



Minutes

Planning Services Committee

Wednesday 7 October 2026 6:00 pm



Table of Contents

Official opening, welcome and acknowledgement	4
Attendance, apologies and leave of absence.....	4
Attendance	4
Apologies	4
Leave of absence	4
Applications for leave of absence	4
Disclosures of interest by members	5
Responses to previous public questions taken on notice.....	5
Public question time	5
Petitions.....	5
Deputations	6
Presentations.....	6
Confirmation of minutes	6
Committee member communication.....	6
Reports and recommendations from officers	7
Committee delegation.....	7
PSC2610-1 HICKORY STREET, NO. 20 (LOT 304), SOUTH FREMANTLE - TWO STOREY SINGLE HOUSE - (LG DA0196/26)	7
PSC2610-2 HERBERT STREET, NO. 5 (LOT 23), NORTH FREMANTLE - TERRACE ADDITION AND ALTERATIONS TO EXISTING SINGLE HOUSE - (LG DA0213/26)	31
PSC2610-3 SOUTH TERRACE, NO. 193 (LOT 1), SOUTH FREMANTLE - PRIMARY AND SECONDARY STREET FENCE ADDITION TO EXISTING SINGLE HOUSE - (LG DA0151/26)	46
PSC2610-4 SUFFOLK STREET NO.26 (LOT 1) FREMANTLE - TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE (JL DA0263/26)	69
PSC2610-5 JOSEPHSON STREET, NO. 3 (LOT 1), FREMANTLE - PARTIAL CHANGE OF USE TO SMALL BAR (ED DA0295/26)	83
PSC2610-6 FORREST STREET, NO.75 (LOT 1465), FREMANTLE - TWO STOREY REAR ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (CR DA0208/26)	105



Council Decision	122
PSC2610-11 ANNUAL UPDATE OF THE HERITAGE LIST AND LOCAL HERITAGE SURVEY 2026	122
PSC2610-9 ADOPTION OF LOCAL PLANNING POLICY 5.4: CONVENIENCE STORES	144
PSC2610-10 FINAL RECOMMENDATION ON AMENDMENT 89: CONVENIENCE STORES	149
Committee delegation	154
PSC2610-8 PLANNING INFORMATION REPORT - OCTOBER 2026	154
PSC2610-7 REVIEW OF LOCAL PLANNING POLICY 2.27: UNHOSTED SHORT-TERM RENTAL ACCOMMODATION	158
Motion of which previous notice has been given	169
Urgent business.....	169
Late items	169
Confidential business.....	169
Closure	169



Official opening, welcome and acknowledgement

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

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

Attendance, apologies and leave of absence

Attendance

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

There were 17 members of the public and no members of the press in attendance.

Apologies

Nil.

Leave of absence

Nil.

Applications for leave of absence

Nil.



Disclosures of interest by members

Cr Andrew Sullivan declared a proximity interest in item number PSC2610-4 as he owns a property directly over the road from the subject property. Cr Sullivan stated that he would not remain in the meeting for the discussion of the item.

Cr Jemima Williamson-Wong declared a financial interest in item number PSC2610-7 as she works as a Lawyer advising on STRA and it would impact her employment to make related decisions. Cr Williamson-Wong stated that she would not remain in the meeting for the discussion of the item.

Responses to previous public questions taken on notice

Nil.

Public question time

The following member of the public spoke in relation to item PSC2610-1:
Philip Stejskal

The following member of the public spoke in relation to item PSC2610-2:
Charlie Nicholson

The following member of the public spoke in relation to item PSC2610-3:
John Mocilac

The following members of the public spoke in relation to item PSC2610-5:
David Sheehan
Nick Petrou
James Medland
Oliver Butler

The following member of the public spoke in relation to item PSC2610-6:
Lesley Hardman

The following member of the public spoke in relation to item PSC2610-11:
Doug Kerr

Petitions

Nil.



Deputations

Nil

Presentations

Nil

Confirmation of minutes

COMMITTEE DECISION

Moved: Cr Melanie Clark

Seconded: Cr Andrew Sullivan

The Planning Services Committee confirm the minutes of the Planning Services Committee meeting dated 2 September 2026.

Carried: 5/0

For:

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

Against:

Nil

Committee member communication

Nil



Reports and recommendations from officers

Committee delegation

PSC2610-1 HICKORY STREET, NO. 20 (LOT 304), SOUTH FREMANTLE - TWO STOREY SINGLE HOUSE - (LG DA0196/26)

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Development Plans 2. CONFIDENTIAL - Owner and Applicant Details - DA0196-20
Additional Information: <i>(viewed electronically)</i>	3. Site Photos 4. Applicant Planning Report 5. Additional Applicant Justification 6. Arborist Report 7. CoF Heritage Impact Assessment

SUMMARY

Approval is sought by the applicant for the construction of a two storey Single house and the removal of one (1) regulated tree at No. 20 (Lot 304) Hickory Street, South 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), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Local Planning Policy 3.6 - Heritage-protected Places Built Form and Land Use
- Lot boundary setback
- Car parking
- Visual privacy
- Removal of one (1) regulated tree

The application is recommended for refusal.



PROPOSAL

Detail

Approval is sought for the construction of a two storey Single house and the removal of one (1) regulated tree at No. 20 (Lot 304) Hickory Street, South Fremantle. The proposed works include:

- Construction of a two storey five (5) bedroom three (3) bathroom Single house with a single car garage.
- Removal of one (1) regulated tree located at the front of property.

Development plans are included as attachment 1.

Site/application information

Date received:	5 June 2026
Scheme:	Residential (R25)
Heritage listing:	Level 4 (Historic Only) and South Fremantle Precinct Heritage Area
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P

In accordance with the *Privacy and Responsible Information Sharing Act 2024* and to minimise the public disclosure of personal information, the applicant's name has been redacted from the public agenda. The applicant's details have been provided to elected members within the confidential attachment.

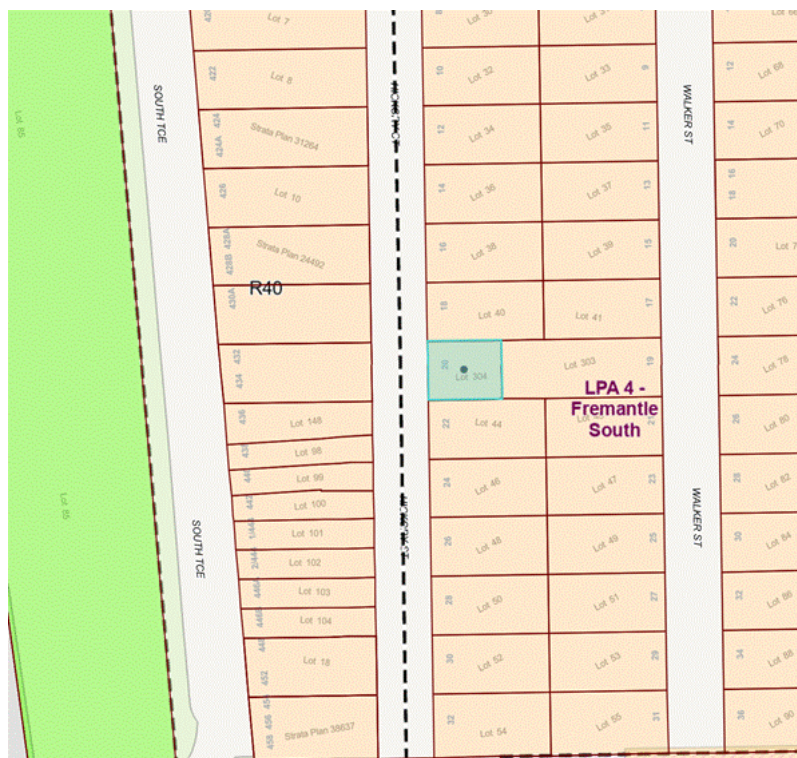


Figure 1 – Planning context map

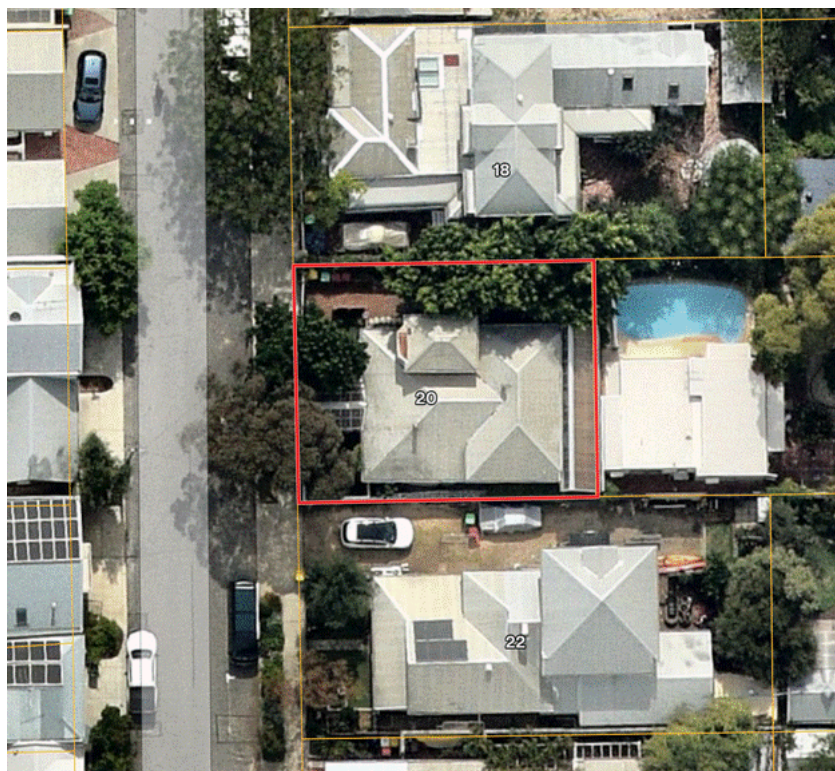


Figure 2 – Aerial image of subject site (August 2026)



CONSULTATION

Internal referrals

City of Fremantle Heritage

The subject site (20 Hickory Street) is not individually heritage protected but is situated within the South Fremantle Precinct Heritage Area. While there are elements of this design that are sympathetic with the character of the established streetscape on the east side of Hickory Street, including the building forms, articulation, materials and detailing, this does not mitigate the impact of the bulk, siting and scale of this development and the adverse impact it will have on the heritage character of the east side of Hickory Street and the South Fremantle Heritage Area. While it is acknowledged that the design of the new house is constrained by the small size of this lot, it is considered possible to design a house where the two storey section is located further back on the site so that it does not project into the single storey streetscape at the front of the blocks in Hickory Street.

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.

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessment against the R-Codes and local planning policies. The advertising period concluded on 23 July 2026, and three (3) submissions were received, two (2) objecting and one (1) in support. The following comments were raised (summarised):

- Objections:
 - Concern that northern wall/fence at 800mm is too low, and that there will be security and privacy issues. Preference is that the wall is increased to 1.8m.



- o Concern that existing tree to be retained on the northern property is causing damage to the adjacent property and it should be removed. Request for Council to inspect the tree.
 - o Comment that northern 'Garage' boundary wall is not high enough, concerns regarding visual privacy and noise.
 - o Concern relating to visual privacy from garage terrace, states there will be sightlines into rear pool and backyard.
- Support:
 - o One submission indicated they had no objection to the proposal.

The submissions were provided to the applicant for response, in response the applicant provided additional justification which can be viewed in the additional documents.

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. 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:

- Local Planning Policy 3.6 – Heritage – protected Places Built Form and Land Use
- Lot boundary setback
- Car parking
- Visual privacy
- Removal of one (1) regulated tree

The above matters are discussed below.

Background

The subject site is located on the eastern side of Hickory Street, approximately 170m south of Douro Road. The site has a land area of approximately 288m² and is currently a Single house (approved for complete demolition as part of DA0448/25). The site is zoned residential and has a density coding of R25.



The site is heritage listed as a Level 4 – Historic Record Only, and 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).

On 11 March 2026, Council resolved to grant approval for the demolition of the existing dwelling (DA0448/25). Therefore, the proposal subject to this report is for the newly proposed two storey dwelling and does not include the previously approved demolition. It is noted that the removal of the existing regulated trees on the subject site did not form part of the approved demolition, therefore any proposed regulated tree removal forms part of this application.

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

- DA0448/25 – Demolition of Existing Single House (approved by Council on meeting held 11 March 2026).
- WAPC105996 – Two (2) lot subdivision (approved March 2001)
- 5310/1988 - Demolish rear lean-to addition and internal alterations
- 3019/1983 - Upper floor addition and alterations

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

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



The following table evaluates the proposal against the applicable design guidelines for new infill under clause 10 of LPP3.6.

10. Non-contributory Properties Including New Infill	
Criteria	Officer Comment
10.1 Siting and Scale	
10.1.1 New development is to maintain the scale, siting, bulk, form and streetscape appearance of the prevailing streetscape and so should be guided by the criteria for contributory places elsewhere in this policy, but with some greater degree of flexibility.	The existing streetscape displays a varying ground floor and upper floor street setbacks (refer Figure 3). The proposed ground floor setback (2.19m) is generally consistent with the two adjacent northern properties (16 & 18 Hickory), both featuring minimal ground floor separation from the street. There are four (4) properties in the prevailing streetscape that feature a two storey form, 18, 22, and 26 Hickory. The existing upper floor street setbacks range from 8 – 15m, which gives the street a consistent pattern of second storey form. The proposed upper floor setback of 3.45m is inconsistent with the existing two-storey form siting and scale within the prevailing streetscape, and as such is not supported. Inconsistent with design guidelines.
10.1.2 New buildings within a heritage area shall: c) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns (refer figure series below); c) Have a consistent bulk and scale in relation to the original street pattern. E.g. If the original street pattern is single storey then the new infill development should also be, or present as,	As discussed above the proposed two storey setting is inconsistent with the existing two storey properties within the prevailing streetscape. The proposal will result in a two storey form that projects into the established streetscape. The building form is articulated with some sections setback and some elements recessed into the main volume and while this helps to a degree to reduce the scale and massing, the reduced upper floor setback creates a large volume of bulk that will detrimentally impact the



single storey (at least to the front section of the lot); and c) Have a plate height consistent with the original street pattern. New developments often propose a lower plate height than the earlier and original buildings. To ensure a consistency of scale the plate height is an important element to ensure it is consistent with the original street pattern.	established open, single storey character of the streetscape. Inconsistent with design guidelines.
10.2 Building Form	
10.2.1 New residential development within a heritage area shall respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape without mimicking heritage detailing.	As discussed above the predominant form of the streetscape features single storey dwellings, and two storey additions that are setback behind the original dwellings. The proposed two storey dwelling features a reduced upper floor setback that is consistent to the predominant form of the streetscape and is therefore not supported. Inconsistent with design guidelines.
10.2.3 Where the building form of contributory properties in the immediate area is highly repetitive, symmetric and/or asymmetric, new development visible from the public realm is to continue this repetition.	Both 18 and 22 Hickory are identified as contributory properties within the prevailing streetscape. Both dwellings feature two storey additions that are setback 11.5m and 15m respectively. As discussed above the proposed two storey form is inconsistent with these properties. Inconsistent with design guidelines.
10.2.4 The treatment of new infill buildings in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. shall relate to that of its neighbours.	As discussed in the HIA, there are elements of the design that are sympathetic with the character of the established streetscape, including the roof forms, articulations, materials and detailing. The asymmetrical form and gabled roof respond to the established character of the heritage streetscape and is considered acceptable.



