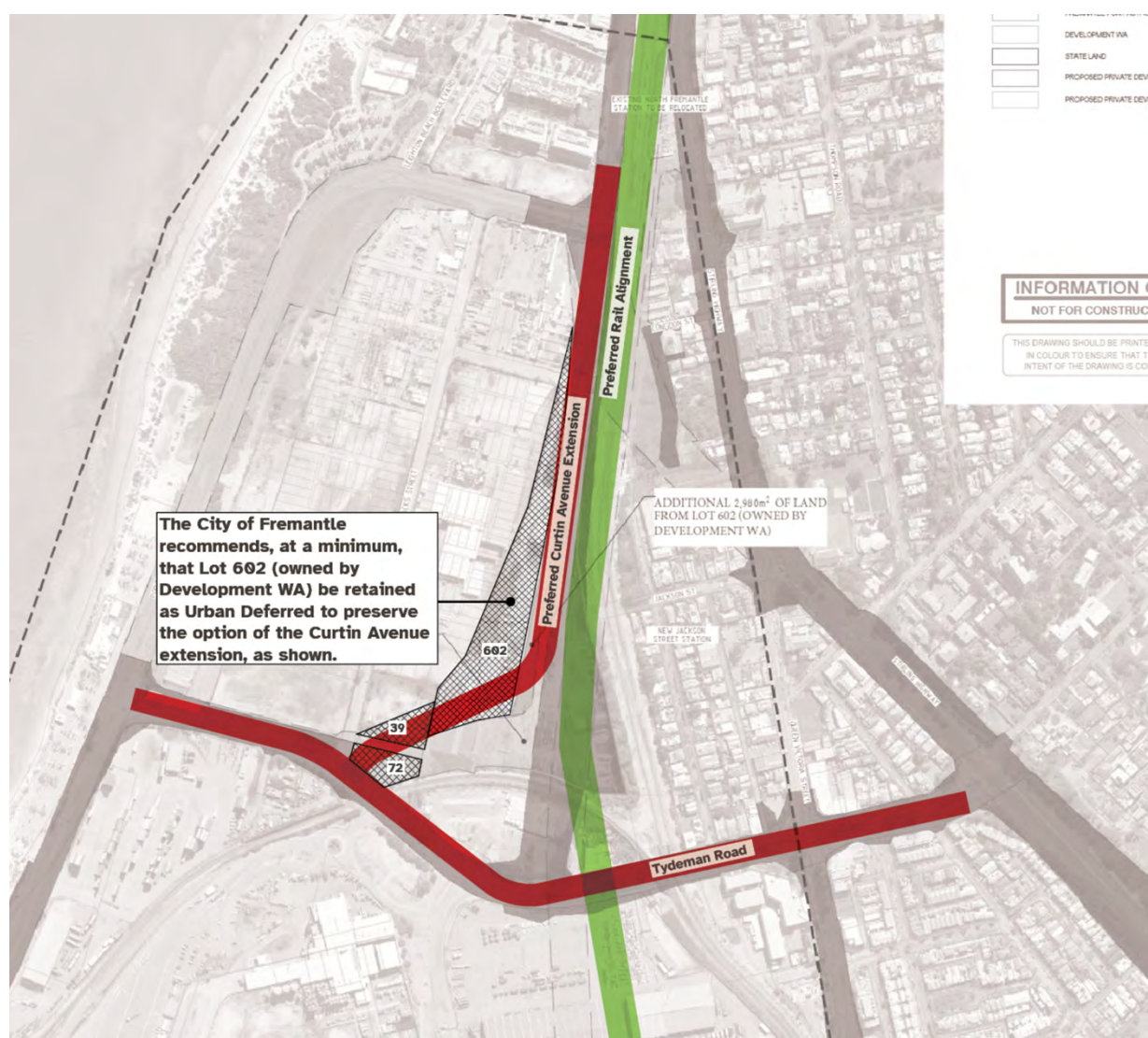


Figure 5: Land requirements for City's preferred road alignment

3. Coastal Foreshore Reserve Requirements

The City has not received any further research, data or planning analysis since providing comments to the WAPC, follow Council's Ordinary Meeting on 27 August 2025.

At that time, Council's comments were based on review of documents submitted by the applicant:



- Coastal Hazard Risk Management Adaption Plan (CHRMAP) which in summary concluded that:
 - The North Fremantle Urban Precinct avoids risks posed from coastal inundation and erosion hazards over the 100-year planning timeframe.
 - Adequate space is available within the foreshore reserve (currently zoned parks and recreation under MRS amendment 1400/41,) to support managed retreat of publicly managed assets.
 - Both points above are achieved assuming a managed retreat strategy, even if coastal protection is not implemented under the Future of Fremantle works.
- North Fremantle Parks and Recreation Reservation Study (the P&R Study). The P&R Study investigates the suitability of the extent, size and purpose of the parks and recreation reservation within its context utilising three approaches as part of its review:
 - Approach 1: Size and function of beach foreshores in WA.
 - Approach 2: POS needs analysis for the local catchment.
 - Approach 3: Future of Fremantle document and its relationship to the site.

The most pertinent part of the P&R study was the work outlined in Approach 1 which made direct comparison between the size of the current foreshore reserve and the extent of assets and amenities within other foreshore locations of regional significance including Cottesloe, Scarborough and Leighton Beach. While the comparisons were helpful to a point, they did not account for the area within the reserve that would be occupied by the alignment of Port Beach Road. There are also clear differences in character between the Port Beach foreshore and benchmarks such as Cottesloe and Scarborough that are not accounted for.

Government Funding for Coastal Planning Study

The City has recently been advised that it was successful in applying for grant assistance from the WAPC for the preparation of the City of Fremantle Coastal Hazard Risk Management and Adaptation Plan. This comprehensive piece of planning work will:

- Use up-to-date data on climate change and estimated sea level rise.
- Deliver updated coastal mapping information.
- Invite community input.
- Develop planning principles / framework to guide future development and management options of existing infrastructure and community facilities.



This work will cover all of Fremantle, and importantly, will provide critical information around coastal erosion and future planning for Port Beach. According to studies from Department of Transport (2019), Port Beach has been assessed as an area of high management importance and imminent erosion risk (0 to five years), leaving port and recreational assets vulnerable to erosion, and exposing the City to ongoing management costs if no appropriate protection measures are in place. Since the Department of Transport study, the City has experienced two significant storm events that have impacted Port Beach and surrounding infrastructure. Sand renourishment has taken place as well as construction of a sea wall, however these are short to medium term strategies that will require ongoing management and future planning measures.

Once completed, this study will provide a critical planning tool to assist decision-making around development and infrastructure that might be at risk of future ocean and/or river inundation.

Ideally, this piece of planning work would be completed before final decisions are made on coastal setbacks and Reserve widths at Port Beach.

4. Consideration of the Fremantle Port Buffer

The subject site is within the Fremantle Port Development Referral (buffer) areas 1 and 2 (refer to figure below). Being located in area 1 and 2 there is a requirement to control development in order to minimise the following potential impacts:

- a) Ingress of toxic gases in the event of an incident within the Port.
- b) Shattering or flying glass as a consequence of an explosion within the Port.
- c) Noise transmission emanating from the Port (attenuation in the order of 35dB(A) is required).
- d) Odour.

The applicant proposes to manage the above considerations through built form and land use controls as part of detailed structure planning for the Precinct, consistent with the requirements of LPP 2.3. The applicant intends to stage the Precinct's development considering the ongoing port operations. Future urban development within the Precinct can comply with the provisions outlined in LPP 2.3 while the Port operations remain. It is also intended that a Precinct Structure Plan will be adaptive and staged, providing the ability for development of the Precinct to adjust to a scenario where Port operations are relocated in the future.

Residential developments proposed in area 1 greater than 50 dwellings shall be supplemented with a formal risk assessment. The assessment shall clearly demonstrate that the risk impact from port operations to the occupants will be



maintained as low as reasonably practical. Additional design requirements for the building are also applicable for area 1 and 2.

With Fremantle Port functions moving over time, a reduction in the port buffer requirements would be reasonable to assume at some future date as it would otherwise limit full development potential of the site and could even result in a less desirable outcome if planning was based on the port buffers that would not be needed in the future. While this is not an issue for the proposed lifting request, it is an issue for the future development of the site and structure planning needs to ensure no significant land use conflict or hazard occurs or redundant controls do not hinder optimum development outcomes.

Conclusion, on Concurrent Rezoning of Local Planning Scheme No. 4

Prior to being considered by WAPC, the DPLH has invited the City to provide comment on rezoning the Local Planning Scheme No. 4 from 'Industrial' to 'Development Area' concurrently with the MRS amendment. The local scheme rezoning should mirror that of the MRS and therefore it generally makes sense to amend the City's Local Planning Scheme concurrently.

However, the City maintains a view that key analysis and planning work still needs to be completed – as per the four 'conditions' attached to the Deferred status by Government in August 2024 – before the Lifting can be initiated. Therefore, the City does not support amending the Local Planning Scheme at this point in time, as it is considered premature to do so. Once this key analysis and planning work is done, amending the City's local planning scheme to enable structure planning work to progress would be appropriate.

Although planning matters concerning Port Buffer Zone and the completion of the Future of Fremantle study are essentially dealt with, the two critical issues that require greater planning scrutiny and resolution are:

- Delivery of an Integrated Transport Plan for North Fremantle that balances regional and local movements, walkability, place and urban development.
- Requirements for Coastal Reserve, based on future needs, up-to-date climate science, and the now apparent need to retain (and increase) the sub-regional function of Port Beach Road.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



DECISION MAKING AUTHORITY

Council

COMMITTEE RECOMMENDATION ITEM PSC2608-12 (Officer's recommendation)

Moved: Cr Pip Slaughter

Seconded: Cr Frank Mofflin

Council:

1. Provides the following response and feedback to the Department of Planning, Lands and Heritage in response to its letter dated 6 July 2026, regarding a request for comment on MRS Amendment, Lifting of Urban Deferment Request - North Fremantle Urban Precinct:
 - a) The City of Fremantle believes it is premature to consider amending the Local Planning Scheme (whether concurrently or not) on account of insufficient planning work being finalised on two of the four critical issues identified by the Western Australian Planning Commission (WAPC) when the rezoning was passed by Parliament and signed into law on 15 August 2024:
 - confirmation of regional road and transport requirements in the locality
 - confirmation of coastal foreshore reserve requirements

Should all matters be resolved in a manner that is set out in this report, the City of Fremantle does not object to the concurrent rezoning of its Local Planning Scheme No. 4 to Development Zone.
 - b) Specifically, the City of Fremantle was anticipating a comprehensive transport study that explored multiple scenarios and options across all modes, integrated with land use planning. The City understands that the output of the recent transport work is a letter simply supporting the 'lifting' of Urban Deferred on condition that the Curtin Link option is supported.
 - c) Specifically, no additional coastal planning work has been undertaken or verified by the State Government, although the City gratefully acknowledges recent confirmation that the WAPC will contribute funding towards a Coastal Hazard Risk



Management and Adaptation Plan that will greatly assist with future coastal planning in Fremantle.

2. Requests that a full copy of this report and resolution are made available to the WAPC, prior to considering the lifting of Urban Deferred and/or timing around amending the Local Planning Scheme.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil



Committee delegation

PSC2608-10 PLANNING INFORMATION REPORT - AUGUST 2026

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: Wednesday 5 August 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Decision making authority: Committee
Attachments: 1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

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

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

Meeting date: Wednesday 5 August 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Decision making authority: Committee
Attachments: Nil

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

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



2. Application Reference
DAP001/26
Site Address and Proposal
No. 9 Cattalini Lane, North Fremantle – 3 storey (30 dwelling) Multiple dwelling development
Update and status
- On 4 February 2026 the City accepted an application for the above proposal. - Community consultation for this item has closed. - On 15 June 2026, the Authorised City officer submitted the RAR to DAP, with a recommendation for approval. - At its meeting on 23 June 2026, the Development Assessment Panel (DAP) resolved to approve the development with minor amendments to the Officers Recommendation.
3. Application Reference
DAP002/26
Site Address and Proposal
No. 6 Burns Street and No. 220 Queen Victoria Street, North Fremantle- Mixed use development
Update and status
- On 25 March 2026 the City accepted an application for the above proposal. - Community consultation for this item has closed. - On 10 July 2026, the Authorised City officer submitted the RAR to DAP, with a recommendation for approval. - At its meeting on 22 July 2026, the Development Assessment Panel (DAP) resolved to approve the development with minor amendments to the Officers Recommendation.
4. Application Reference
DAPV001/26
Site Address and Proposal
No 47 Pakenham Street, Fremantle – Variation to approved development
Update and status
- On 3 June 2026 the City accepted an application for the above proposal. - Community consultation for this item has closed. - A Responsible Authority Report is due to DAP on 19 August 2026.
5. Application Reference
DAP003/26
Site Address and Proposal
No. 254c Hampton Road, Beaconsfield



Update and status
- On 9 June 2026 the City accepted an application for the above proposal. - Community consultation for this item has closed. - A Responsible Authority Report is due to DAP on 2 September 2026.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Service Committee under delegation 1.1 of the City of Fremantle
Delegated Authority Register.

COMMITTEE DECISION ITEM PSC2608-10 (Officer's recommendation)

Moved: Mayor Ben Lawver

Seconded: Cr Pip Slaughter

Council receive the following information reports for July 2026:

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

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil



PSC2608-6 ADELAIDE STREET NO 304 / 23 (LOT 38) FREMANTLE -
CHANGE OF USE TO UNHOSTED SHORT TERM RENTAL
ACCOMMODATION - (JD DA0205 / 26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Development Plans 2. Management Plan
Additional Documents (viewed electronically)	3. Strata Letter of Support 4. Site Photos

SUMMARY

Approval is sought by the applicant for a change of use to Unhosted short-term rental accommodation at No. 304 / 23 Adelaide Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Land use

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of an existing single bedroom Multiple dwelling to Unhosted short-term rental accommodation at No. 304/23 Adelaide Street, Fremantle (subject site). There are no works proposed.

Development plans are included as attachment 1.



Site/application information

Date received: 3 June 2026
Owner name: Anita Louise Carr
Submitted by: Anita Louise Carr
Scheme: City Centre
Heritage listing: N/A
Existing land use: Multiple Dwelling
Use class: Unhosted Short-Term Rental Accommodation
Use permissibility: A