	Consistent with design guidelines.
10.2.5 Contemporary building designs shall respond to, and interpret, the scale, articulation and detail of the existing nearby buildings in a modern, innovative and sympathetic way.	Whilst there are positive elements as outlined above, the overall siting and scale of the two storey element is inconsistent with the established streetscape character. Inconsistent with design guidelines.
10.3 Materials, Colours and Detailing	
10.3.1 Materials, colours and level of detailing shall reflect / interpret the predominant materials and detailing of the original prevailing streetscape and not visually dominate the streetscape or adjacent heritage buildings.	The pallet of materials used in the design interprets the traditional range of materials used in this area including brickwork, fibrous cement sheeting, timber cladding and corrugated metal roof sheeting. Consistent with design guidelines.
10.3.2 New development is to blend in with the streetscape but be discernible as new when looked at more closely. 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and is contrary to the objectives and principles of this policy.	As above. Consistent with design guidelines.
10.4 Roofs	
10.4.1 Traditionally, roof lines are a predominant element of the streetscape. All new development shall respond to and reinforce the existing characteristics of the prevailing streetscape regarding plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.	The asymmetrical form and gabled roof respond to the established character of the heritage streetscape and is considered acceptable. Consistent with design guidelines
10.4.2 Roof forms that interpret the predominant roof forms of the prevailing streetscape may be considered.	As above.



10.5 Verandahs / Porches / Awnings	
10.5.1 Verandahs, porches and awnings were often an important element of streetscapes. Inclusion of verandahs, porches and awnings appropriate to the streetscape are encouraged without too precisely mimicking the style of the original character-building elements or heritage detailing.	The porch and balcony elements interpret the important porch/ front verandah elements which are a typical feature of residential development in South Fremantle. Consistent with design guidelines.
10.6 Doors and Windows	
10.6.1 All windows and door openings visible from the public realm are to have a vertical emphasis, which means they should be taller and narrower in appearance unless there is a predominance in the prevailing streetscape of larger, interwar and later windows.	All windows and door openings visible from the street exhibit a vertical emphasis. Consistent with design guidelines.
10.6.2 Front doors are to address the street and be centrally located in the front façade of the new infill building unless there is a different original pattern in the prevailing streetscape.	Entrance door located centrally. Consistent with design guidelines.

The following table evaluates the proposal against the applicable design guidelines for garages under clause 11 of LPP3.6.

11. Garages and Carports to All Residential Buildings	
Criteria	Officer Comment
11.2 Carports and garages are to be located behind the building, and visually unobtrusive.	Proposed single garage located in front of dwelling. Inconsistent with design guidelines.
11.3 For non-contributory properties, a carport or garage to a new house that is under the main roof of the development may be set back in line with or behind the front building line of	As above.



the new house (excluding its verandah / porch).	
11.4 Notwithstanding the above carport and garage location requirements, the following arrangements may be considered for non-contributory properties, contributory properties, Level 3 listed places, and some Level 2 listed places (on a case-by-case basis): c) A single or double carport located to the side of an existing or new house set back a minimum of 1m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The roof to the side carport is to be flat, skillion or simple hipped or gable. c) A single garage located to the side of an existing or new house set back a minimum of 1m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The roof to the single side garage is to be flat, skillion or simple hipped or gable. The structure is to be no more than 3.5m wide. c) A double garage located to the side of the existing or new house set back a minimum of 2m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The roof to the double side garage is	As above.



to be flat, skillion or simple hipped or gable. The width of the structure is to be no more than 45 percent of the width of the front of the dwelling or 6 meters (whichever is the lesser).	
--	--

LPP3.6 sets out secondary criteria that allows variations to the abovementioned clause 11 criteria to be considered in clause 11.7:

11.7 Variations to the above may be considered where development meets one of the following criteria:

- b) The proposal is consistent with the character of the prevailing streetscape (e.g. within a redevelopment precinct) and the proposal does not have a negative impact on the significance of the place or area; and/or
- b) The proposed setback does not result in a projecting element into an established streetscape vista by virtue of the road

The proposed garage is considered to meet the secondary clause 11.7 criteria of LPP3.6 for the following reasons:

- The proposed garage setback (2.1m) is consistent with the street setbacks of the two adjacent northern properties (16 & 18 Hickory). As such, the reduced setback does not introduce a projecting element into the streetscape that would negatively impact the streetscape vista by virtue of the road.



Figure 3 – Existing ground floor (red) and upper floor (blue) street setbacks within the prevailing streetscape



Property	Ground Floor Setback	Upper Floor Setback
22 Hickory	6.2m	15m
24 Hickory	7.1m	N/A (Single storey w/loft)
26 Hickory	6m	8m
20 Hickory	2.186m	3.458m
18 Hickory	2.1m	11.5m
16 Hickory	1.4m	N/A (Single storey)
14 Hickory	4.5m	N/A (Single storey)

Table 1 – Existing ground floor and upper floor street setbacks within the prevailing streetscape

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 non-contributory properties, contributory properties and Level 3 listed places:</i>	
12.8 Primary and secondary street fencing is to take the following forms: 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	Proposed primary street fencing is permeable picket fencing at 1.6m height. 0.4m variation (height)

LPP3.6 sets out secondary criteria that allows variations to the abovementioned clause 12 criteria to be considered under clause 12.10:

12.10 Contemporary interpretations and variations are to demonstrate that they are consistent with the prevailing streetscape.

The proposed fencing is considered to meet the above clause 12.10 criteria of LPP3.6 for the following reasons:

- There are multiple examples of similar height contemporary fencing within the prevailing streetscape, the proposed fence height (1.6m) is not considered excessive and does not introduce a height that is inconsistent with the streetscape.
- The proposed fencing is a contemporary interpretation of open style picket fencing.

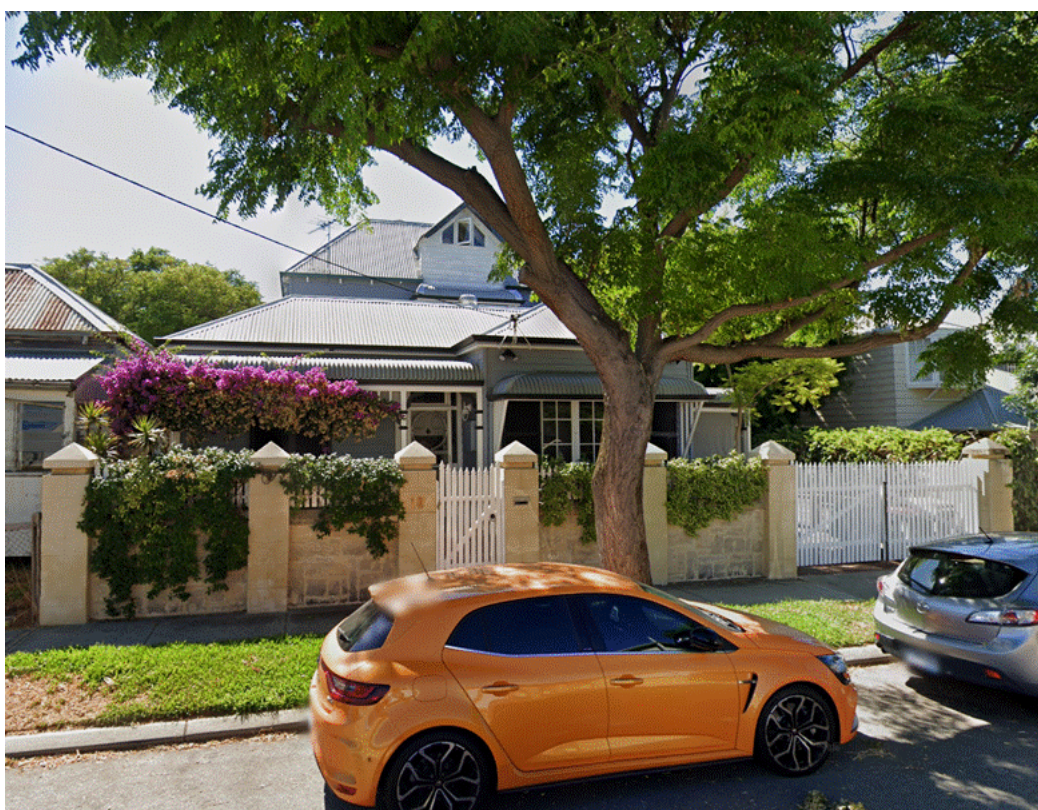


Figure 4 – Frontage of 18 Hickory Street

Lot boundary setback

Boundary walls

Element	Requirement	Proposed	Extent of Variation
East Boundary Wall – GF Kitchen	in areas coded R20 and R25, walls not higher than 3.5m, up to a maximum length of the	Boundary wall length: 4.3m Height of boundary wall: 3.4m	Boundary walls to more than two site boundaries.



South Boundary Wall – GF Lounge – Bedroom	greater of 9m or one-third the length of the balance of the site boundary behind the front setback, to up to two site boundaries	Boundary wall length: 12.5m Height of boundary wall: 3.5m	See officer assessment below.
North Boundary Wall – GF/UF Garage/Terrace		Boundary wall length: 6.2m Height of boundary wall: 4.6m – 3m	

The eastern boundary wall is considered to meet the design principles of the R-Codes for the following reasons:

- Much of the proposed eastern boundary wall abuts an existing parapet wall located at 19 Walker Street (refer Figure 6), with the remaining portion of wall adjoining a non-sensitive portion of backyard. Therefore, there will be no impact by virtue of building bulk, and minimal to no impact on the amenity of the adjoining property.

The southern boundary wall is considered to meet the design principles of the R-Codes for the following reasons:

- The proposed southern boundary wall abuts a vehicle access leg of adjoining southern property (22 Hickory), this is considered non-sensitive space and is not considered outdoor living area. As such, there will be no adverse impacts by virtue of bulk and minimal impact to adjoining neighbour's amenity.
- The proposed overshadowing meets the relevant R-Code "deemed-to-comply" requirements, there will be no adverse loss of solar access to adjoining southern property.

The northern boundary wall is considered to meet the design principles of the R-Codes for the following reasons:

- The portion of proposed northern boundary wall abuts the northern property's (18 Hickory) onsite car bay, which is not considered a sensitive space and is sufficiently separated from adjoining building to not result in adverse impacts of bulk.
- The northern wall tapers from 4.6m – 3m which assists in reducing impacts of building bulk.
- Due to the orientation of the lot, there will be no adverse loss of solar access, and shadow cast from development will fall onto the subject site.



Figure 6 – Location of proposed boundary walls (highlighted yellow)

Lot boundary setback

Under the R-Codes section 5.1.3 clause 3.1i;

i. buildings setback from lot boundaries in accordance with Table B and Tables 2a and 2b (refer to Figure Series 3 and 4);

Element	Requirement	Proposed	Extent of Variation
GF East (Dining)	1.5m	0.9m	0.6m

The proposed reduced setback is considered to meet the design principles of the R-Codes for the following reasons:

- The reduced eastern setback abuts a portion of backyard area of the neighbouring property (19 Walker Street) that is not considered to be primary outdoor living area. The reduced setback abuts a rear pedestrian access way providing access to an existing studio.
- The reduced setback does not result in an adverse loss of solar access or ventilation to open space or major openings and is considered acceptable.



Figure 7 – Location of reduced lot boundary setback (highlighted yellow)

Car parking

Element	Requirement	Proposed	Extent of Variation
Car parking (Location B)	2 bays	1 bay	1 bay

The proposed reduction in car parking is supported under the design principles of the R-Codes for the following reasons:

- The site is within close proximity to a public bus route along Douro Road (approx. 300m from closest stop).

Visual privacy

Element	Requirement	Proposed	Extent of Variation
View northeast (UF Terrace)	7.5m	2.9m	4.6m

The proposed overlooking is not considered to meet the design principles of the R-Codes as it affords direct sightline into potential sensitive areas of adjoining northern property (18 Hickory). It is considered screening solutions are possible to bring the proposal into “deemed-to-comply” requirements.

In the case the council is subject to approve the application, the relevant conditions of approval will be recommended to provide visual privacy screening to address the overlooking detailed above and in Figure 8 below.

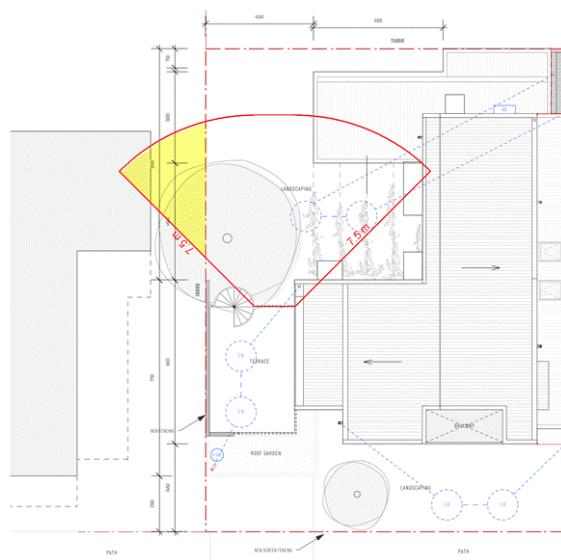


Figure 8 – Location of elevations that require privacy screening

Local Planning Policy 2.26 – Tree Retention

Tree classification table as per the applicant’s Arborist Report included as additional information.

For assessment under LPP2.26, T2 is proposed for removal and T3 is proposed to be retained. T1 is proposed to be retained however is located on the road reserve and therefore is not subject to assessment under LPP2.26.

ID	Tree species	Height	Regulated	Suitable for retention
T1	<i>Eucalyptus torquata</i> (Coral Gum)	9m	Yes	Yes
T2	<i>Harpephyllum caffrum</i> (Kaffir Plum)	9m	Yes	See below.
T3	<i>Ficus hillii</i> (Hills Weeping Fig)	10m	Yes	Yes

NB: T1 is located on the verge outside of the subject site's property boundaries and therefore is not subject to LPP2.26.