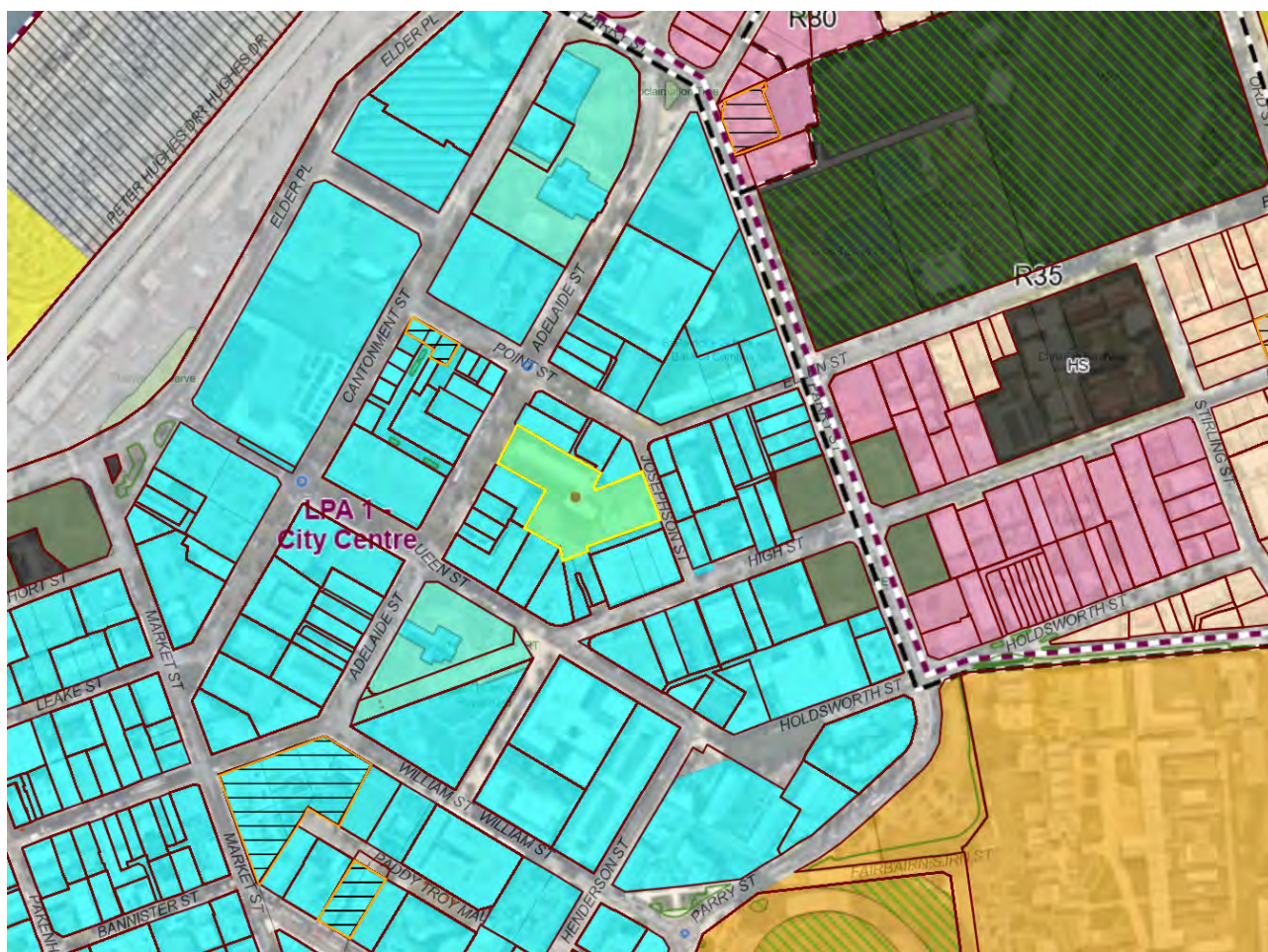


Figure 1 – Planning context map

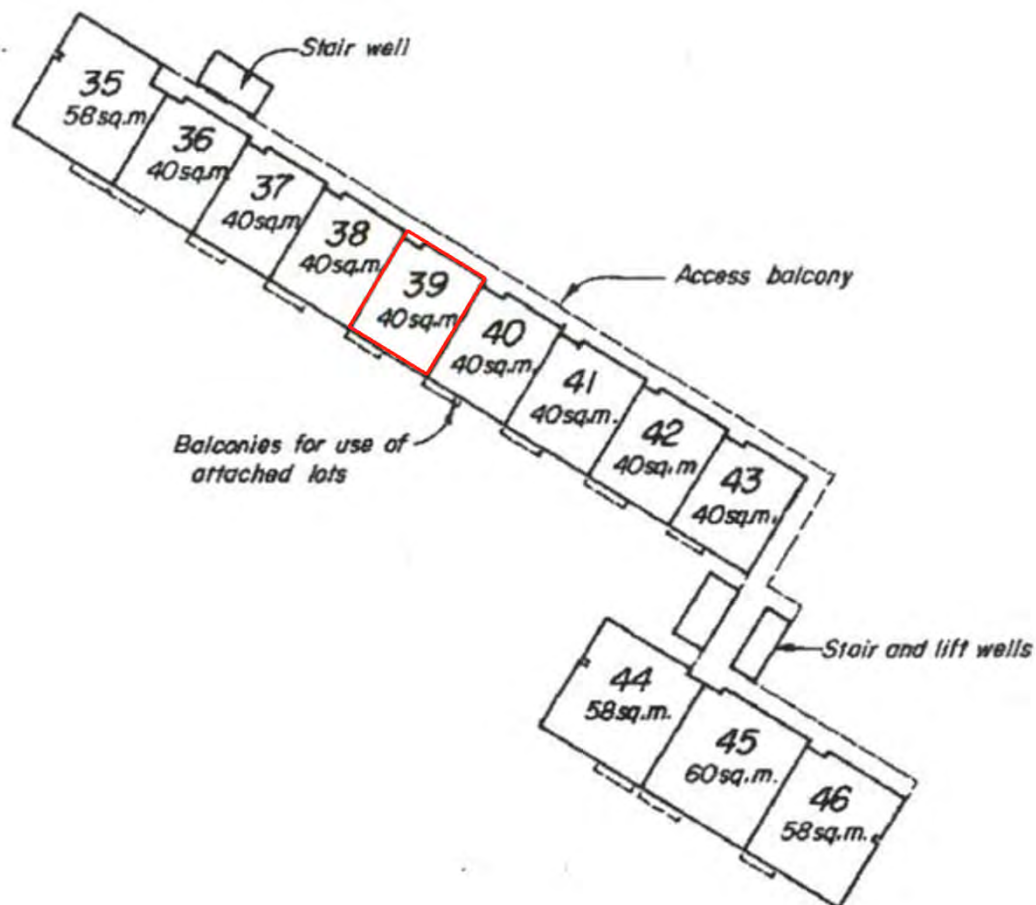


Figure 2 – Subject site lot 38 on level 3

CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme and local planning policy. The advertising period concluded on 7 July 2026, and no submissions were received.



OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4. The relevant assessment criteria are discussed as follows:

- Land use

The above matters are discussed below.

Background

The subject site is located on the east side of Adelaide Street. The dwelling subject to the change of use is within a strata development comprising 118 Multiple dwellings and has a floor area of approximately 58m². The dwelling is located on the third floor and sits within a parent lot of approximately 5198m². The site is zoned City Centre and has a density coding of RAC-3. The site is not individually heritage listed or located within a Heritage Area.

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

- DA0089/26 – Change of use of a single bedroom Multiple dwelling to Unhosted short-term rental accommodation (refused by Council 10 June 2026)
- DA0108/26 - Change of use of a two bedroom Multiple dwelling to Unhosted short-term rental accommodation (refused by Council 10 June 2026)
- Primary street fence addition and alterations – DA0218/20
- Front fence and landscaping on Adelaide Street frontage – DA728/05
- Construction of a 10 storey multi-purpose building – BL5377/1968

Land Use

An Unhosted short-term rental accommodation is an 'A' use in the City Centre Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the*



- locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *The amenity of the locality including the following:*
- (i) Environmental impacts of the development*
 - (ii) The character of the locality*
 - (iii) Social impacts of the development*
- (y) *Any submissions received on the application.*

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

Development within the City Centre zone shall —

- (i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- (ii) comply with the objectives of local planning area 1 of schedule 7,*
- (iii) conserve places of heritage significance the subject of or affected by development.*

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

- The Unhosted short-term rental accommodation land use is considered to satisfy the objectives of the City Centre zone as it will provide a use which is consistent with the region-serving role of the centre.
- The land use will complement the surrounding retail and hospitality land uses by providing accommodation for visitors to the area and will assist in the ongoing viability of these businesses.
- The proposal is for a small scale Unhosted short-term rental accommodation. It is noted that the applicant is proposing a maximum of four (4) persons however, as the dwelling is a single bedroom dwelling, a condition is recommended restricting the occupancy to a maximum of two (2) persons as per clause 3.2 of LPP2.27). Based on this maximum occupancy number, it is not considered that the scale of the accommodation will result in any significantly detrimental impact the amenity of the area or adjoining residents.
- The proposal does not involve any structural changes to the existing dwelling built form or existing buildings on the subject site.
- It is not considered that there is currently an over densification of Unhosted short-term rental accommodation land uses in the surrounding area.



Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

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

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

Table 1 – Assessment against LPP2.27

1. Built Form and Site Appearance	Officer comment
1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.	No changes are proposed to the existing built form.
1.2 On-site signage is required for all proposals and is: a) Limited to sign plaques or plates affixed to the main frontage of the building. b) To not exceed 0.5m² per dwelling. c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site. d) To include the property owner or manager's contact information.	A condition of approval is recommended to ensure compliance with signage requirements.
2. Car Parking	Officer comment
2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).	N/A
2.2 City Centre Zone – The City Centre is a pedestrian friendly location with plentiful retail and dining options within walking distance, close to many of the City's tourist attractions and is well serviced by public transport. Therefore,	The subject site is located within the City Centre zone. There are no requirements under LPP2.27 for onsite parking to be provided.



there is no requirement for the provision of on-site parking within this zone.	
3. Dwelling Occupancy	Officer comment
3.2 Grouped and Multiple Dwellings - Maximum occupancy of no more than two persons per bedroom, excluding persons under 16, to a maximum of six persons.	The subject dwelling is a single bedroom dwelling. A maximum of two (2) persons are permitted to occupy the bedrooms/dwelling which is secured via a recommended condition of approval.
3.3 Rooms not originally designed as bedrooms (e.g. living / dining rooms) cannot be converted for STRA occupancy calculations.	The bedroom is an approved lawful bedroom.
4. Location Requirements	Officer comment
4.1 In order to prioritise permanent residents within the City Centre Zone so as to retain a lively and vibrant centre throughout the year, consideration will be given to the number of hosted and unhosted short term rental accommodation properties registered at the time of the development application being lodged.	27 of the 118 dwellings (22.8%) within 23 Adelaide Street are registered as short-term rental accommodation. It is considered that the predominant use of the dwellings within the subject site are for long term residential use. It is however noted that Council has recently refused two (2) applications for this building, citing: • Inconsistency with clause 67 (n) of the deemed provision as the proposal will remove long term residential accommodation in the City Centre zone thereby resulting in detrimental amenity and social impacts by virtue of reduced housing availability and; • Inconsistency with the objectives of LPP2.27 as it will not prioritise permanent residents within the City Centre Zone so as to retain a



	lively and vibrant centre throughout the year.
5. Servicing Considerations	Officer comment
5.1 Development is to be connected to a reticulated potable water supply.	Complies
5.2 Development is to be connected to a reticulated sewage or serviced by an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.	Complies
6. Time Limitations of Approvals	Officer comment
6.1 Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.	The proposal is for an Unhosted short-term rental for a two people. It is not considered that this will result in any significantly detrimental impact to the amenity of adjoining properties/dwellings or the area generally. As such a 12 month approval limit is not considered to be required.
7. Restriction of Operator	Officer comment
7.1 Due to the detailed management measures required to operate an unhosted short term rental accommodation in accordance with this policy, development approval for unhosted short-term rental accommodation is restricted to the approved landowner and will not run with the property. A change in landowner will require a new development applicant for unhosted short-term rental accommodation to be submitted and approved.	Compliance with this provision will be secured via a recommended condition of approval.
8. Management Plans and Other Unhosted Short-Term Rental Accommodation Application Requirements	Officer comment
8.1 Where a unhosted short-term rental accommodation is located on a strata title, a letter from the Strata Manager or Strata Management Company in support of the proposed use is to be included with the development application.	A letter from the Strata Company Manager included as additional information accompanied the application. They have provided consent for the lodgement of this application for the proposed use.



8.2 For proposals located in all zones except the City Centre zone, a site plan indicating the location of on-site parking is to be provided with the development application.	N/A
8.3 Development applications must include a Management Plan detailing the following: a) Contact details (phone number and email address) of the Property Manager, which may be the landowner or an external agent. The Property Manager is to respond to nuisance behaviour within 12 hours of a complaint. b) Method of booking and checking in. c) Confirmation of location of designated on-site / visitor parking bays. d) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. e) Complaint management procedures addressing nuisance behaviour which may include: • Violence or threats • Loud aggressive behaviour, including yelling, screaming or arguing • Excessively loud noise nuisance • Overlooking • Light spill • Barking dogs • Smoke or odours. f) Waste management strategies to ensure appropriate disposal. g) Bushfire emergency response procedures (in designated bushfire prone areas).	A Management Plan accompanied the lodgement of the application which addresses the requirements of this provision. Compliance with this Management Plan will be secured via a recommended condition of approval.
8.4 A detailed Code of Conduct is to be made available to all occupants and included with the development application. The Code of Conduct is to include the following: a) Contact details of the Property Manager, including after-hours contact details. b) Expected behaviour of occupants / visitor to minimise impact on neighbours. c) Any restrictions of visitors or parties/ events.	No Code of Conduct accompanied the application lodgement. A condition is recommended for a Code of Conduct to be provided, addressing the requirements of clause 8.4, prior to occupation/operation of the land use.



d) Location of on-site car parking for occupants / visitors, as well as any parking restrictions applicable to the location. e) Details of alternate transport options, such as public transport. f) Details regarding waste management, including specific expectations of guests regarding waste disposal and bin collection. g) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. h) Bushfire emergency response procedures (where applicable). i) Any other information relevant to the use of the property which may impact the amenity of the location.	
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CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at No. 304/23 Adelaide Street, Fremantle. Based on the assessment above, it is considered that the accommodation can be suitably operated to minimise any potential impact to the amenity of the area. The land use will complement the surrounding retail and hospitality land uses and is consistent with the region-serving role of the City Centre and the objectives of LPP2.27. In accordance with the assessment above, the application is recommended for conditional approval.

STRATEGIC IMPLICATIONS

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

Thriving City - Vibrant and active city centre

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

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 304/23 (Strata Lot 38) Adelaide Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 3 June 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Anita Louise Carr as the current landowner only. If Anita Louise Carr ceases to be the landowner of the site, the unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of two (2) guests at any one time, based on the one (1) bedroom within the dwelling.



4. The Management Plan dated 3 June 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle.
5. Prior to occupation of the approved Unhosted short-term rental accommodation, a detailed Code of Conduct is to be submitted to and approved by the City of Fremantle. The code of conduct is to include the following, at a minimum:
 - a) Contact details of the Property Manager, including after-hours telephone and email contact details
 - b) Expected behaviour of occupants / visitor to minimise impact on neighbours
 - c) Any restrictions of visitors or parties/ events
 - d) Location of on-site car parking for occupants / visitors, as well as any parking restrictions applicable to the location
 - e) Details of alternate transport options, such as public transport
 - f) Details regarding waste management, including specific expectations of guests regarding waste disposal and bin collection
 - g) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended
 - h) Bushfire emergency response procedures (where applicable)
 - i) Any other information relevant to the use of the property which may impact the amenity of the location

The approved code of conduct is to be made available to all occupants of the approved Unhosted short-term rental accommodation prior to their stay.

6. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the front door/ entrance to the dwelling;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and
 - d) Include the property owner or manager's contact information, including contact telephone and email information.

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



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

Advice note(s):

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

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

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

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

COMMITTEE DECISION ITEM PSC2608-6
(Alternative motion)

Moved: Cr Pip Slaughter

Seconded: Mayor Ben Lawver

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 304/23 (Lot 38) Adelaide Street, Fremantle, as detailed on plans dated 3 June 2026, for the following reasons:

1. The proposal is inconsistent with clause 67 (n) of the Deemed Provisions as the proposal will remove long term residential accommodation in the City Centre zone thereby resulting in detrimental amenity and social impacts by virtue of reduced housing availability.



2. The proposal is inconsistent with the policy objectives of Local Planning Policy 2.27 (Unhosted Short-term Rental Accommodation) as it will not prioritise permanent residents within the City Centre Zone to retain a lively and vibrant centre throughout the year.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil

Reason for alternative motion:

There is a need to maintain affordable inner-city accommodation for residents to retain a lively city centre.



PSC2608-7 EDMUND STREET, NO. 8/105 (LOT 8), FREMANTLE -
CHANGE OF USE TO SHORT TERM RENTAL ACCOMODATION
(ED DA0204/26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Plans 2. STRA Management Plan 3. STRA Code of Conduct
Additional Documents (viewed electronically)	4. Site Photos 5. Council of Owners Support

SUMMARY

Approval is sought by the applicant for a change of use to Unhosted short-term rental accommodation at No. 8/105 Edmund Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Land Use (Discretionary 'A')

The application is recommended for conditional approval.