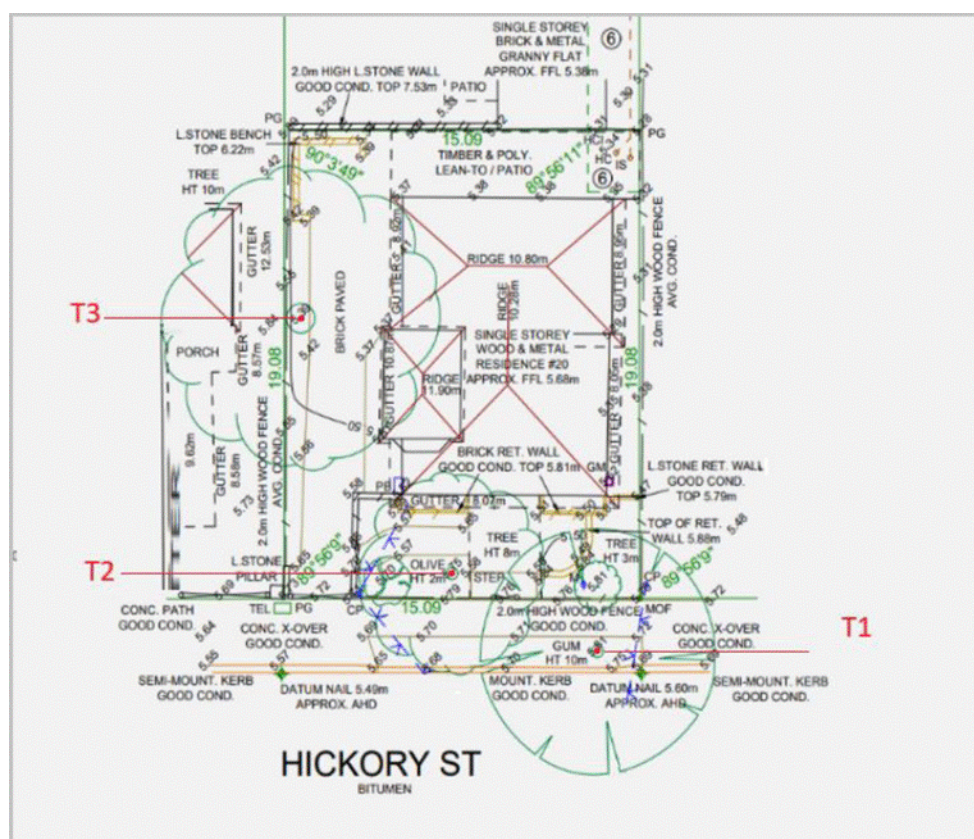


Figure 9 – Location of regulated trees on subject site as per applicant's arborist report (cross-reference table above)

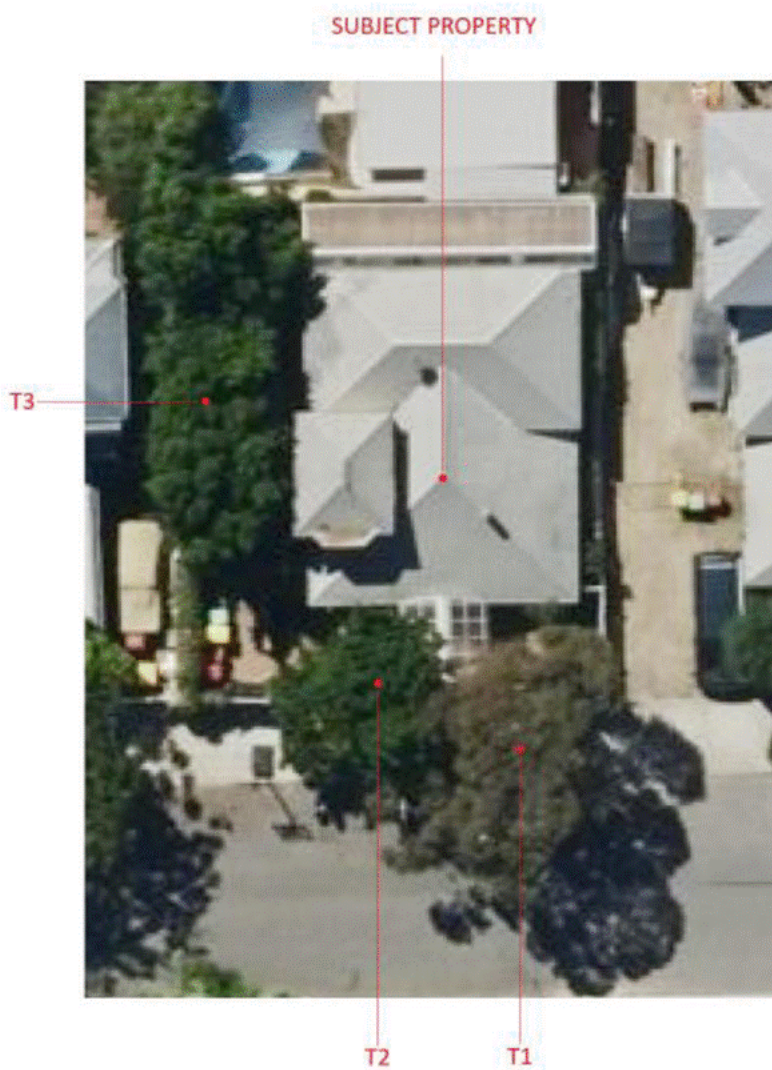


Figure 10 – Location of regulated trees on subject site as per applicant’s arborist report

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

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

Under LPP2.26, a regulated tree means –

A living tree that:

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



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

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

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

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

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

Of the regulated trees listed above, T2 is proposed to be removed and T3 to be retained.

The proposed removal of the Kaffir Plum (T2) is not supported on balance under the performance criteria of LPP2.26 for the following reasons:

- The arborist report states that the tree is in good health and is structurally sound, with no safety issues being identified.
- The tree is located at the front of the property and contributes to the street.
- The arborist has identified that the specimen is poor with limited habitat opportunities.
- The other regulated tree on site is proposed to be retained.
- There are other issues with the proposed development and its impact on the streetscape, suggesting amendments are needed to the design. Retention of the tree and an appropriate tree protection zone, could be accommodated with amendments that also address the heritage area requirements.



- T2 is not in the way of a proposed crossover.
- One tree has proposed to be planted in the same location as T2 being removed.

General Matters to be Considered

The *Planning and Development (Local Planning Schemes) Regulations 2015*, including general matters to be considered when assessing development applications. *Clause 67(2)(l) and (m) of the Deemed Provisions*, require consideration of the effect of the proposal on the cultural heritage significance of the area and to the likely effect of the built form, bulk, scale. As detailed above, the proposed development is considered to result in a detrimental impact to the heritage significance of the South Fremantle Heritage Area by virtue of the excessive bulk, scale and siting of the proposed development.

CONCLUSION

Approval is sought of the construction of a two storey Single house at No. 20 (Lot 304) Hickory Street, South Fremantle, including the removal of one (1) regulated tree. For the reasons outlined above, the application is recommended for refusal.

STRATEGIC IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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 Melanie Clark

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Single at No. 20 (Lot 304) Hickory Street, South Fremantle as detailed on plans dated 25 May 2026 for the following reasons:

1. By virtue of the bulk, siting and scale, the proposal inconsistent with clauses 67 (2)(l) and 67(2)(m) 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). It is considered that the proposal is incompatible with the heritage character, built form and street setbacks of the surrounding area, will have an adverse visual impact upon the heritage significance of the South Fremantle Precinct Heritage Area.
2. The proposal is inconsistent with the objectives of LPP 2.26 Tree Retention due to the removal of a healthy, regulated tree that could reasonably be kept.

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



COMMITTEE DECISION ITEM PSC2610-1
(Procedural motion)

Moved: Cr Andrew Sullivan

Seconded: Mayor Ben Lawver

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 two storey Single house at No. 20 (Lot 304) Hickory Street, 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:

- A. The tree retention policy, with specific regard to the tree in the front setback via retention or detailed landscaping plan that is inclusive of mature trees.**
- B. Visual privacy from the Terrace towards the North East.**
- C. Inconsistencies in the plans in relation to the circular stair that are not shown clearly on the elevations.**
- D. Height of the front fence and its compatibility with the heritage area.**

Carried: 5/0

For:

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

Against:

Nil

Reason for deferral:

Adjustments to the plans are needed to assist with its compatibility with the streetscape and to protect neighbour amenity.



**PSC2610-2 HERBERT STREET, NO. 5 (LOT 23), NORTH FREMANTLE -
TERRACE ADDITION AND ALTERATIONS TO EXISTING
SINGLE HOUSE - (LG DA0213/26)**

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Amended Development Plans 2. CONFIDENTIAL - Owner and Applicant Details
Additional Information: <i>(viewed electronically)</i>	3. Applicant Cover Letter 4. Site Photos 5. CoF Heritage Impact Assessment

SUMMARY

Approval is sought by the applicant for a roof terrace addition to an existing Single house at No. 5 (Lot 23) Herbert Street, North Fremantle.

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

- **Local Planning Policy 3.6 - Heritage-protected Places Built Form and Land Use**
 - **Non-contributory Properties Including New Infill**
 - **Garages and Carports to All Residential Buildings**
- **Visual privacy**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a roof terrace addition to an existing Single house at No. 5 (Lot 23) Herbert Street, North Fremantle (subject site). The proposed works include:



- Demolition of existing carport brickwork and roof, front fence, driveway and front window of dwelling.
- Construction of roof terrace above existing carport, including 'retractable cloth canopy' pergola structure (refer Figure 1).
- Addition of permeable garage door.
- Construction of front balcony and new window openings.
- Construction of primary street fence and pedestrian access gate.

The applicant submitted amended plans on 15 September 2026, including the following revisions:

- Front "planter" balustrading height reduced 430mm (from 3.8m to 3.4m high).
- Open frame balustrading introduced on front side of roof terrace (refer figure 1).

Original Scheme	Revised Scheme (15 September 2026)

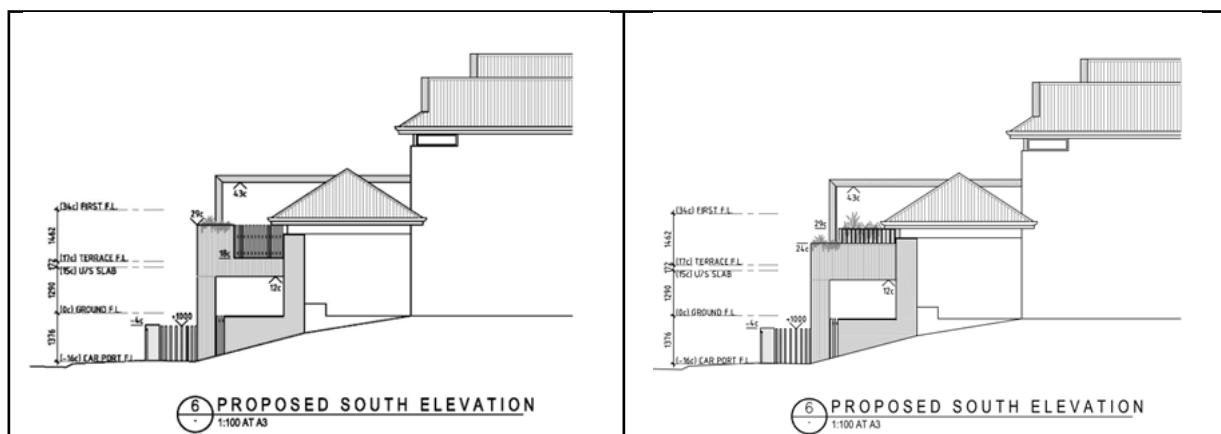


Figure 1 – Comparison of original scheme with revised plans

Amended development plans are included as Attachment 1.

Site/application information

Date received:	10 June 2026
Scheme:	Residential (R25)
Heritage listing:	Not individually listed, North Fremantle Precinct Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P

In accordance with the *Privacy and Responsible Information Sharing Act 2024* and to minimise the public disclosure of personal information, the applicant's name has been redacted from the public agenda. The applicant's details have been provided to elected members within the confidential attachment.



Figure 2 – Planning context map



Figure 3 – Aerial image of subject site (August 2026)



CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Heritage

The subject site is a non-contributory place in the North Fremantle Heritage Area. The design of this house is generally sympathetic with the character of the heritage area with the two storey house setback approximately 7500mm from the front boundary and a single storey porch projecting forward into the front setback area. However, the free-standing masonry carport, which is sited in the front setback area, is quite bulky and is overly dominant in the streetscape.

The alterations to the existing carport change it from being a relatively lightweight structure to a substantial two-level structure set forward of the established front setbacks in this street. The new structure will have an obvious and intrusive presence in this historic streetscape.

In its current form the proposed additions and alterations to 5 Herbert Street are not acceptable as they will have an adverse impact on the historic streetscape in which they are located. The proposal 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.

The full Heritage Impact Assessment (HIA) prepared by City officers has been included as Additional Information.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes and Local Planning Policies. The advertising period concluded on 24 July 2026, and two (2) submissions were received, one (1) objecting and one (1) in support. The following comments were raised (summarised):



- Objecting:
 - Proposal increases closure to the street and adds bulk to the residence which is already dominant in a street of heritage properties.
 - Balcony above the garage will impinge on privacy.
 - Concerns regarding impact of noise, resulting from use of terrace.
- Supporting:
 - Additions will improve streetscape and add functionality to the dwelling
 - Installation of permeable tilt door and roof planter allows vegetation to soften the parapet that dominates the street view.
 - Installation of vegetation will mitigate heat and air pollution.
 - Terrace will enable a human-friendly street frontage.

All relevant planning considerations 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:

- Local Planning Policy 3.6 - Heritage-protected Places Built Form and Land Use
 - Non-contributory Properties Including New Infill
 - Garages and Carports to All Residential Buildings
- Visual privacy

The above matters are discussed below.

Background

The subject site is located on the eastern side of Herbert Street, approximately 60 metres north of Harvest Road. The site has a land area of approximately 372m² and is currently a Single house constructed circa 2010. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Precinct Heritage Area.



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

- DA90/09 – Two Storey Single House (Approved via Planning Services Committee, meeting held 15 July 2009)
- BL0050/10 – Two Storey Single House

The Single house was approved subject to a solid garage being amended to be the open sided carport structure that exists on site today. At the time of this approval, there were concerns about the bulk and scale of the proposed garage impacting on the streetscape and the alteration to a carport was seen as a compromise.

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

Single carports and garages were not constructed in Fremantle until the Inter-War Era and double carports were not common until the 1970s and 80s. Where provided at all, garages and carports to heritage places and within heritage areas were generally located to the rear or side of the original dwelling and so are not traditional features in Fremantle's heritage streetscapes. As such, new garages or carports are to be visually unobtrusive when viewed from the street.

The addition of a garage door to the existing carport, converts the structure to a "garage" (as defined under the Residential Design Codes), as such the proposal must be considered as such.

The following table evaluates the proposal against the applicable design guidelines for garages under clauses 10 and 11 of LPP3.6.

10. Non-contributory Properties Including New Infill	
Criteria	Officer Comment
<i>10.1 Siting and Scale</i>	
10.1.1. New development is to maintain the scale, siting, bulk, form and streetscape appearance of the prevailing streetscape and so should be guided by the criteria for contributory places elsewhere in this policy, but with some greater degree of flexibility.	It is not considered that the proposed built form is consistent with the scale or bulk of the prevailing streetscape. There are no other examples of garages projecting forward of the dwelling in the prevailing streetscape. The existing carport structure is the furthestmost projecting element within the prevailing streetscape (refer Figure 4). While maintaining the open sides of the structure helps to mitigate the impact when viewed along the street, it is considered that introducing the



	roof terrace elements further increases the buildings inconsistency in the streetscape by virtue of scale and bulk. It is therefore not supported. Inconsistent with design guidelines.
10.1.2. New buildings within a heritage area shall: c) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns (refer figure series below); c) Have a consistent bulk and scale in relation to the original street pattern. E.g. If the original street pattern is single storey then the new infill development should also be, or present as, single storey (at least to the front section of the lot); and c) Have a plate height consistent with the original street pattern. New developments often propose a lower plate height than the earlier and original buildings. To ensure a consistency of scale the plate height is an important element to ensure it is consistent with the original street pattern.	As discussed above, there are no examples of garages projecting forward of the building line in the prevailing streetscape. The setting of the structure is inconsistent with the prevailing streetscape pattern. The original street pattern along Herbert Street does not include garages, and the addition of the door and the structures on top of the existing building increases its impact on the street. Inconsistent with design guidelines.

11. Garages and Carports to All Residential Buildings

Criteria	Officer Comment
11.2 Carports and garages are to be located behind the building, and visually unobtrusive.	The proposed garage is located in front of the dwelling. The addition of the roof terrace, balustrading and retractable pergola structure is considered to increase the visual obtrusiveness of the building, and result in a level of visual obtrusiveness that is detrimental to



	the value and character of the North Fremantle Precinct Heritage Area. Inconsistent with design guidance.
11.4 Notwithstanding the above carport and garage location requirements, the following arrangements may be considered for non-contributory properties, contributory properties, Level 3 listed places, and some Level 2 listed places (on a case-by-case basis): c) A single or double carport located to the side of an existing or new house set back a minimum of 1m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The roof to the side carport is to be flat, skillion or simple hipped or gable. c) A single garage located to the side of an existing or new house set back a minimum of 1m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The roof to the single side garage is to be flat, skillion or simple hipped or gable. The structure is to be no more than 3.5m wide. c) A double garage located to the side of the existing or new house set back a minimum of 2m from the front building line of the house. (This setback line is taken as the front wall of the building that is closest to the proposed addition and is not the verandah or porch line). The	The property is a contemporary build and is non-contributory (constructed circa 2010) and the proposal includes a double garage, therefore section c) applies. The proposed double garage is in front of the dwelling, which is inconsistent with the preferred location for a garage of this scale (being a minimum of 2m from the front building line of the house). Buildings located in front of the dwelling are intended to be designed as lightweight and visually unobtrusive structures. The proposed garage location is inconsistent with the clause 11.4 design guidance and is therefore not supported. Inconsistent with design guidance.



roof to the double side garage is to be flat, skillion or simple hipped or gable. The width of the structure is to be no more than 45 percent of the width of the front of the dwelling or 6 meters (whichever is the lesser).	
---	--

LPP3.6 sets out secondary criteria that allows variations to the abovementioned clause 11 criteria to be considered in clause 11.7:

11.7 Variations to the above may be considered where development meets one of the following criteria:

- b) The proposal is consistent with the character of the prevailing streetscape (e.g. within a redevelopment precinct) and the proposal does not have a negative impact on the significance of the place or area; and/or*
- b) The proposed setback does not result in a projecting element into an established streetscape vista by virtue of the road*

The proposal does not satisfy the above requirements of LPP3.6 for the following reasons:

- The existing carport is the only example of a carport/garage projecting forward of the dwelling within the prevailing streetscape (refer Figure 4). Converting the carport into a garage with the addition of the roof terrace further exacerbates the impact the structure has on the prevailing streetscape by virtue of bulk and scale. It is therefore considered the proposal will have a negative impact on the significance of the North Fremantle Heritage Area.
- Carports located in front of the dwelling are intended to be designed as lightweight and visually unobtrusive structures, as discussed above. The proposed additions and garage conversion would increase the overall bulk and visual prominence of the structure when viewed from the street. This increased bulk and obtrusiveness would result in a greater projecting element within the streetscape and therefore does not satisfy the above variation criteria.



Figure 4 – Existing streetscape pattern (red lines) and proposed garage conversion / roof terrace location

Visual privacy

Element	Requirement	Proposed	Extent of Variation
View northeast (garage roof terrace)	7.5m	3m	4.5m Resulting sightlines directed towards adjacent habitable room major opening of northern property (7 Herbert). Should council be of mind to approve the application, a condition of approval for screening to be provided in accordance with the R-Codes will be recommended.

View north (UF balcony)	7.5m	1.3m	6.2m – 1.6m visual privacy screening indicated on plans. Complies.
View south (garage roof terrace)	7.5m	5m	2.5m The resulting sightlines are obstructed by the existing building to the south of the roof terrace. All sightlines fall to the front setback area of the adjoining southern property, which is acceptable under the design principles of the R-Codes. Acceptable under design principles.

Should council be of mind to approve the proposal, a sufficient screening solution can be implemented to mitigate views northeast to the adjoining property's major opening. The appropriate conditions of approval could be recommended for the provision of visual privacy screening to address the overlooking detailed above and in Figure 5 below, in accordance with the requirements of the R-Codes.

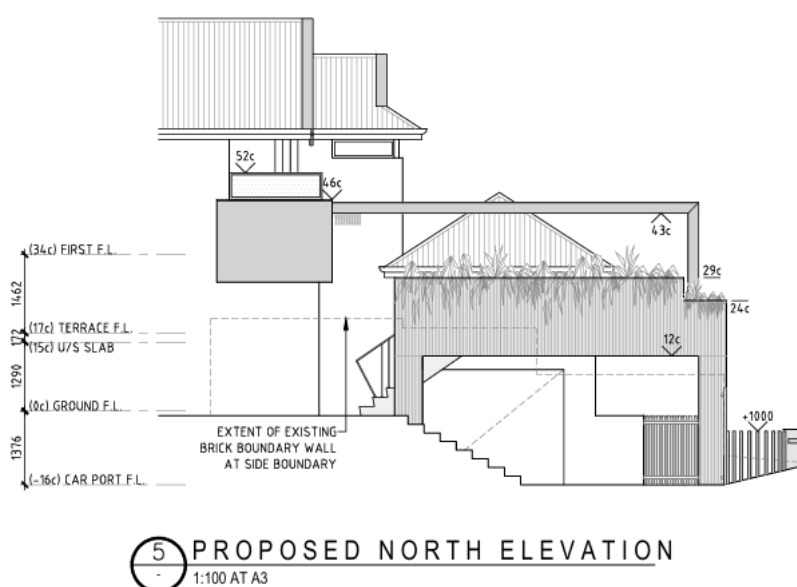


Figure 5 – Elevations requiring visual privacy screening



General Matters to be Considered

The *Planning and Development (Local Planning Schemes) Regulations 2015*, including general matters to be considered when assessing development applications. *Clause 67(2)(l) and (m) of the Deemed Provisions*, require consideration of the effect of the proposal on the cultural heritage significance of the area and to the likely effect of the height, bulk, scale. As detailed above, the proposed development is considered to result in a detrimental impact to the heritage significance of the North Fremantle Heritage Area by virtue of the excessive bulk and scale, and visual obtrusiveness of the proposed roof terrace additions and garage conversion.

CONCLUSION

The proposed carport conversion and roof terrace additions and alterations are not supported by officers as they are inconsistent with the prescribed design guidelines for garages and development within heritage areas outlined in LPP3.6. The proposal is not considered compatible with the heritage character of the North Fremantle Heritage Area by virtue of the excessive bulk and scale, and visual obtrusiveness.

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

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Roof Terrace Addition and Alterations to Existing Single House at No. 5 (Lot 23) Herbert Street, North Fremantle as detailed on plans dated 8 June 2026 for the following reasons:

1. By virtue of the excessive bulk and scale, and visual obtrusiveness of the proposed roof terrace additions and garage conversion, the proposal is inconsistent with clauses 67 (2)(l) and 67(2)(m) 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). The proposal will have an adverse visual impact upon the heritage significance of the wider North Fremantle Precinct Heritage Area.

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

COMMITTEE DECISION ITEM PSC2610-2 **(Alternative motion)**

Moved: Cr Ingrid van Dorssen

Seconded: Cr Melanie Clark

Council APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the terrace addition and alterations to existing single house at No. 5 (Lot 23) Herbert Street, North Fremantle, subject to the following conditions:



- 1. This approval relates only to the development as indicated on the approved plans dated 8 June 2026. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the terrace located on the north elevation, is to be screened in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes by either:**
 - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c) a minimum sill height of 1.60 metres above the internal floor level, or**
 - d) as otherwise approved by the City of Fremantle**

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

Advice notes:

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**

Carried: 4/1

For:

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

Against:

Cr Jemima Williamson-Wong

Reason for alternative motion:

The proposed alterations improve the dwellings interface with the street and do not result in a significant impact on the street.



**PSC2610-3 SOUTH TERRACE, NO. 193 (LOT 1), SOUTH FREMANTLE -
PRIMARY AND SECONDARY STREET FENCE ADDITION TO
EXISTING SINGLE HOUSE - (LG DA0151/26)**

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Amended Development Plans 2. CONFIDENTIAL - Owner and Applicant Details
Additional Information: <i>(viewed electronically)</i>	3. Amended Applicant Justification 4. Site Photos 5. CoF Heritage Impact Assessment 6. August PSC Minutes

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 item was previously considered at Planning Services Committee on the 5 August 2026. At this meeting, Committee resolved to defer the item to allow the applicant further time to address the reasons for refusal outlined in the Officer recommendation. The motion was as follows:

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.

A revised proposal has since been provided (25 August 2026) by the applicant that includes various amendments to the fence design, height and materiality, detailed below.

While the changes reduce the level of discretion sought, the proposal is not considered to sufficiently address the requirements of Local Planning Policy 3.6 and the Residential Design Codes, and the officer recommendation remains for refusal.

PROPOSAL

Detail

Approval is sought by the applicant 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):
 - 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 Table 1).
- Louisa Street frontage (secondary street):
 - Construction of solid 2m high masonry fence with piers to 2.2m ((refer Table 2 2).

The applicant provided amended development plans on the 25 August 2026 which include the following revisions, detailed in Table 1 and 2 below.

Table 1 – Revisions to South Terrace frontage

Original Scheme – 22 April 2026



SOUTH TERRACE ELEVATION

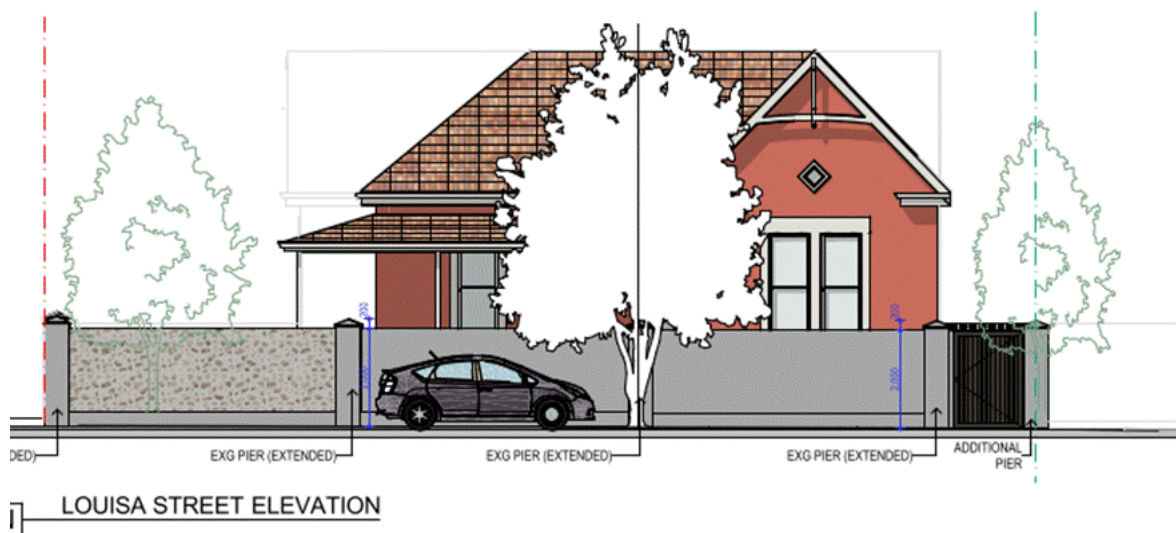
Previously considered proposal – 25 August 2026



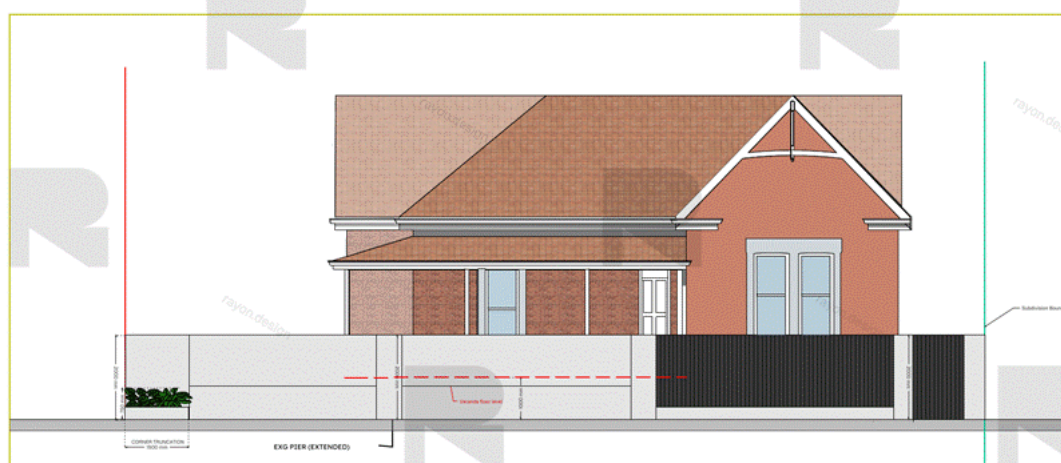
- South Terrace frontage (primary street)
 - Portion of black picket infill fencing reduced from 2.0m to 1.8m (200mm total reduction).
 - Two (2) southernmost masonry pillars removed, replaced with black picket infill.
 - Southern masonry pillar reduced from 2.2m to 1.8m, remaining pillars reduced from 2.2m to 2.0m.
 - Limestone rubble portion of fencing removed, replaced with rendered masonry finish, colour scheme of fencing updated.
 - 1.5m x 1.5m truncation included on the corner of South Terrace and Louisa Street.

Table 2 – Revisions to Louisa Street frontage

Original Scheme – 22 April 2026



Revised Scheme – 25 August 2026



- Louisa Street frontage (secondary street)
 - Portion of black picket infill fencing reduced from 2.0m to 1.8m (200mm total reduction).
 - Masonry pier height reduced from 2.2m to 2.0m
 - Portion of masonry wall removed and replaced with 2.0m high black slat infill (non-permeable), total length of 5.6m.

Amended 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 are 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:
 - 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.
 - DPLH advised that applications not meeting deemed-to-comply provisions must be assessed against the relevant R-Code design principles.
 - DPLH confirmed that LPS4 remains the operative local planning scheme until it is formally replaced.
 - 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

In accordance with the *Privacy and Responsible Information Sharing Act 2024* and to minimise the public disclosure of personal information, the applicant's name has been redacted from the public agenda. The applicant's details have been provided to elected members within the confidential attachment.



Figure 3 – Planning context map

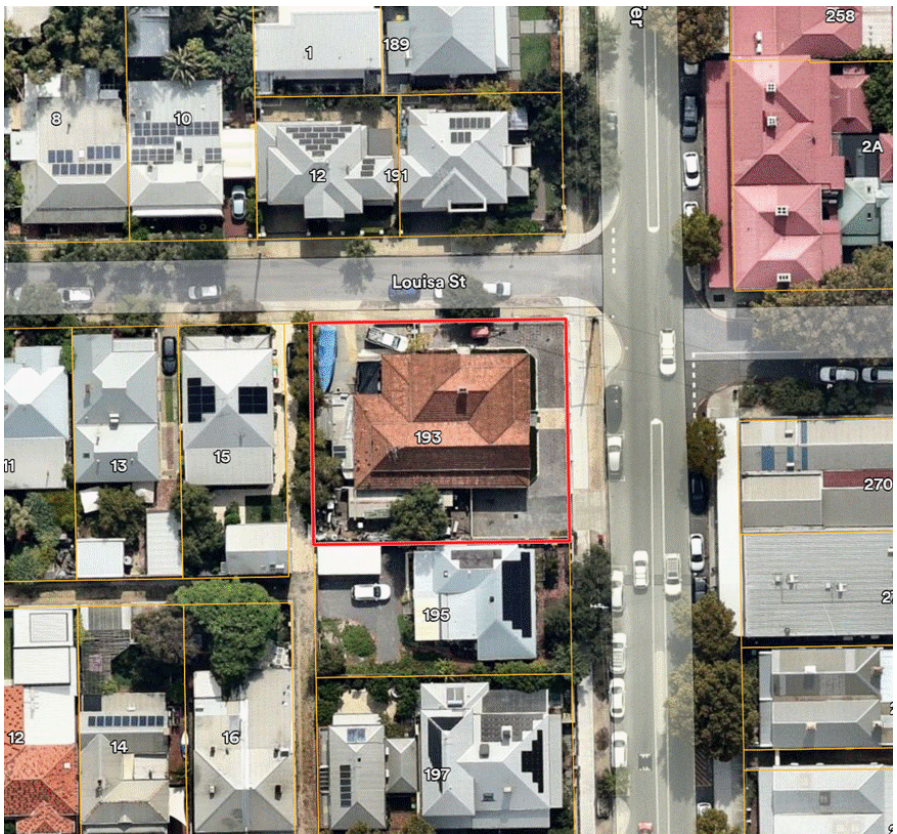


Figure 4 – Aerial image of subject site (April 2026)



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.

In relation to the submitted revised plans, the applicant has made revisions that directly address some initial Officer concerns, such as removing the limestone rubble and grey colour palette, removing the pier caps, and lowering the piers to 2m. Notwithstanding, it is not considered that the revisions will adequately reduce the impact these works will have on the heritage significance of the South Fremantle Heritage Area, and the heritage significance of the individual place (193 South Terrace).