PROPOSAL

Detail

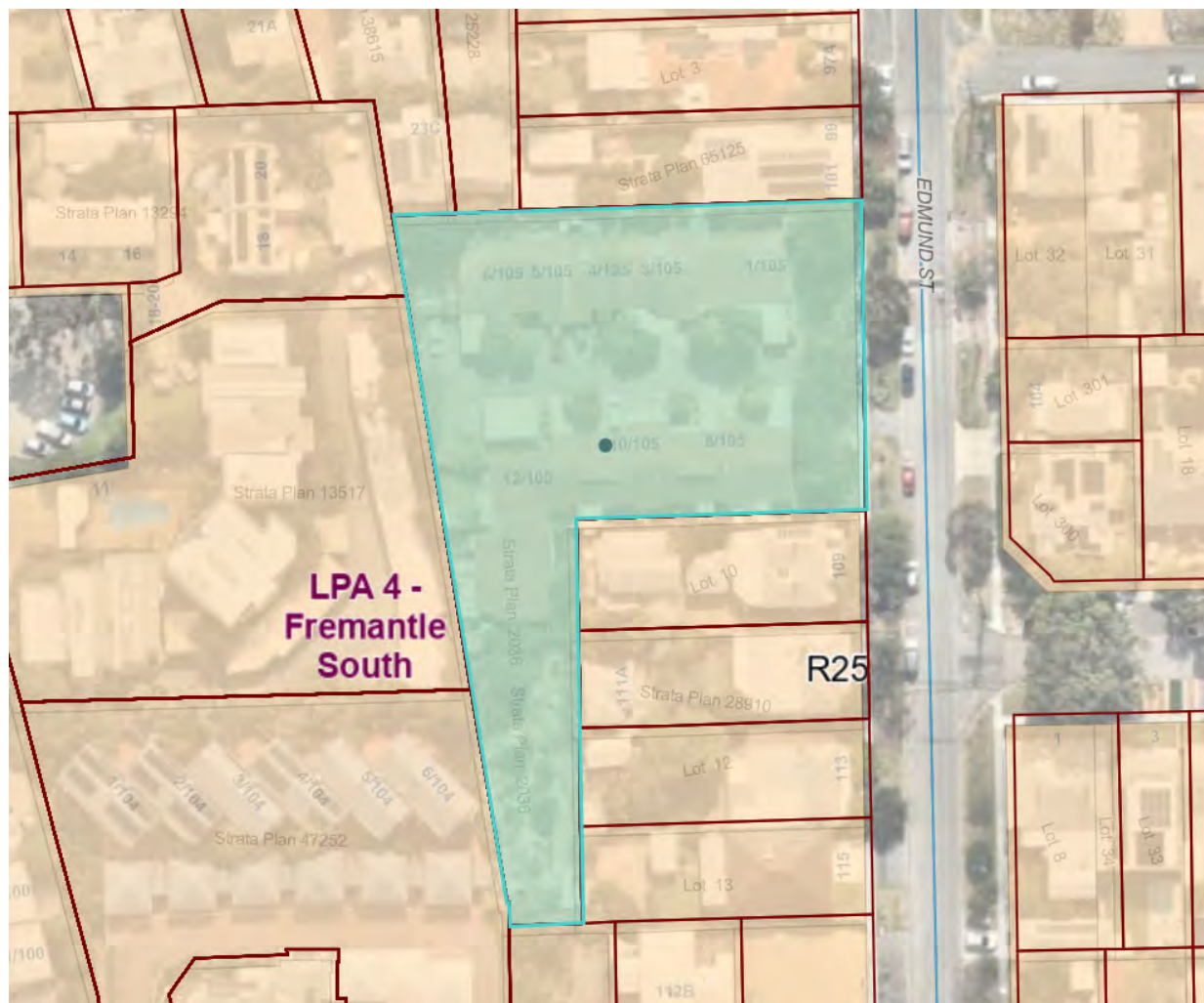
Approval is sought for a change of use of an existing Grouped dwelling to Unhosted short-term rental accommodation (STRA) at No. 8/105 Edmund Street, Fremantle. No works are proposed to the existing building or dwelling as part of this application.

Development plans are included as Attachment 1 and the Management Plan and Code of Conduct at Attachments 2 and 3 respectively. Site photos of the grouped dwelling complex and subject dwelling are provided at Additional Information 1.



Site/application information

Date received: 5 June 2026
Owner name: Monique Davies
Submitted by: Monique Davies
Scheme: Residential (R25)
Heritage listing: Not Listed
Existing land use: Grouped dwelling
Use class: Unhosted short term rental accommodation
Use permissibility: A



CONSULTATION

External referrals

Nil required.



Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme and local planning policy. The advertising period concluded on 10 July 2026, and two (2) submissions were received, objecting to the proposal. The following issues were raised (summarised) with officer comment:

Submitter Comment	Officer Comment
Objection in principle to the use, reducing housing supply/availability for owner occupiers or long-term tenants.	Assessment of the discretionary land use is included in the officer comment below.
Dwelling unsuited for STRA given the density of units within complex and close proximity to other dwellings.	It is noted that this is the only dwelling within the complex being used as STRA. This equates to 7% of the complex of 14 dwellings. It is therefore considered there is not an overabundance of temporary residents or STRA within the complex as it currently stands and that this number of STRA units is considered appropriate to the setting.
Will set for precedence for other STRA approvals within complex.	Any unhosted short term rental accommodation proposal will require development approval prior to operation and the Local Planning Policy 2.27 (Unhosted Short Term Rental Accommodation) provides consideration to the number, scale and operation of unhosted short-term rental accommodation within a complex and/or local area to ensure an overabundance is not evident.
Will introduce temporary guest accommodation to a quiet, private, residential complex that will impact the lives of all long-term tenants/owners in the complex with potential noise, damage and other disruption.	It is the responsibility of the owner/manager of the unit to ensure that the STRA is managed in accordance with, and guests adhere to the Management Plan (Attachment 2) and Code of Conduct (Attachment 3) provided with the application to mitigate any potential amenity impacts and/or disturbance of adjoining



	residents and take necessary steps where/if issues arise.
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The applicant provided the following responses to the submitter comments (summarised):

- I am aware of the shortage in housing supply in the area and am also aware that no other units in the strata complex are being rented out as STRA at present. There is also a high demand in the area for Short Term Accommodation, which this application will support and fuel the tourism in the area, returning to the local economy. My application is only for a 12-month period as per the agreement I have made with the Council of owners (the strata) in a recent meeting. After the 12 months period, it is agreed that I will then rent out the property as a long term rental or move back in myself. The strata has also agreed that no more than 2 units at one time may be available as a STRA dwelling, to ensure we are mostly focussed on providing long term rental properties and that the vibe of the strata community remains strong.
- The dwellings are all double brick and the walls are quite sound proof. I used to play the saxophone loudly and my neighbours reported they could not hear me. My immediate neighbours on both sides are also highly supportive of this application. I have also engaged a highly renowned and respected Short Term Property Management company (Smart Stay WA) who are looking after my property and managing bookings. I have had guests in the property since June and there has been no complaints or issues. I have been in regular correspondence with the STRA Management Company as well as the Chair of the Council of Owners (COO) and direct neighbour who has let me know that they barely noticed the guests. They have all been extremely polite, quiet and well mannered.
- This is not the case as the COO of the Strata had a meeting and we confirmed the following guidelines in support of STA properties in 105 Edmund Street (which have all been followed):
 - o No more than 2 of the 14 units in the complex can be operated as a STA at one time
 - o The owner shall not operate the property as a short-stay accommodation on for more than 12 months in every 3 years;
 - o The owner shall include in the short-stay accommodation on conditions communicated to guests that pets are not allowed;



- o The owner shall include in the short-stay accommodation on conditions communicated to guests that parking for guests is only available in the car bays on Unit 8's lot;
- o The COO wish to support owner occupiers to take time away to travel and be able to return to the property intermittently as needed (which STA allows, and longer term rental does not). Due to this, they came up with the above guidelines to ensure this could be done in a fair way that does not compromise the living conditions or vibe of the complex for longer term tenants and owners.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. The relevant assessment criteria are discussed as follows:

- Land use – Unhosted Short-Term Rental Accommodation

The above matters are discussed below.

Background

The subject site is located on the western side of Edmund Street in Fremantle and comprises a complex of 14 single storey Grouped Dwellings. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed nor located within a Heritage Area.

The subject dwelling comprises 2 bedrooms, an internal area of approximately 60sqm and has 2 car parking spaces at the front of the dwelling designated for exclusive use of the dwelling.

The surrounding area is comprised of predominantly 1-2 storey single houses and grouped dwellings.

A search of the property file has revealed there is no recent nor relevant planning history for the site.

Data from the State's Short Term Rental Accommodation (STRA) Register indicates that the subject dwelling is the only registered dwelling for STRA within the complex of 14 grouped dwellings as it currently stands.