The original full Heritage Impact Assessment (HIA) prepared by City officers is in Additional Information (*NB: This has not been updated in review of the amended plans due to the limited change proposed by the applicant*). The applicant has provided additional information in support of their application (refer Attachment 2), 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 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 the 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)

At a Planning Services Committee on the 5 August 2026, Council resolved to the defer the item to allow the applicant further time to address the reasons for refusal outlined in the Officer recommendation. The motion was as follows:

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.

The applicant subsequently submitted their revised plans which are considered in this report.

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:

NB: The assessment has been updated by officers based on assessment of the amended development plans dated 25 August 2026



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 its height are inconsistent with the historic place, and have a detrimental impact on the significance of the heritage place and area by obscuring its streetscape presentation. 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: 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	The proposed fence design includes: • South Terrace frontage (primary street): ◦ Construction of 1.8m - 2m high fence with piers to 2m front fencing comprising solid masonry with steel picket infill and sliding vehicle access gate, and pedestrian gate. (see Table 1) • Louisa Street frontage (secondary street): ◦ Construction of solid 2m masonry fence with piers to 2m and portion of 2m high picket infill. (see Table 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	The proposed fencing is a contemporary variation that introduces an inconsistent height and style into the prevailing streetscape.



are consistent with 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 2m, exceeds the existing fence height within the prevailing South Terrace streetscape and is therefore inconsistent. 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 2m 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, 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 solid fence height of 2mm is excessive and inconsistent with the prevailing streetscape. 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.

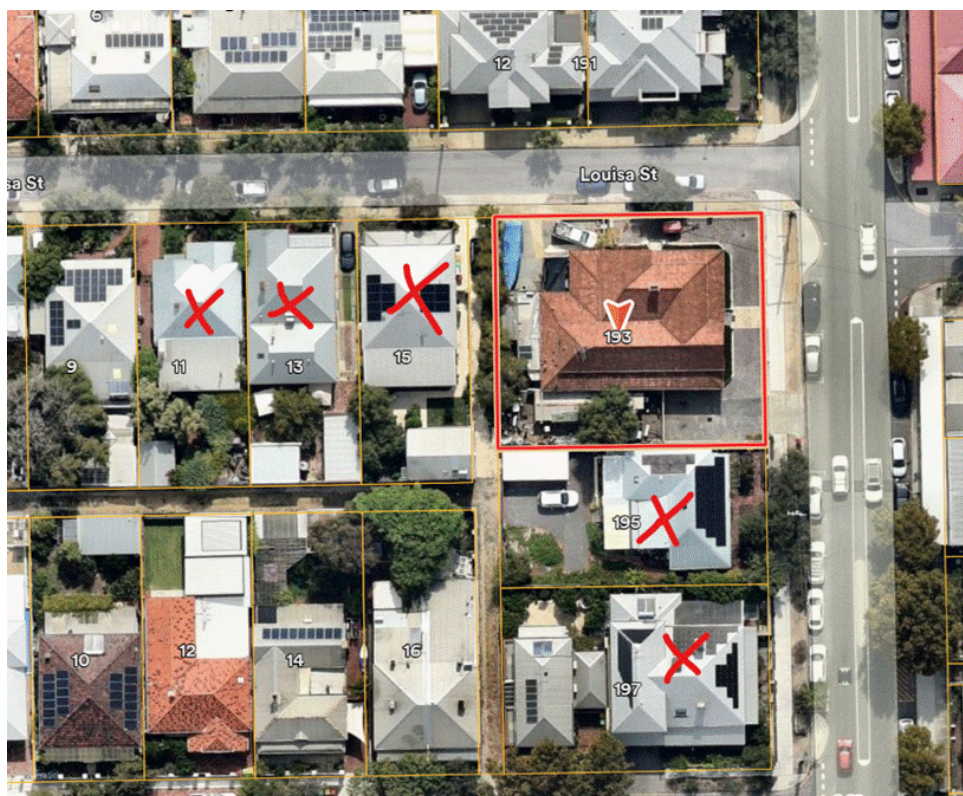


Figure 6 – Properties within prevailing streetscape as per LPP3.6 definition



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 (as amended) 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, and has an insufficient level of visual permeability. The cumulative impact of the above results in 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 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 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 does not 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 2m is 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.

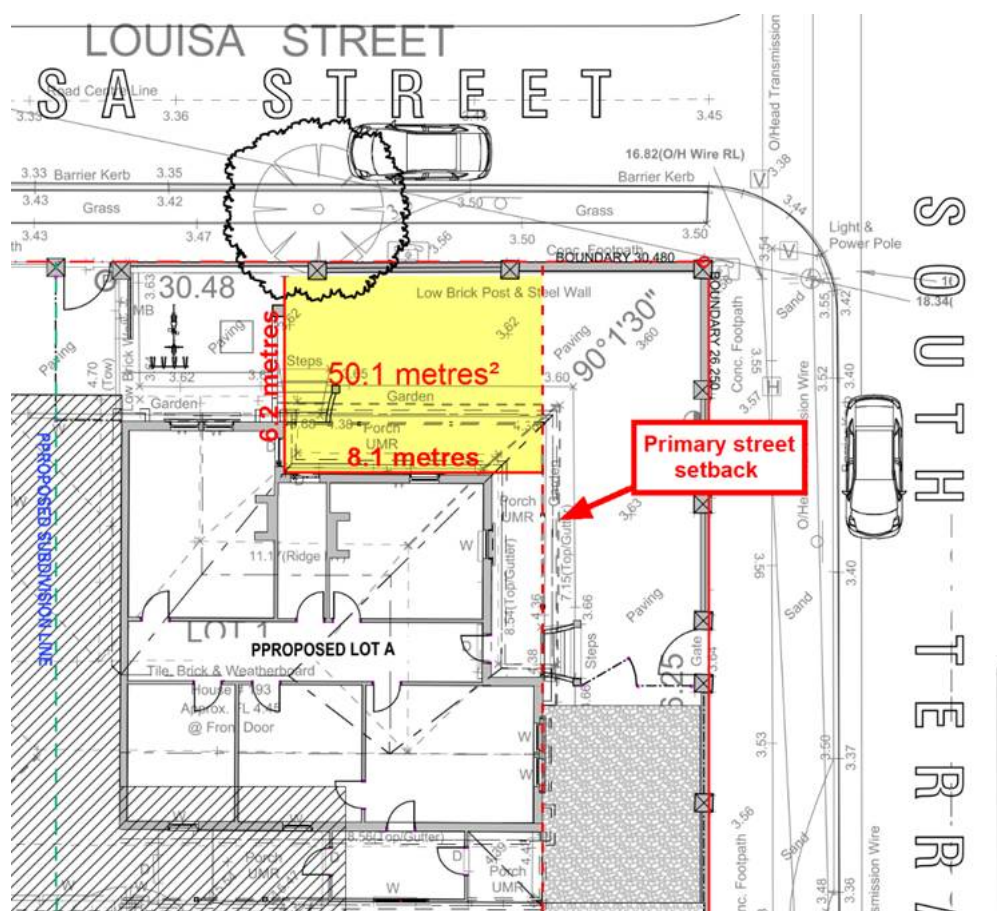


Figure 12 – Location of outdoor living area (approx. 50m²), as per approved subdivision (WAPC202182)



Sightlines

NB. Below assessment updated per amended plans (dated 25 August 2026)

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: • a driveway that intersects a street, right-of-way or communal street; • a right-of-way or communal street that intersects a public street; and • two streets that intersect. (refer Figure 9a)	The proposed fence has a height of 1.8m located where the fence adjoins the driveway on both the northern and southern edges of the driveway (South Terrace). Does not comply.

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

- The revised proposal removes the solid 2.2m pillars that previously adjoined either side of the South Terrace driveway. The replacement visually permeable slat picket fencing offers increased visibility for vehicles exiting the subject site.

The sliding vehicle gate must be opened for vehicles to enter/exit the site, as such the sightlines at this point will be wholly unobstructed whilst vehicles enter and exit via the driveway.

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 results 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).



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 compatible with the heritage place and character of the area, and is detrimental to the significance of the place and the area. Whilst the revisions to the proposal since Council last reviewed the item are a minor improvement, they have not sufficiently addressed relevant provisions of LPP3.6 and the R-Codes. The amended design remains unacceptable as outlined in the assessment above and the application is therefore recommended for refusal.

STRATEGIC IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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:

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. The proposal will have an adverse visual impact upon the heritage significance of the place and wider South Fremantle Precinct Heritage Area.

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

COMMITTEE DECISION ITEM PSC2610-3 **(Alternative motion)**

Moved: Cr Andrew Sullivan

Seconded: Cr Ingrid van Dorssen

Council APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the primary and secondary street fence addition to existing Single house at No.193 (Lot 1) South Terrace, South Fremantle, subject to the following conditions:

1. **This approval relates only to the development as indicated on the approved plans dated 15 September 2026. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**



2. All works indicated on the approved plans, including any footings, shall be wholly contained within the cadastral boundaries of the subject site.
3. Prior to lodgement of a Building Permit application for the development hereby approved, the portion of the fence and gate shown as 'black picket infill' shall be visually permeable as per the Residential Design Codes and thereafter installed and maintained to the satisfaction of the City of Fremantle.
4. The pedestrian access and/or vehicle gate, as indicated on the approved plans, shall swing and/or slide into the subject site only when open or closed, and shall not impede the adjoining road reservation of the subject site.

Advice notes:

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- ii. The proponent is encouraged to implement a well considered landscape plan for the front and side setback zones and abutting verges to further mitigate light intrusion from Nelson Street and South Terrace and to assist in softening the impact of solid walls in the streetscape. With regard to verge landscaping, the proponents is referred to the City's verge garden scheme:
<https://www.fremantle.wa.gov.au/waste-and-environment/trees-landscapes-and-verges/verge-garden-scheme/>. The proponent should liaise with the City of Fremantle regarding the removal of the road base that exists in the verge along South terrace and any request for tree planting.

Carried: 5/0

For:

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

Against:

Nil

Reason for alternative motion:

The fence has been designed to balance the needs of the community while endeavouring to convert the commercial building back into a functional dwelling. The land on which the house sits has been subdivided in a manner that results in



the outdoor living space having to be located in the front and side setback zones along South Terrace and Louisa Street. The solid fencing has been limited to the area to be used as a private courtyard. The solid over-height masonry construction is supported to provide both acoustic and visual privacy. The height along South Terrace is also supported to help mitigate light intrusion at night from vehicles driving down Nelson Street. The proposal includes a length of open fencing that provides an open view to the house, including the front door, which provides a reasonable degree of passive surveillance and interaction with the public realm. The building is set up well above ground level and has exceptionally high ceiling heights, walls and gables and so will still be quite dominant in the streetscape even with the section of solid walls. The inclusion of some solid walls is not inconsistent with the mixed nature of buildings, walls and fences along most of South Terrace. It is also not uncommon to have sections of blank walls and solid fencing return along the side street of properties facing South Terrace. On balance, while the proposal does not comply with the fencing policy, the application is supported based on the performance assessment noted above.



Cr Andrew Sullivan declared a proximity interest in item PSC2610-4, earlier in the meeting. Cr Sullivan left the meeting prior to the discussion and vote on the following item at 6:40pm.

PSC2610-4 SUFFOLK STREET NO.26 (LOT 1) FREMANTLE - TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE (JL DA0263/26)

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Amended Plans 2. CONFIDENTIAL - Owner and applicant details
Additional Information: <i>(viewed electronically)</i>	3. CoF Heritage Impact Assessment 4. Arborist report

SUMMARY

Approval is sought by the applicant for two storey additions and alterations to existing Single house at No.26 (Lot 1 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 the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies.

These discretionary assessments include the following:

- **Lot boundary setback (ground floor northeast)**
- **Building height**
- **Visual privacy (Deck south-west)**
- **Tree Retention**

The application is recommended for approval.



PROPOSAL

Detail

Approval is sought for two storey additions and alterations to an existing Single house at No.26 (Lot 1) Suffolk Street, Fremantle. The proposed works include:

- Demolition of rear lean-to addition,
- Removal of two (2) regulated trees, and
- A two-storey addition at the rear of the existing dwelling which includes staircase, kitchen, deck, rumpus room, laundry, master bedroom walk in robe and ensuite.

The applicant submitted amended plans and additional justification on 4 September 2026 including the following:

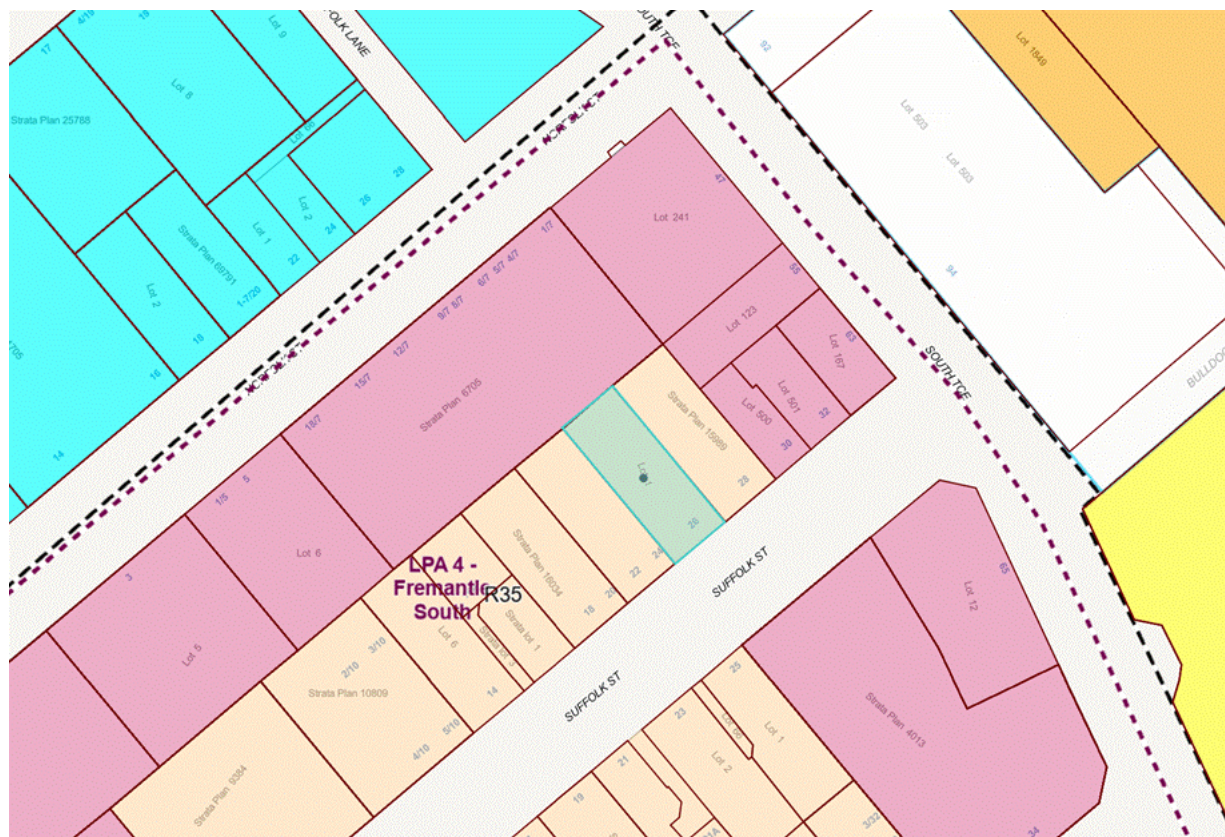
- Visual privacy screening addition (western elevation deck),
- Justification for eastern ground floor setback of 1.2m in lieu of the 1.5m required,
- Additional justification for the 2 x regulated tree removal proposed,
- Replacing colour bond roof material to zincalume sheeting for rear two storey addition.

Amended development plans are included as attachment 1.

Site/application information

Date received:	27 May 2026
Scheme:	Residential (R35)
Heritage listing:	Individually Listed Category 3
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P

In accordance with the *Privacy and Responsible Information Sharing Act 2024* and to minimise the public disclosure of personal information, the applicant's name has been redacted from the public agenda.



CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Heritage

The proposed two storey additions and alterations are located toward the rear of the dwelling and will only be partially visible from the streetscape. The existing lean to at the rear does not contribute to the heritage significance of the place and its removal is supported. The works proposed to tie the new additions into the original dwelling are appropriate and materials proposed are acceptable for the location.

A detailed Heritage Impact Assessment is included as additional information to this report.



Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes and local planning policies. The advertising period concluded on 11 September 2026 and one (1) submission was received.

The following issues were raised (verbatim):

- *The planting of a new tree on the rear fence line adjoining Norfolk Row units 1-18 (Norfolk Street 7-13) please be aware that we have surveyed the rear fence line and have found that this rear fence encroaches into our property boundary by 0.34 to 0.36 meters along its length.*
- *Any tree planted must take this into account in relation to the correct boundary line, establishing the correct setback.*
- *Also tree type and size to be considered, the immediate area underneath on both sides of the boundary fence have sewerage lines, consideration also in relation to the species future size and any overhang into Norfolk row.*
- *(Preference would be not to plant a tree that could in the future be considered medium - large and or have an invasive root system.)*

Disputes regarding dividing fences are a civil matter which need to be resolved between the owners of the properties. Any works approved as part of this application apply to the site within the cadastral boundary (i.e. not an incorrect fence line). Further discussion on the City's tree retention policy is included 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:

- Lot boundary setback (ground floor northeast)
- Building height
- Visual privacy (Deck south-west)
- Tree Retention

The above matters are discussed below.



Background

The subject site is located on the northern side of Suffolk Street, Fremantle. The site has a land area of approximately 607m² and is currently a single storey Single house. The site is zoned Residential and has a density coding of R35. The site is individually heritage listed as a management category L3 but is not located within a Heritage Area.

The existing dwelling is located to the front section of site with a detached Ancillary dwelling which is also proposed to be retained in situ. The topography of the property is relatively flat.

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

- DA0225/19 – 9 July 2019 Planning approval granted for a rear Ancillary dwelling addition
- BP0272/19 – 17 July 2019 Issued for Ancillary dwelling and notice of completion certificate issued 20 January 2020.

Land Use

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

Lot Boundary Setback

Element	Requirement	Proposed	Extent of Variation
Ground floor (Northeast boundary)	1.5m	1.2m	300mm

The northeast lot boundary setback of the rumpus room and laundry meets the Design principles of the R-Codes in the following ways:

- The abovementioned elements will not immediately oppose any major openings, outdoor active habitable spaces or outdoor living areas on the adjoining lot. The affected area on the adjoining property is predominantly the driveway and carport.
- The abovementioned elements are located to the northwest of the adjoining site and will not result in any significant reduction in winter sun access to outdoor living areas or habitable rooms.
- There are no visual privacy impacts from the reduced lot boundary setback. The only opening is a laundry door, which is not a habitable room and therefore does not present visual privacy issues under the R-Codes.



Building Height

Element	Requirement	Proposed	Extent of Variation
Sub Area 4.3.1 LPS4	• Single storey with loft • Maximum external wall height of 4.8 metres • (maximum roof plain pitch of 38 degrees).	• Two Storey • Max external wall height of 6.3m • Roof pitch 5 degrees	1 storey 1.5m external wall height Complies

The proposed building height is supported against the requirements of clause 4.8.1 of LPS4 as follows:

- The site is opposite Arundel Court and adjacent to two storey terraces, ensuring there is an ability to vary building height.
- The single house will maintain its presence as a single storey house from the street, with the topography of the site assisting with ensuring the two-storey addition does not impact the streetscape.
- The proposed height strikes an appropriate graduation between single and two storey buildings in the area, as well as anomalies nearby.
- The additions have been assessed against heritage provisions and best practice, and are supported as they have limited impact on the heritage significance of the place.
- The proposal is consistent with the City's local planning policies.

Visual Privacy

Element	Requirement	Proposed	Extent of Variation
Deck	South west – 7.5m	5.4m	2.1m

To ensure privacy for the adjoining property, a minor increase to the screening proposed by the applicant is needed to ensure the cone of vision does not encroach onto adjoining properties, noting there are some openings on this elevation.

A condition of approval is recommended.

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

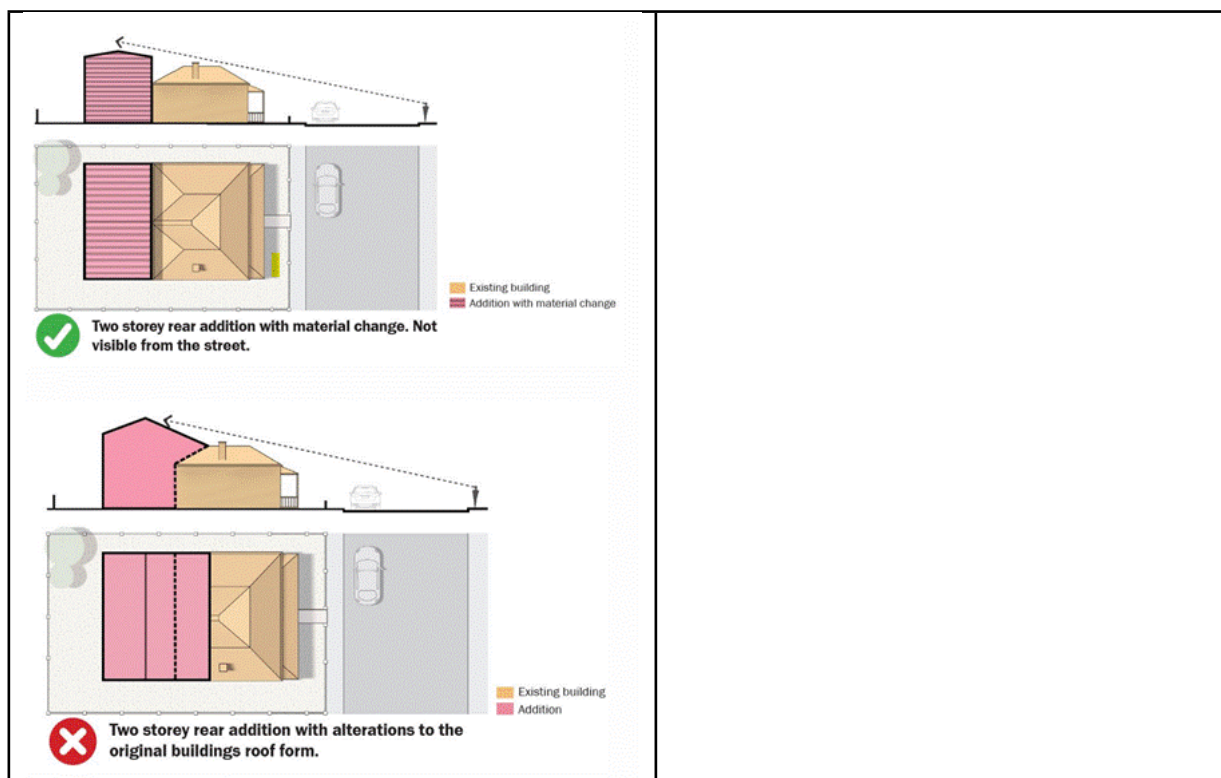


Local Planning Policy 3.6 Heritage-protected Places Built Form and Land Use (LPP3.6) sets out the built form assessment criteria for second storey additions and alterations applicable to the subject site. Refer to the design assessment in the table below.

8.3 General	Officer comments
i. Additions and alterations to the original building exterior are to respond sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development, with changes designed and sited in a manner that retains, conserves, respects and complements the heritage significance of the area. ii. Significance Alterations and additions to the original building exterior are to change as little as reasonably possible that would impact the streetscape significance.	The additions proposed to the dwelling are sited to the rear. There are limited changes proposed to the front elevation of the home or roof as viewed from the street. The significant heritage elements of the place are minimally impacted by the proposal.
8.4 Form	Officer comments
i. General Ensure that new development is consistent with the form of the original place, including roof orientation, pitch, ridge height, size and orientation of windows, and eaves overhangs but without mimicking the detailing of historic buildings. iv. Contemporary Additions Contemporary style additions are to respond to, and interpret, the scale, articulation and detail of the existing place in a modern, innovative and sympathetic way.	The proposed additions are set back behind the existing dwelling and are assisted by the sloping block so as to have minimal visibility from the street. The lower height and upper floor street setback mean that the more contemporary form of the building does not negatively impact on the significance of the place.
8.6 Roofs	Officer comments
i Roof lines Additions are to respond to and reinforce the existing characteristics of a place with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.	The original roof form and material (tile) of the existing single house is not proposed to be altered. The additions are set back to the rear with only minor insertions into the rear of the roof.
i. Form and materials Original roof forms and materials are to be retained and conserved.	
i. Contemporary roofs	



Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.	
vii. Zinalume Zinalume metal roofing may be considered in certain circumstances.	
9.1 Siting, Setbacks and Scale	Officer comments
iii. Rear additions Ensure that development: a) has a maximum height that is the lesser of the Scheme, the R-Codes, or the visible from the street line of sight; b) does not alter the original building exterior; c) employs one of the following methods to retain the distinct form of the place: i. Be detached from the place; ii. Be attached by a linkage with a reduced scale and/or contrasting material; iii. Have side walls set in from the place; iv. Have a wall height lower than that of the place; or v. Have differing finishes/materials from the original place or a material change at the junction of the old and new.	The proposed building height is appropriate with consideration to the scale of the existing home and location of the additions. The additions are set back from site boundaries and make use of the topography and space to the rear of the dwelling to minimise the visual impact from the street. The walls of the new addition are slightly set in from the heritage place, allowing it to be identified as a more modern addition. Building height is discussed further below.



Tree retention

The applicant is proposing the removal of two regulated trees. The two populus species have been determined to be of fair health and structure but are in close proximity to the proposed additions. As per the arborist report provided by the applicant (see Additional Information), the proposed addition creates an ongoing conflict with the trees' rooting environment and future canopy growth and are therefore recommended to be removed. The applicant has also provided information from their plumber suggesting existing damage being done by the trees as follows:

"I have attended 26 Suffolk Street, Fremantle on a number of occasions over the years to investigate and clear sewer blockages.

During these attendances, tree roots were observed within the property's sewer line. The roots were considered to be contributing factor to the sewer blockages and maintenance issues experienced by the property owner.

Based on my observations, the nearby Poplar (Poplar) trees are a likely source of the root intrusion due to their proximity to the sewer alignment"



The City's LPP2.26 Tree Retention seeks to protect mature tree canopy on private lots, and sets out provisions where removal can be contemplated. The removal of two (2) regulated trees is supported for the following reasons:

- The trees have been confirmed by the arborist to be of fair health and structural condition.
- The trees are introduced trees, which, while contributing to tree canopy, are not native to the area.
- The trees are located to the rear of the existing dwelling and have limited visibility from the streetscape.
- The arborist has identified two other regulated trees that are proposed to be retained on site and protected from the development. There are a number of other non-regulated trees also on site.
- The existing building on site is a heritage building and must be retained, with any additions set back behind the existing dwelling, thereby reducing the potential for modifying the development to completely mitigate the need for tree removal.
- The applicant has proposed to plant four new regulated trees to replace the ones proposed to be removed. There is sufficient room on site to ensure tree protection zones can be provided. A condition of approval is recommended to ensure the applicant provides a plan detailing this.

CONCLUSION

Approval is sought for two story additions and alterations to existing Single house with Ancillary dwelling at No.26 (Lot 1) Suffolk Street, Fremantle, including the supported removal of two (2) regulated trees. The proposal meets the key requirements of the planning framework and is recommended for approval.

STRATEGIC IMPLICATIONS

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

Liveable City - Sustainable growth in city centre population

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

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 PSC2610-4 **(Officer's recommendation)**

Moved: Cr Melanie Clark

Seconded: Cr Jemima Williamson-Wong

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Additions and Alterations to Existing Single House at No.26 (Lot 1) Suffolk Street, Fremantle, as detailed on plans dated 4 September 2026:

- 1. This approval relates only to the development as indicated on the approved plans dated 4 September 2026. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**



- 3. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 4. Prior to lodgement of a Building Permit Application for the development hereby approved, four (4) replacement trees of minimum 30 litre pot size and capable of achieving recognition as a regulated tree when mature shall be planted in-ground within the lot, each having the minimum tree planting areas as prescribed by clause 5.3.2 of the R-Codes or otherwise approved by the City. The replacement trees shall be maintained in a healthy state for the life of the development, to the satisfaction of the City of Fremantle.**
- 5. Prior to lodgement of a Building Permit application for the development hereby approved, details of a Tree Protection Zone for the existing onsite Poplar trees (proposed to be retained), in accordance with Australian Standard 4970 – Protection of Trees on Development Sites, shall be submitted and approved, to the satisfaction of the City of Fremantle. The Tree Protection Zone shall thereafter be implemented and maintained for the duration of construction or unless otherwise agreed by the City of Fremantle. The Poplar trees shall remain on site for the life of the development, unless otherwise agreed by the City of Fremantle. Should the trees not survive , a similarly mature specimen shall replace it.**
- 6. The existing regulated trees (Poplars 3+4 on the northeastern boundary) on the site plan must:**
 - be retained and subsequently maintained in a healthy state;**
 - be protected during the construction of the development in accordance with Australian Standard AS4970; and**
 - only be maintenance pruned in accordance with Australian Standard AS 4373.**

If, notwithstanding paragraph (i) the existing trees die or become unhealthy and require replacement, the landowner must notify and make suitable arrangements with the City of



Fremantle for two replacement tree(s) each. Thereafter, the replacement tree(s) must be retained and maintained in accordance with this condition.

- 7. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the Deck located at the rear of the dwelling, is to be screened in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes to protect privacy for the property to the south west by either:**
- a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c. a minimum sill height of 1.60 metres above the internal floor level,**

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

Advice note(s):

- i. The applicant is advised that the existing onsite regulated tree (s) are to be protected during the construction process with a minimum 2.8 x 2.8m fencing enclosure.**

With regards to any excavation associated with the approved development please refer to the City's Tree Retention Policy via: <https://www.fremantle.wa.gov.au/wp-content/uploads/2025/05/Local-Planning-Policy-2.26-Tree-Retention-ID-6031941.pdf>, to understand what is considered to be a 'Regulated tree' and 'Tree damaging activity' as impact to the existing tree trunk, foliage and root system of these trees may cause significant damage.

- ii. In relation to the trees required to be protected through the development, these are indicated as No. 3 +4 in the arborist report authored by Paperbark Technologies (dated July 2026).**



Carried: 4/0

For:

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

Against:

Nil



Cr Andrew Sullivan returned to the meeting at 6.42pm.

**PSC2610-5 JOSEPHSON STREET, NO. 3 (LOT 1), FREMANTLE - PARTIAL
CHANGE OF USE TO SMALL BAR (ED DA0295/26)**

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Hightide plans 2. Planning Report (Redacted) - 3 Josephson 3. CONFIDENTIAL - Owner and Applicant Details
Additional Information: <i>(viewed electronically)</i>	4. Submission Schedule and Applicant Reponses 5. Supporting Section 40 Application Documents 6. Harm Minimisation Plan 7. Site Photos

SUMMARY

Approval is sought by the applicant for partial change of use to Small bar at No. 3 (Lot 1) Josephson 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
- Car Parking

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for Partial Change of Use to Small Bar at No. 3 (Lot 1) Josephson Street, Fremantle. The proposed works include:



- Partial Change of Use to Small Bar (to complement existing Shop and Restaurant/Café land uses as part of tabletop gaming and hobby shop business, 'Hightide Tabletop Gaming')

No physical development works are proposed as part of this application. Existing building and existing fit-out comprised only minor internal works and free-standing furniture additions, which are exempt from development approval.