Land Use

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

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

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

Development within the residential zone shall —

- (i) *provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*
- (ii) *safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*
- (iii) *encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*
- (iv) *recognise the importance of traditional streetscape elements to existing and new development,*
- (v) *conserve and enhance places of heritage significance the subject of or affected by the development, and*
- (vi) *safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.*



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

- The proposed Unhosted short-term rental accommodation is considered minor in scale, comprising two bedrooms (limited to a maximum of four occupants, secured by condition) and it is not considered the scale of this operation will result in detrimental impact to the amenity of the area or adjoining residents if managed appropriately in accordance and the management plan (Attachment 2) by the operator and guests comply with the code of conduct submitted with the application (Attachment 3).
- It is noted that while the subject site is located in the residential zone and outside of any formal centre, the subject site location is generally considered appropriate for short term / tourist accommodation as the site is located 100m from South Street, providing high frequency bus services to central Fremantle and/or South Terrace, South Fremantle and is within 1300m of both Central Fremantle and/or South Beach, South Fremantle.
- The subject dwelling is the only registered dwelling for STRA within the complex of 14 grouped dwellings as it currently stands with the majority of dwellings remaining as owner-occupied and/or long term rental tenanted. It is therefore considered there is not an overabundance of temporary residents or STRA within the complex as it currently stands.
- There are no external additions or alterations proposed to the dwelling (or complex) in this application, as such there are no elements that will impact the existing streetscape or heritage character of the area.
- The land use is considered to satisfy the objectives of the Residential zone, as it will provide a land use compatible with surrounding residential uses, providing accommodation without having detrimental impact on adjoining properties subject to effective and responsible management of the accommodation and compliance with the Local Planning Policy 2.27, which seeks to mitigate any amenity impacts, as discussed in greater detail below.

Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

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



The objectives of LPP2.27 are to:

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

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

Table 1 – Assessment against LPP2.27

1. Built Form and Site Appearance	Officer comment
1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.	No change is proposed to the existing built form.
1.2 On-site signage is required for all proposals and is: a) Limited to sign plaques or plates affixed to the main frontage of the building. b) To not exceed 0.5m² per dwelling. c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site. d) To include the property owner or manager's contact information.	A condition of approval is recommended to ensure compliance with signage requirements per the policy.
2. Car Parking	Officer comment
2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).	Complies – 2 on-site bays are provided for and allocated to the two-bedroom dwelling for dedicated use. As the dwelling is only two-bedroom, no additional on-site parking is required.



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



	potential impact upon neighbours and amenity, the approval shall be limited to a period of 12 months only, secured by an appropriate condition of approval.
7. Restriction of Operator	Officer comment
7.1 Due to the detailed management measures required to operate an unhosted short term rental accommodation in accordance with this policy, development approval for unhosted short-term rental accommodation is restricted to the approved landowner and will not run with the property. A change in landowner will require a new development applicant for unhosted short-term rental accommodation to be submitted and approved.	Compliance with this provision will be secured via a recommended condition of approval.
8. Management Plans and Other Unhosted Short-Term Rental Accommodation Application Requirements	Officer comment
8.1 Where a unhosted short-term rental accommodation is located on a strata title, a letter from the Strata Manager or Strata Management Company in support of the proposed use is to be included with the development application.	A letter from the Council of Owners is included as 'Additional Information 2' to this report and includes consent from the Council of Owners for the STRA use of the unit and also imposes some of their own conditions for strata support of the proposed use (please note these strata conditions sit outside of this application and are the responsibility of the strata to enforce).
8.2 For proposals located in all zones except the City Centre zone, a site plan indicating the location of on-site parking is to be provided with the development application.	Refer plans provided in Attachment 1 of this report which indicates the 2 allocated parking bays for the unit.
8.3 Development applications must include a Management Plan detailing the following: a) Contact details (phone number and email address) of the Property Manager, which may be the landowner or an external agent.	A Management Plan accompanied the lodgement of the application (Attachment 2) which



The Property Manager is to respond to nuisance behaviour within 12 hours of a complaint. b) Method of booking and checking in. c) Confirmation of location of designated on-site / visitor parking bays. d) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. e) Complaint management procedures addressing nuisance behaviour which may include: • Violence or threats • Loud aggressive behaviour, including yelling, screaming or arguing • Excessively loud noise nuisance • Overlooking • Light spill • Barking dogs • Smoke or odours. f) Waste management strategies to ensure appropriate disposal. g) Bushfire emergency response procedures (in designated bushfire prone areas).	addresses the requirements of this provision. Adherence with this Management Plan will be secured via a recommended condition of approval.
8.4 A detailed Code of Conduct is to be made available to all occupants and included with the development application. The Code of Conduct is to include the following: a) Contact details of the Property Manager, including after-hours contact details. b) Expected behaviour of occupants / visitor to minimise impact on neighbours. c) Any restrictions of visitors or parties/ events. d) Location of on-site car parking for occupants / visitors, as well as any parking restrictions applicable to the location. e) Details of alternate transport options, such as public transport. f) Details regarding waste management, including specific expectations of guests regarding waste disposal and bin collection.	A Code of Conduct accompanied the lodgement of the application (refer Attachment 3) which addresses the requirements of this provision. Compliance with the Code of Conduct will be secured via a recommended condition of approval. A copy of the Code of Conduct is to be made available to the occupants of the accommodation.



g) Whether pets will be permitted at the property, if so, whether they are permitted to be left unattended. h) Bushfire emergency response procedures (where applicable). i) Any other information relevant to the use of the property which may impact the amenity of the location.	
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In further consideration of the objectives of LPP2.27, while the property is not located in the City Centre zone, it is noted that 1 (the subject dwelling) of the 14 dwellings (representing 7% overall) within the complex are registered as STRA units, with a majority of dwellings remaining as owner-occupied and/or long term rental tenanted. It is therefore considered there is not an overabundance of temporary residents or STRA within the complex as it currently stands.

Further, the STRA unit is considered of a small scale, that is appropriately located and serviced to meet the needs of visitors and if managed appropriately and in accordance with management plans provided, will not be detrimental to the amenity of the adjoining residents or the area generally.

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

CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at No. 8/105 Edmund Street, Fremantle. With consideration to the officer assessment above, the proposed Unhosted STRA is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of adjoining residents and the area generally. The land use is generally compatible with the objectives of the Residential zone and LPP2.27, providing accommodation that is minor in scale, with STRA still a minority use (1 out of 14 dwellings, representing 7%) of the overall number of dwellings within the grouped dwelling complex and can be expected to operate with minimal amenity impact to adjoining residents if managed appropriately and in accordance with the management plans to be implemented by the operator.

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



STRATEGIC IMPLICATIONS

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

Liveable City - Liveable and socially connected neighbourhoods

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.



COMMITTEE DECISION ITEM PSC2608-7
(Officer's recommendation)

Moved: Cr Pip Slaughter

Seconded: Cr Frank Mofflin

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 8/105 Edmund Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 3 June 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Notwithstanding condition 1, this approval allows the unhosted short-term rental accommodation hereby approved to be operated by Monique Davies as the current landowner for a period of 12 months from the date of this approval only. If Monique Davies ceases to be the landowner of the site, or the temporary 12 month period from the date of this approval is reached, the unhosted short-term rental accommodation use hereby approved will expire and shall not continue to operate, unless otherwise approved by the City of Fremantle.
3. The approved use is restricted to a maximum of four (4) guests at any one time, based on the two (2) bedrooms within the dwelling.
4. The Management Plan and Code of Conduct dated 3 June 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. A copy of the Code of Conduct is to be made available to all occupants of the Unhosted short-term rental accommodation.
5. Prior to the occupation/operation of the unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the front door/entrance to the dwelling;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Be consolidated where multiple unhosted short-term rental accommodation units are contained on a site; and



- d) Include the property owner or manager's contact information, including contact telephone and email information.

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

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

Advice note(s):

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

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

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

- ii. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the Privacy and Responsible Information Sharing Act 2024. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil



PSC2608-9 PAKENHAM STREET, NO. 6 / 37 (LOT 6), FREMANTLE -
CHANGE OF USE TO UNHOSTED SHORT-TERM RENTAL
ACCOMMODATION - (CR DA0188 / 26)

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Site Plan 2. Management Plan and Code of Conduct
Additional Documents (<i>viewed electronically</i>)	3. Applicant Submission Response 4. Site Photos

SUMMARY

Approval is sought by the applicant for Unhosted short-term rental accommodation at 6 / 37 Pakenham Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), and Local Planning Policies. These discretionary assessments include the following:

- Land Use ('A')

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of an existing Multiple Dwelling to Unhosted short-term rental accommodation at No. 6/37 Pakenham Street, Fremantle (subject site). There are no works proposed.

Development plans are included as attachment 1 as well as a Management plan and Code of Conduct which is included as attachment 2.