Development plans are included as Attachment 1 and the applicant's Planning Report (includes Acoustic Report and Waste Management Plan) as Attachment 2.

As part of the applicant response to public submissions, additional supporting information in the form of a Liquor Control Section 40 Application (Additional Information 2) and a Harm Minimisation Policy (Additional Information 3) was submitted on 21 September 2026, which considers further operational management of the venue to mitigate amenity impact and/or disturbance from its operations or partons.

Site/application information

Date received:	3 August 2026
Scheme:	City Centre
Heritage listing:	Historic/Archaeological
Existing land use:	Restaurant/Cafe, Shop
Use class:	Restaurant/Café, Shop, Small Bar
Use permissibility:	P, P, A

In accordance with the *Privacy and Responsible Information Sharing Act 2024* and to minimise the public disclosure of personal information, the applicant's name has been redacted from the public agenda. The applicant's details have been provided to elected members within the confidential attachment.



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 application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies.



The advertising period concluded on 3 September 2026, and 15 submissions were received, 5 in support (33% of respondents) and 10 in objection (66% of respondents). A detailed submission schedule with applicant responses to comments is included as Additional Information 1. The applicant has also provided additional supporting information in response to submissions, in the form of a Liquor Control Section 40 Application (Additional Information 2) and a Harm Minimisation Policy (Additional Information 3).

The following issues were raised (summarised) with officer responses provided where relevant or identifies where remaining comments are addressed in the officer comment section of this report below:

Submitter Comment	Officer Response
The acoustic report only considers one scenario with 100 patrons using 'casual voices inside the venue, it does not consider: • Patrons outside or in the courtyard; • Doors being left open; • Background or amplified music; • Waste disposal; • Mechanical plant; • Delivery and/or vehicles.	Consideration of noise impact from the proposal with consideration of the Acoustic Report is discussed in detail in the officer comment section of the report below. Notwithstanding, the applicant has confirmed no amplified music has been or is intended to be played at the venue and acknowledge that if any amplified music is intended to be played in the future updated acoustic reporting will be required for City approval, secured by condition of approval.
The main application states that the building approval imposes a maximum occupancy of 70 people and proposes operation until 10:00pm every day. In contrast, the acoustic report states that patron numbers are limited to 100 and describes closing at 9:00pm Monday-Thursday and Sunday. Any approval should expressly limit the maximum total occupancy across the entire premises to a maximum of 70 persons, including any courtyard or other area accessible to patrons.	It is noted that the noise regulations between 9:00PM and 10:00PM do not differ, it is only after 10:00PM where the regulations become more stringent. Opening hours will be limited to 10:00PM Monday – Saturday and until 5:00PM on Sundays, as agreed in writing with the applicant and secured by a condition of approval. Patron numbers will be limited by separate legislation, namely, the <i>Health (Public Buildings) Regulations 1992</i>.
The application says that the bar will operate consistently with the hours	Opening hours will be limited to 10:00PM Monday – Saturday and until



permitted by section 98AA of the Liquor Control Act and will “typically” operate within the café’s proposed hours. Section 98AA permits “small bar” trading considerably later than the 10:00pm outlined earlier. The word “typically” does not provide residents with an enforceable protection. The proposed 10:00 pm closing time is itself unacceptable in this location.	5:00PM on Sundays, as agreed in writing with the applicant and secured by a condition of approval. Officers otherwise consider the 10:00PM closing time to be reasonable within the City Centre and consistent with other similar uses within the immediate area.
Any approval should require further operational management considering: • Closure procedure, how to wind things down including sales and game; • The dispersal of patrons generally and particularly at closing time to avoid congregation and large groups waiting outside of the venue causing disturbance; • Staff activity after closure; • External smoking areas and/or smoking and groups in the street adjacent the building; • Waste disposal and timing; • Patrons leaving with alcohol and/or food snacks that become waste in the street; and • Entry and exit points near residential dwellings	It is noted that as part of the DLGSC Liquor Licensing process, responsible venue management and service of alcohol will be required to be demonstrated as part of this process. Further, the City’s Section 40 process requires management plans for the responsible service of alcohol and to meet the provisions of the Fremantle Liquor Accord 2017. Such plans are required to be developed and subject to separate approval. <i>The Fremantle Liquor Accord 2017, state as their mission:</i> <i>The mission of the Accord is to ensure and maintain responsible service of alcohol in the liquor industry, to provide a safe environment for patrons both from and visiting Fremantle, and to facilitate a professional relationship of respect between licensees, police and the community.</i> <i>Accord Members seek to develop safe and well-managed areas in and around liquor licensed venues. They adopt a range of strategies to create a safer Fremantle.</i> As part of the applicant response to submissions, they have provided a Liquor Control Section 40 Application



	(Additional Information 2) and a Harm Minimisation Policy (Additional Information 3) which consider further operational management of the venue to mitigate amenity impact and/or disturbance.
The waste plan proposes storing five large bins in the shared courtyard. Although one Containers for Change bin would be kept indoors, there are no clear restrictions on transferring bottles or other waste into the courtyard bins during the evening operations. Bottle disposal, bin lids and movement of bins can produce short, impulsive sounds. Waste transfer, glass disposal and bin movement should be prohibited during sensitive evening, night and early-morning periods.	The application is accompanied by a waste management plan. Additional restrictions on the timing(s) for waste disposal in external bins are to be secured via an appropriate condition of approval.
This area is within a residential area and we do not need another bar in this area. Previously there was a bar/club nearby and the disturbance caused by the people who visited the bar was very disruptive. They were climbing over the gate of our car park area and caused a lot of damage and many sleepless nights.	Refer detailed commentary in the land use section of the report below. However, it should be noted that the broader proposal or nature of the business is not to provide a "bar" in the traditional sense, but rather the applicant is seeking the 'small bar' land use to complement the other land uses (restaurant/café and shop) so as to facilitate the business or activity of tabletop gaming and allow for the sale of alcohol as part of (or ancillary to) the broader business which is focused on tabletop gaming. The small bar land use approval is required to enable the liquor licence to be supported for the subject site.
The applicant has indicated that the proposed operation is expected to be low impact because of its tabletop gaming focus and anticipated patron profile.	The land use is assessed in the report below. Where appropriate, measures to limit the impact are conditioned in the officer's recommendation.



We acknowledge that this may genuinely be the intention of the current operator. However, planning approval attaches to the use and premises rather than to an assurance that the present business model or patron demographic will necessarily remain unchanged indefinitely. Given the uncertainty regarding the practical impact of patron noise once the use and premises commences operation, we request that the City consider whether a review mechanism or limited initial approval period is appropriate.	
Concerns over traffic and parking, the applicant's reliance on accessibility by public transport does not address the actual conditions on Josephson Street. Patrons who drive, are dropped off or collected, or use rideshare services will still add vehicle movements to an area that is already constrained. A parking relaxation of this scale should not be supported without a proper traffic and parking assessment of the immediate area.	Detailed comments on parking and traffic are provided in the officer comment section of the report below.
have reviewed the above proposal for which I wish to confirm my support. The range of additional uses proposed are incidental to the primary adult table gaming use and have restricted trading hours applied in order to minimise any real or perceived nuisance to surrounding residents.	Supportive comments noted.
As a nearby landowner we are all for approving this application.	Supportive comments noted.
We believe the proposed application and its accompanying appendices have sound planning merit and clearly demonstrate their compliance with	Supportive comments noted.



relevant regulations. I think the alignment with state and local planning policies, and guidelines, will provide a positive outcome for the locality. It is also assuring to see the proponent's proposed measures for future operations, maintenance, and improvement of continued operations associated with the proposed development.	
--	--

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:

- Land Use
- On-Site Car Parking

The above matters are discussed below.

Background

The subject site is located on the western side of Josephson Street at the junction of Point and Ellen Street. The site has a land area of approximately 620m² and currently comprises a 'shop' and 'restaurant/café' on the ground floor and a 'shop' (tattooist) and 'office' on the first floor. Site photos can be found at Additional Information 4 of this report.

It should be noted that the current ground floor business/operator, 'Hightide Tabletop Gaming', currently operates under the 'shop' and 'restaurant/café' land uses and is also the proponent of this application, seeking an additional land use approval for 'small bar', to complement the existing uses and intended business model.

The site is zoned City Centre and has a density coding of R-AC3. The site is not individually heritage listed nor located within a Heritage Area.

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



- DA170/08 - Change of Use (Office)

Land Use

The current business (Hightide Tabletop Gaming) operates under, 'shop' and 'restaurant/café', both land uses that are exempt from the need for development (planning) approval within the City Centre zone pursuant to Local Planning Policy 1.7: Development Exempt from Planning Approval.

'Small Bar' is defined as follows under the City's LPS4:

'means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*'.

The proposed, additional 'small bar' land use is discretionary ('A') within the City Centre and is the subject of this application. The discretionary small bar land use is to be evaluated under relevant matters to be considered under Clause 67 of *Planning and Development (Local Planning Schemes) Regulations 2015* and the zone objectives of the City Centre Zone pursuant to the City's LPS4.

In this regard the following matters have been considered:

Clause 67 Matters:

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

The objectives for the City Centre zone are set out in Clause 3.2.1(b) of the City's LPS4, which are stated as follows:

- (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 additional small bar use at the subject site is consistent with the deemed provisions for the following reasons:

- The use is consistent with the objectives and character of the City Centre zone in providing and contributing to a range of social, recreational and entertainment venues and use within the city centre. The applicant and operator, Hightide Tabletop Gaming, provides a unique offering that does not exist elsewhere in the City.
- It is noted that the proposed additional 'small bar' land use proposed by this business is to complement the other land uses (restaurant/café and shop) so as to support and facilitate the business or activity of tabletop gaming. The proposed additional land use will allow for the sale of alcohol to patrons as part of (or ancillary to) the broader business which is focused on tabletop gaming. The small bar land use approval is required to enable a liquor licence to be supported at the subject site, noting the definition of small bar above.
- No external additions or alterations are proposed to the existing building, with the exception of signage. Therefore, the development objectives of Schedule 7 are not relevant to this application, and the proposal has no impact on the cultural heritage significance of any adjoining listed place nor streetscape.

Similarly, the proposal does not unduly impact adjoining properties by way of its built form, scale or appearance in that no external changes to the existing building are proposed as part of this application.

- It is noted that the subject site does adjoin and is nearby to residential dwellings, which are more sensitive land uses with respect to environmental amenity (noise, odour, light etc.). In this instance, noise is considered the most relevant potential environmental impact and it is discussed in detail below.
- In issuing approval for a Small bar, it may be appropriate to apply conditions to mitigate potential impact on nearby sensitive uses. Notwithstanding the applicant's operating model, any conditions of approval restricting the use would apply should a different business seek to take over the small bar use.



Environmental Amenity - Noise

For this application, noise is considered the most sensitive of amenity considerations for the proposed use, as was also highlighted as a primary concern in a number of the public submissions received during advertising of the application (refer Community Consultation section above).

The regulation or control of noise/sound is not subject to planning legislation but, rather, the *Environmental Protection (Noise) Regulations 1997*. Where a proposal effectively demonstrates, by a suitably qualified professional, that a proposed building and business is able or capable (through the implementation of noise attenuation measures and/or operational controls/management) of compliance with relevant noise regulations, planning approval should not be withheld. However, the amenity impact requires evaluation in approving the discretionary land use.

The applicant has provided an Acoustic Report, prepared by Lloyd George Acoustics, that concludes (refer full details at appendix 2 of Attachment 2):

'Based on the results presented in Section 4 compliance is achieved at the nearest noise sensitive premises (R1- R2) with the venue operating with 100 patrons inside the Games Hall [with 'casual' vocal effort from these patrons being the noise measured/assessed].

'Patron noise has been assessed based on maximum capacity at the venue. In practice, received noise levels from the development will be a direct consequence of the nature of patron behaviour which is variable, and may rise/fall in specific circumstances or situations. The resulting sound levels received at the nearest noise sensitive premises will therefore be interdependent upon the management policy and principals in operating the venue.'

City Officers have reviewed the proposal, acoustic report and some of the detailed commentary from submitters in relation to noise and this report, and have the following comments:

- It is acknowledged that the acoustic report only assesses conversation noise from patrons. The report has not considered any amplified music being played at the venue. Notwithstanding, the applicant has confirmed no amplified music has been or is intended to be played at the venue and acknowledge that if any amplified music is intended to be played in the future then updated acoustic reporting will be required for City approval, secured by condition of approval.



- In regard to noise from waste disposal, the main noise emissions would be related to the disposal of glass drink bottles. These would be disposed of in the containers-for-change (CFC) bin referred to as being kept inside the building, which would negate most of the noise emission. Notwithstanding, a condition of approval is recommended to limit the disposal of waste in any external bins/areas to appropriate times of the day to avoid a potential impact.
- Appropriate conditions of approval are recommended that require access doors are kept closed when not immediately in use, and limit opening hours to a maximum of 10:00PM Monday to Saturday and 5:00PM on Sundays as proposed by the applicant.

Further to the above, additional supporting information in the form of a Liquor Control Section 40 Application (Additional Information 2) and a Harm Minimisation Policy (Additional Information 3) was submitted on 21 September 2026 which considers further operational management of the venue to mitigate amenity impact and/or disturbance from its operations and/or patrons.

On the basis of the above, officers are satisfied that, subject to appropriate conditions of approval, the environmental (noise) impacts of the proposal can be appropriately managed and demonstrate compliance with the respective *Environmental Protection (Noise) Regulations 1997*.

It should also be noted that the business, Hightide Tabletop Gaming, is already operating from the subject site (under the existing 'Shop' and 'Restaurant/Café' land uses) and at the time of writing this report, there is no record of any complaints from adjoining land uses. The additional Small bar land use will not change the existing nature of operations other than to allow for the sale of alcohol to complement the existing activities on site. It is not expected to increase any noise/activity at the venue in itself and the venue will remain subject to the *Environmental Protection (Noise) Regulations 1997* in any regard.

On Site Car & Bicycle Parking (Table 2 of LPS4)

LPS4 Table 2 provides no specific parking ratio for a 'small bar' land use. Clause 4.7.1 (c) provides that '*where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the Council*'. In this instance, given the tabletop gaming business is already in use under the restaurant/café land use, officers consider this use to be the most appropriate for parking requirements given the nature of the activity on site, which is sit-down tabletop gaming. These provisions have therefore been used to assess parking requirements for the venue as a whole.



On this basis, the parking requirements and provisions are specified in the table below:

Provision	Requirement	Proposal	Assessment
LPS4 Table 2 – Parking	<i>Restaurant/Cafe</i> Car bays: 1: 5 seats or 1: 5 m² dining area, whichever is the greater (65 seats provided, 13 bays required) Bike racks: Class 1 or 2: 1 per 100m² public area Class 3: two (3 class 1 or 2; and 2 class 3 required) Delivery bay: 1: service/storage area (1 required)	Car Bays: Nil Bike Racks: Nil Delivery Bay: nil	Parking shortfall, see comments below.

With regard to the shortfall of on-site parking, Clause 4.7.3 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in Table 3, and states:

Council may—

- (a) *Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—*
 - (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*



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

Pursuant to cl. 4.7.3 considerations, the on-site car parking shortfall is considered acceptable for the following reasons:

- The existing property and current/former uses (including shop and office on the first floor and former shop on the ground floor) also did not have any on-site car/bicycle parking facilities and are considered to have operated successfully despite this.
- The site has excellent public transport accessibility, being within 600m of the Fremantle Train Station and Bus Station as well as high frequency bus routes along nearby Queen, Adelaide and High Streets.
- The site is in close proximity (<200m) to public parking facilities with 500+ bays (Ellen Street, FOMO multi-storey and 28 Cantonment Street).
- All adjacent streets in the immediate area provide restricted street parking bays for visitors.
- Being located in the City centre, the site benefits from excellent walkability and cyclability from all areas of central Fremantle.
- It is noted that many similar uses within the Fremantle city centre and in proximity to the subject site do not, in most circumstances, provide any onsite parking for their exclusive use and it is considered this principle is appropriate to apply here for the reasons listed above.