Site/application information

Date received: 19 May 2026
Owner name: Jo Whickham and Adrian Berrisford
Submitted by: Jo Whickham
Scheme: City Centre Zone
Heritage listing: West End Heritage Area / Not Listed
Existing land use: Multiple Dwelling
Use class: Unhosted Short-Term Rental Accommodation
Use permissibility: A



Figure 1 – Planning context map



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

CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proposal required a merit-based assessment against the Scheme and local planning policy. The advertising period concluded on 10 June 2026, and one (1) submission was received. The following issues were raised (summarised):

- Concern of the over-saturation of the Unhosted Short-Term Rental Accommodation use along Pakenham Street and across the City of Fremantle

In response to the above, the applicant submitted a response letter – see attachment 3.

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

- A criteria of assessment for Unhosted Short-Term Rental Accommodation in the City Centre zone is consideration given to the number of Unhosted Short-



Term Rental Accommodations registered at the of development application being lodged. The below assessment considers this in its conclusions.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 specifically land use and car parking provisions. The relevant assessment criteria are discussed as follows:

- Land use

The above matters are discussed below.

Background

The subject site is located on the west side of Pakenham Street. The dwelling subject to the change of use is a one (1) bedroom Multiple dwelling within a strata development comprising 11 Multiple dwellings and has a floor area of approximately 51m². The site is zoned City Centre and has a density coding of R25. The dwelling subject of this change is a one (1) bedroom dwelling with no allocated parking bay.

The site is not individually heritage listed and is located within the West End Heritage Area.

A search of the property file revealed no recent or relevant planning history relating to this application.

Three (3), including this application, of the eleven (11) units within the apartment building are currently registered as Unhosted Short-rental Accommodation, representing a building total of 27.27%.

Land Use

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



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

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

Development within the City Centre zone shall —

- i. provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- ii. comply with the objectives of local planning area 1 of schedule 7,*
- iii. conserve places of heritage significance the subject of or affected by development.*

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

- Proposed Unhosted Short-Term Rental Accommodation use is consistent in providing short term accommodation for tourism purposes.
- As no structural changes are proposed, no relevant objectives of Local Planning Area 1 area triggered for assessment.
- As above, no structural alterations are proposed and the heritage significance of the subject site is not impacted by the proposed change of use.

Local Planning Policy 2.27 – Unhosted Short-Term Rental Accommodation

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



The objectives of this policy are to:

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

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

Table 1 – Assessment against LPP2.27

1. Built Form and Site Appearance	Officer comment
1.1 Proposals for unhosted short-term rental accommodation must align with the applicable Residential Design Codes (R-Codes), Local Planning Scheme, Local Development Plans and any location specific local planning policies.	No change is proposed to the existing built form.
1.2 On-site signage is required for all proposals and is: a) Limited to sign plaques or plates affixed to the main frontage of the building. b) To not exceed 0.5m ² per dwelling. c) To be consolidated where multiple unhosted short-term rental accommodation units are contained on a site. d) To include the property owner or manager's contact information.	A condition of approval is recommended to ensure compliance with signage requirements.
2. Car Parking	Officer comment
2.1 For all zones, except the City Centre Zone - In addition to providing car parking in accordance with the Residential Design Codes, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one	City Centre Zone – N/A



additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms etc).	
2.2 City Centre Zone – The City Centre is a pedestrian friendly location with plentiful retail and dining options within walking distance, close to many of the City's tourist attractions and is well serviced by public transport. Therefore, there is no requirement for the provision of on-site parking within this zone.	Proposed use in City Centre Zone, therefore are no requirements under LPP2.27 for onsite parking to be provided
3. Dwelling Occupancy	Officer comment
3.2 Grouped and Multiple Dwellings - Maximum occupancy of no more than two persons per bedroom, excluding persons under 16, to a maximum of six persons.	Maximum occupants to be conditioned.
3.3 Rooms not originally designed as bedrooms (e.g. living / dining rooms) cannot be converted for STRA occupancy calculations.	Existing bedroom is an approved lawful bedroom.
4. Location Requirements	Officer comment
4.1 In order to prioritise permanent residents within the City Centre Zone so as to retain a lively and vibrant centre throughout the year, consideration will be given to the number of hosted and unhosted short term rental accommodation properties registered at the time of the development application being lodged.	As stated in the background section above, the total amount of registered STRA in the building would be 27.27% if approved. It is considered that the predominant use of the dwellings within the subject site are for long term residential use.
5. Servicing Considerations	Officer comment
5.1 Development is to be connected to a reticulated potable water supply.	Complies
5.2 Development is to be connected to a reticulated sewage or serviced by an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.	Complies
6. Time Limitations of Approvals	Officer comment
6.1 Development approval may be limited to a period of 12 months where Council deems it appropriate to properly assess the impact on neighbours and amenity.	The proposal is for an Unhosted short-term rental for two (2) persons. It is not considered that this will result in any significantly detrimental impact to the amenity of adjoining properties/dwellings or



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



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



Officer Comment

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

- The provided management plan provides necessary controls for scale and operation of the proposed use to manage the impact on surrounding properties.
- As outlined in background section, the vibrancy and viability of the City Centre zone is maintained with the majority of the multiple dwelling property still utilised for permanent residence.
- As there are no changes proposed to the existing structure, there will be minimal to no impact on the character of the area.
- As discussed in assessment above, as the predominant use of the building is still for long term residential dwellings (72.73%), the proposed change of use satisfies the objective requirements of LPP 2.27 Unhosted Short Term Rental Accommodation.

CONCLUSION

Approval is sought for a change of use to Unhosted short-term rental accommodation at 6/37 Pakenham Street, Fremantle. With consideration to the officer assessment above, the proposed change of use to Unhosted Short-term rental Accommodation is considered acceptable and can be suitably operated to minimise any potential impact to the amenity of the area. The land use is compatible with the objectives of the City Centre zone and LPP2.27, as the accommodation is minor in scale, with minimal amenity impact to adjoining residents and existing building retains a predominantly long term residential dwelling land use.

STRATEGIC IMPLICATIONS

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

Thriving City - Attraction and retention of diversified investment and talent

- Fremantle holds a reputation as a desirable place to work and visit which attracts investment from businesses and developers.

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

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

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Planning Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at No. 6/37 (Lot 6) Pakenham Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 19 May 2026. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This approval allows the Unhosted short-term rental accommodation hereby approved to be operated by Jo Whickham and Adrian Berrisford as the current landowners only. If Jo Whickham and Adrian Berrisford cease to be the landowner of the site, the Unhosted short-term rental accommodation hereby approved will expire.
3. The approved use is restricted to a maximum of two (2) guests at any one time, based on the one (1) of bedroom within the property.
4. The Management Plan and Code of Conduct dated 19 May 2026 (City of Fremantle stamped date) hereby approved must be implemented at all times to the satisfaction of the City of Fremantle. The approved code of conduct is



to be made available to all occupants of the approved Unhosted short-term rental accommodation prior to their stay.

5. Prior to the occupation/operation of the Unhosted short-term rental accommodation, signage is to be provided on site and shall:
 - a) Be limited to sign plaques or plates affixed to the main frontage of the building;
 - b) Not exceed 0.5m² per dwelling (minimum size, 0.2m²);
 - c) Be consolidated where multiple Unhosted short-term rental accommodation units are contained on a site; and
 - d) Include the property owner or manager's contact information, including contact telephone and email information.

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

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

Advice note(s):

- i. The applicant is advised that contact details have been redacted from the attached Code of Conduct in accordance with the *Privacy and Responsible Information Sharing Act 2024*. The original unredacted Code of Conduct with relevant contact details included shall be provided to occupants prior to their stay.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - vehicles;
 - amplified acoustic systems; and
 - patron noise.

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



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

COMMITTEE DECISION ITEM PSC2608-9
(Alternative motion)

Moved: Cr Pip Slaughter

Seconded: Mayor Ben Lawver

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Unhosted Short-Term Rental Accommodation at 6/37 (Strata Lot 6) Pakenham Street, Fremantle, as detailed on plans dated 19 May 2026, for the following reasons:

- 1. The proposal is inconsistent with clause 67 (n) of the Deemed Provisions as the proposal will remove long term residential accommodation in the City Centre zone thereby resulting in detrimental amenity and social impacts by virtue of reduced housing availability.*
- 2. The proposal is inconsistent with the policy objectives of Local Planning Policy 2.27 (Unhosted Short-term Rental Accommodation) as it will not prioritise permanent residents within the City Centre Zone to retain a lively and vibrant centre throughout the year.*

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil

Reason for alternative motion:

There is a need to maintain affordable inner-city accommodation for residents to retain a lively city centre.



Council decision

PSC2608-11 COASTAL HAZARD RISK MANAGEMENT ADAPTATION PLAN - STEERING COMMITTEE MEMBERSHIP

Meeting date:	Wednesday 5 August 2026
Responsible officer:	Manager City Design
Voting requirements:	Simple Majority Required
Decision making authority:	Council
Attachments:	1. Funding Agreement 2. Draft Terms of Reference Coastal Hazard Risk Management Adaptation Plan Working Group

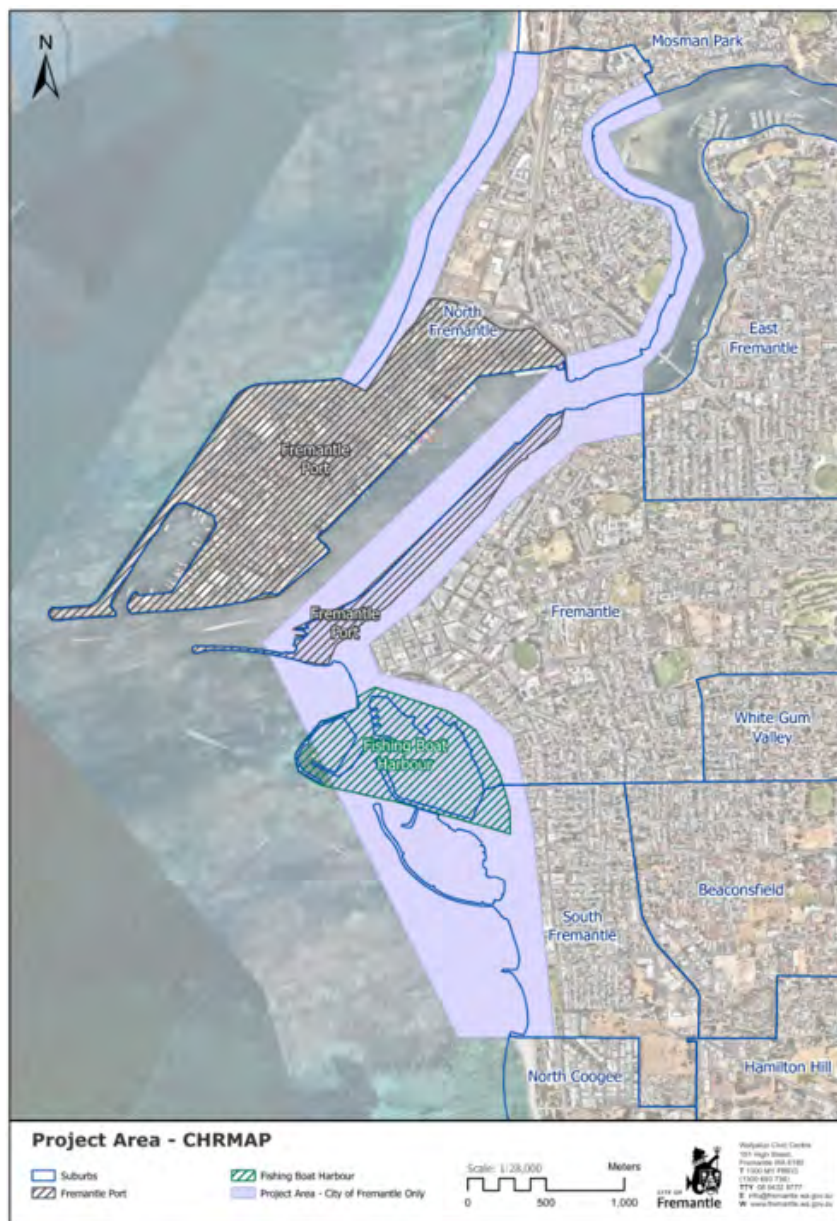
SUMMARY

The City of Fremantle has been awarded \$175,000 in grant funding from Coastal Management Plan Assistance Program to develop a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). The CHRMAP, co-funded by the City, will help identify coastal hazards, asset vulnerability and community coastal values to define and prioritise appropriate responses along the Fremantle coastline, including the coastal erosion hotspot Port Beach and river estuarine areas.

To assist with project governance and delivery, authorisation is sought for the CEO to appoint participants of the project's Working Group, consistent with the funding agreement.

BACKGROUND

The City's CHRMAP documentation is ready for renewal. To ensure CHRMAP documentation remains current and appropriately informs planning and infrastructure decision making, the City applied for CHRMAP grant funding in April 2026.



The funding application proposed a CHRMAP project area extending along the coast from the City's northern boundary to its southern boundary and extend eastwards along the estuarine foreshore to the City's eastern boundary (see the figure above). Foreshore areas of the Fremantle Port's North Quay have been excluded as they are not within the planning control of the City. South Quay has been included as coastal impacts extend to areas immediately behind the Port Authority's land in the Fremantle City Centre.

FINANCIAL IMPLICATIONS

The City has set aside \$175,000 in long term financial plan over the next three years to fund the CHRMAP project, with an additional \$175,000 of matched funding now confirmed from State Government.



LEGAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

Nil.

OFFICER COMMENT

The City is finalising the process to accept the grant received from State Government's Coast WA portfolio. Confirming the composition of the project Steering Committee is required as part of the acceptance of the grant. The functions and role of the Steering Committee are outlined in Schedule 2 and Schedule 3 of the Funding Agreement (Attachment 1) attached to this report. An excerpt of Schedule 3 is provided below:

FUNCTIONS

The Steering Committee is to perform the following functions:

(a) deliver guidance and oversight on, and make decisions in relation to, all aspects of the Approved Project, including but not limited to:

- i. Reviewing Scope of Works;*
- ii. Assessment of Tenders (through recommendations of the Tender Assessment Panel);*
- iii. Provide discussion on the methodology for each milestone (as required);*
- iv. Make recommendations on the project objectives and outcomes;*
- v. Reviewing project deliverables including the Community and Stakeholder Engagement Plan, Draft and Final Plan; and*
- vi. Attend meetings as required.*



(a) If the Steering Committee cannot, despite reasonable efforts to do so, reach a consensus in relation to any of the matters set out in clause (a) above, the Applicant will have the final decision.

ROLES

The role of the Steering Committee is to provide technical coastal and planning skills to the Applicant and ensure the project progresses in line with milestone reports and progress reports.

The Working Group will remain active for approximately two years, or until the project is completed. Members will be subject to the Committee's Terms of Reference, which set out roles, responsibilities and expected conduct. The Steering Committee membership will include:

- Representative of the Department of Transport and Major Infrastructure
- Representative of Department of Planning, Lands and Heritage
- Representatives of the Fremantle Community (including an Elected Member of Council)
- Two representatives of the City of Fremantle (staff)

This "Steering Committee" as defined in the agreement will be referred to as a "Working Group" in accordance with the City's internal groups policy and Council meeting structure.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Council.



COMMITTEE RECOMMENDATION ITEM PSC2608-11
(Officer's recommendation)

Moved: Cr Pip Slaughter

Seconded: Cr Frank Mofflin

Council:

1. Notes the \$175,000 grant funding received from State Government, in addition to the \$175,000 committed by the City, to develop a new Coastal Hazard Risk and Management and Adaptation Plan for Fremantle's coastline and river foreshore areas.
2. Acknowledges the State Government for supporting this important initiative.
3. Endorse the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) Working Group terms of reference, provided in Attachment 2.
4. Appoints the following Elected Member to be a member of the CHRMAP Working Group, for the term ending on the day of the next Local Government Ordinary Election:
 - a. <name>
5. Authorises the Chief Executive Officer to appoint all other members of the CHRMAP Working Group, for the term ending on the day of the next Local Government Ordinary Election.

Carried: 5 / 0

For:

Mayor Ben Lawver, Cr Andrew Sullivan, Cr Pip Slaughter,
Cr Fedele Camarda and Cr Frank Mofflin

Against:

Nil



Motion of which previous notice has been given

Nil.

Urgent business

Nil

Late items

Nil

Confidential business

Nil.

Closure

The Presiding Member declared the meeting closed at 8:00pm.