On the basis of the above, the on-site car parking shortfall is supported pursuant to clause 4.7.3 of the City's LPS4.

With regard to a loading/delivery bay, it is noted there is a publicly available 15 minute loading bay in the Point Street road reserve immediately adjacent the site that can service the business in relation to deliveries/loading.

DBU6 – Late Night Entertainment Venues Serving Alcohol

In accordance with the general provisions of DBU6 (Late night entertainment venues serving alcohol), the local area is well serviced by public streets, public transport and taxi/ride share ranks to allow for safe transport to and from the site without disrupting local traffic.

The adjoining footpaths and streets of the site are well lit to allow for adequate safety for patrons late at night. The proposed Small bar is also nearby numerous other civic, retail and similar hospitality uses, including those on High Street that will provide passive surveillance and activity around the site and will serve to further deter any anti-social behaviour and/or noise nuisance from patrons.

The applicant has provided an Acoustic Report that demonstrates the proposal is capable of compliance with the relevant noise regulations. Conditions of approval are recommended to further mitigate and potential issues.

The responsible service of alcohol and the management of venue patrons is the responsibility of the operator and is covered under liquor licensing requirements and legislation, separate to this application process.

Waste management

The applicant has provided information in relation to waste management in accordance with LPP 2.24 Waste Management Plans. A condition of approval is recommended to ensure appropriate disposal times in order to reduce the impact on neighbouring sensitive uses.

Conclusion

As evaluated above, the proposal appropriately satisfies the relevant statutory requirements of LPS4 and relevant Council policies, subject to the appropriate conditions of approval, and is therefore recommended for conditional 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

- Community participation is encouraged through spaces that enable social connection.

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 Melanie Clark

Seconded: Mayor Ben Lawver

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Partial Change of Use to Small Bar at No. 3 (Lot 1) Josephson Street, Fremantle, subject to the following condition(s):



- 1. This approval relates only to the development as indicated on the approved plans, dated 31 July 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. No amplified music is to be played at the venue unless an amended acoustic report, prepared by a suitably qualified professional, is submitted to, and approved by the City of Fremantle that demonstrates the venue is capable of supporting amplified music in compliance with relevant noise regulations.**
- 3. The operating hours for the small bar use hereby approved will be limited to between:**

9:00AM – 10:00PM, Monday – Saturday; and

9:00AM – 5:00PM Sunday,

to the satisfaction of the City of Fremantle.

- 4. All access doors to the venue are to be kept closed at all times while not in immediate use to the satisfaction of the City of Fremantle.**
- 5. Waste collection and/or disposal of glass waste in external bins shall not occur before 0700 hours and after 1900 hours on any day that is not a Sunday or public holiday; and shall not occur before 0900 hours and after 1900 hours on a Sunday or public holidays to the satisfaction of the City of Fremantle.**
- 6. All air-conditioning plant, satellite dishes, antennae and any other plant/equipment or external fixtures to the roof/walls of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the City of Fremantle.**
- 7. Prior to the occupation of the Small bar hereby approved, a Venue Management Plan is to be submitted to, and approved by the City, that a minimum, considers the following:**
 - i. Measures to uphold neighbouring amenity;**
 - ii. Operational noise management;**
 - iii. Management of complaints and being readily contactable by adjoining residents/landowners;**
 - iv. Staff training on all management procedures**
 - v. Patron and staff behavioural codes; and**
 - vi. Patron and staff evacuation/emergency procedures.**



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

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 to address the potential noise impacts on noise sensitive receivers.**
- ii. The proponent must:**
 - a. make application to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*;**
 - b. once construction has been completed, make application to Environmental Health Services via Form 2 - Application for a public building certificate; And**
 - c. once construction has been completed, complete and submit Form 5 - Certificate of Electrical Compliance for a Public Building to Environmental Health Services.**

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
- iii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed**



architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, accepted by the Presiding Member:

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Mayor Ben Lawver

To amend the officer's recommendation to add the following advice note:

- iv. The Venue Management Plan should include measures to manage the staggered exit of patrons and hours of service.*

Amendment Lost: 2/3

For:

Mayor Ben Lawver and Cr Andrew Sullivan

Against:

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

COMMITTEE DECISION ITEM PSC2610-5 **(Officer's recommendation)**

Moved: Cr Melanie Clark

Seconded: Mayor Ben Lawver

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Partial Change of Use to Small Bar at No. 3 (Lot 1) Josephson Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 31 July 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. No amplified music is to be played at the venue unless an amended acoustic report, prepared by a suitably qualified**



professional, is submitted to, and approved by the City of Fremantle that demonstrates the venue is capable of supporting amplified music in compliance with relevant noise regulations.

- 3. The operating hours for the small bar use hereby approved will be limited to between:**

9:00AM – 10:00PM, Monday – Saturday; and

9:00AM – 5:00PM Sunday,

to the satisfaction of the City of Fremantle.

- 4. All access doors to the venue are to be kept closed at all times while not in immediate use to the satisfaction of the City of Fremantle.**
- 5. Waste collection and/or disposal of glass waste in external bins shall not occur before 0700 hours and after 1900 hours on any day that is not a Sunday or public holiday; and shall not occur before 0900 hours and after 1900 hours on a Sunday or public holidays to the satisfaction of the City of Fremantle.**
- 6. All air-conditioning plant, satellite dishes, antennae and any other plant/equipment or external fixtures to the roof/walls of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the City of Fremantle.**
- 7. Prior to the occupation of the Small bar hereby approved, a Venue Management Plan is to be submitted to, and approved by the City, that a minimum, considers the following:**
- i. Measures to uphold neighbouring amenity;**
 - ii. Operational noise management;**
 - iii. Management of complaints and being readily contactable by adjoining residents/landowners;**
 - iv. Staff training on all management procedures**
 - v. Patron and staff behavioural codes; and**
 - vi. Patron and staff evacuation/emergency procedures.**

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



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 to address the potential noise impacts on noise sensitive receivers.
- ii. The proponent must:
- a. make application to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*;
 - b. once construction has been completed, make application to Environmental Health Services via Form 2 - Application for a public building certificate; And
 - c. once construction has been completed, complete and submit Form 5 - Certificate of Electrical Compliance for a Public Building to Environmental Health Services.
- Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.
- For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
- iii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act



2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.

Carried: 5/0

For:

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

Against:

Nil



PSC2610-6 FORREST STREET, NO.75 (LOT 1465), FREMANTLE - TWO STOREY REAR ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (CR DA0208/26)

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Amended Plans - 75 Forrest Street, Fremantle 2. CONFIDENTIAL - Owner and Applicant Details
Additional Information: <i>(viewed electronically)</i>	3. Arborist report 4. Heritage impact assessment

SUMMARY

Approval is sought by the applicant for two storey rear additions and alterations at existing Single House.

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), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Lot boundary setback
- Building height
- Heritage

The application is recommended for approval.

PROPOSAL

Detail

Approval is sought for two storey rear additions and alterations to an existing Single House at 75 Forrest Street Fremantle. The proposed works include:

- Demolition of portion rear of existing dwelling;
- Demolition of rear outbuildings;
- Site works to accommodate underground garage and store;
- Two storey rear addition to existing dwelling; and



- Modifications to existing house, including a small side addition to the east.

Following discussions and exploration of options, the applicant submitted a final set of amended plans on 22 September 2026 including the following:

- Redesign and simplification of the rear addition, including removing any insertion into the original roof.
- Retention of 1 chimney (but removal of fireplace).

Amended development plans are included as attachment 1.

Site/application information

Date received:	4 June 2026
Scheme:	Residential R25/30
Heritage listing:	Not listed/Holland and Forrest Street Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P





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 there were a number of discretions against the R-Codes and City's planning framework. The advertising period concluded on 8 July 2026, and 2 submissions were received. The following issues were raised (summarised):

Submission	Officer comment
Visual privacy - Notwithstanding their technical definition as minor openings, the range of windows on the east elevation (particularly to the stairwell) would have a very significant impact on our amenity with regard to actual overlooking and excessive light spill. - The roof deck would create actual and perceived overlooking, as the proposed roof edge or 1.6 m screening would not provide effective privacy. - Raised openings to the kitchen and covered BBQ/alfresco area would overlook adjoining outdoor living areas and cause noise, odour, smoke and light-spill impacts. - The rear bedroom window would overlook the neighbouring swimming pool; additional separation and effective planting are requested. - The boundary trees will be removed, resulting in more direct views between properties. - The swimming pool should be set back further from the boundary to better allow for a planted edge for privacy.	- A stairwell window is not a major opening capable of creating visual privacy issues under the R-Codes. - The other openings to the east are either not major openings, or are screened in accordance with the R-Codes. - The roof deck is set back 7.5 metres to meet the deemed-to-comply criteria of the R-Codes. - The BBQ area is not raised more than 500mm above natural ground level and therefore does not present privacy concerns. The R-Codes do not cover odour and smoke. - The rear bedroom window is set back to meet the deemed-to-comply criteria of the R-Codes. - The boundary trees on the existing site are not regulated trees. An arborist report has been provided stating that the trees on the adjoining lots can be retained with protection. A condition of approval can be imposed to ensure that neighbouring tree root zones are protected where relevant, given their proximity to the boundary. - The design consideration is noted.



Lot boundary setbacks • Insufficient eastern setbacks intensify bulk, overlooking, light spill and loss of sunlight and ventilation, while limiting space for screen planting. • Greater eastern setbacks are requested for the additions, retaining walls and pool to reduce impacts and protect or establish vegetation.	The development meets the deemed-to-comply lot boundary setbacks to the east. Lot boundary setback variations to the west are supported by officers. See officer comment on Lot boundary setbacks below.
Building height • The building at this maximum wall height clearly creates an adverse impact on the amenity of the adjoining property, particularly with regard to sunlight into buildings and appurtenant open spaces, and daylight to major openings to the main living areas. • Additionally, the building wall heights directly affect the streetscape, particularly having regard to the otherwise protective provisions of Council's heritage policies. • The proposed building / wall heights are wholly contrary to the heritage and streetscape provisions of Council's relevant heritage policies • The proposal is much larger than what currently exists in the immediate area and will have a noticeable impact on the streetscape.	Building height is supported by officers as it is to the rear of the property so as not to impact the streetscape, and will have minimal impact on adjoining properties. See officer comment on Building height and Heritage below.
Excavation • The extensive basement excavation is insufficiently documented, with no legible sections showing its depth, retaining walls or relationship to neighbouring land. • Piling or chemical grouting and root cutting could destabilise or destroy mature boundary vegetation on the neighbouring	• The excavation meets the deemed-to-comply criteria of the R-Codes. • A condition of approval can be imposed to ensure that neighbouring tree root zones are protected, where relevant, given their proximity to the boundary and as per the arborist recommendations.



site that currently screens the proposed development. • A narrower basement and increased setback are requested to reduce construction impacts, protect vegetation and provide landscaping space.	
Car parking • The proposed three-car basement layout is considered too constrained to provide compliant and workable parking and manoeuvring under AS 2890.1. • The basement width appears to be driven by vehicle manoeuvring, which in turn pushes excavation and retaining works too close to the eastern boundary. • Reorienting bays north-south and using a turntable is suggested to narrow the basement, improve manoeuvring and increase the boundary setback.	Vehicle reversing areas are in excess of the 6m minimums required for vehicles to reverse into a right of way, which is considered to apply to reversing requirements for this proposal as well.
Overshadowing • Although the proposal nominally complies with the prescribed midday winter-solstice test, the long, high additions close to the eastern boundary would cause substantial overshadowing from midday into the afternoon. • The neighbour's central courtyard, principal living areas, rear yard and swimming pool would lose sunlight, daylight, sky outlook and access to breezes. • The forward-projecting rumpus room would extend the upper-storey mass by about 3.5 m and further reduce afternoon sunlight. • Greater setbacks, reduced wall and building heights, and relocation or deletion of the rumpus room and roof deck are requested to mitigate overshadowing.	The submitter rightly acknowledges that the overshadowing meets the deemed-to-comply criteria of the R-Codes. While the development will change how shadow falls on the adjoining site during the evening, this is not captured in the existing R-Codes. Note that amended plans have been received relocating the rumpus room so that it is not above the roof of the exiting house.



Stormwater and groundwater management The basement wall may obstruct groundwater flow and the parking facility must appropriately manage stormwater.	The proponent is responsible for managing stormwater on their own site.
Construction management Concerns about noise and vibration for excavation	Construction related impacts are dealt with via other legislation.
Heritage concerns - The proposed works contained in the development application, both altering / demolishing elements of the original dwelling and inserting multi-level additions will have a significant effect on the heritage values of the place. - The most significant aspect of demolition is the removal of the south-eastern corner of the original roof, including one of the chimneys and the hearths, in order to insert a new upper-level rumpus room extending over a portion of the original main structure and continuous with the line of upper-level additions extending north-south beyond.	See Heritage discussion below. Note that amended plans have been received relocating the rumpus room so that it is not above the roof of the existing house.

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

- The rumpus room has been moved to the west of the new two-storey addition and no longer protrudes over the existing house.
- One chimney is retained, with the internal fireplace to be removed.

The 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. 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:

- Lot boundary setback
- Building height
- Heritage

The above matters are discussed below.

Background

The subject site is located on the south side of Forrest Street 4 lots east of Onslow Street in Fremantle. The site has a land area of approximately 761m² and is currently a Single house. The site is zoned Residential and has a density coding of R25/R30. The site is not individually heritage listed but is located within the Holland and Forrest Street Heritage Area.

There is an existing single storey Single house that is proposed to remain, with additions and alterations to the rear. The ground slopes up about 1m from west to east between this site and the adjoining sites. However, the rear of the site is relatively flat.

Boundary wall (west)

Element	Requirement	Proposed	Extent of Variation
Wall height greater than 3.5m	Max height 3.5m	3.93m max height for 2.8m length	0.43m

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

- The height of boundary wall in question is only a 2.8m length of wall.
- The boundary wall is located against a narrow accessway of the adjoining lot and does not impact outdoor living areas.
- The wall does not introduce visual privacy issues.
- The above results in minimal bulk or impact on sunlight to adjoining properties.

Building height

Element	Requirement	Proposed	Extent of Variation
Wall	7m	7.1m	0.1m



Total building height (gable roof)	8m	8.7m	0.7m
------------------------------------	----	------	------

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

- The maximum building height (gable roof) is located towards the centre of the site.
- The building height allows adequate sunlight to buildings and open spaces of the adjoining sites.
- The height does not impact views of significance.
- The eastern setback of the wall meets the deemed-to-comply setbacks, thereby minimising impact on the adjoining property.

Visual privacy

The proposed rumpus room major opening is shown to be screened and be deemed to comply on the floor plans, however the elevations are not clear on this screening. A condition of approval is recommended to ensure screening is installed, noting the view into the neighbouring property.

Heritage

The proposal has been assessed against the relevant provisions of LPP 3.6: Heritage-protected Places Built Form and Land Use as shown in the table below:

Clause	Officer Comment
8.2(iv) – Internal alterations – Walls and new openings a) Retention and conservation of early walls is encouraged. b) New openings in walls are preferred over the removal of whole walls. c) Where new openings are proposed, wall nibs and down stands are to be retained. 8.2 (x) – Doors Internal doors can be altered, blocked and new openings introduced in most circumstances.	Walls are predominantly being retained, with new openings only. This is the appropriate level of conservation for a place that is not individually listed but is within a heritage area. There will be no impact to the streetscape from these internal alterations.
8.3 (i) - Additions and alterations – Alterations and additions to the original building exterior are to respond sympathetically to the heritage values of the area as a whole	The alteration of the side window is acceptable to accommodate the side addition.



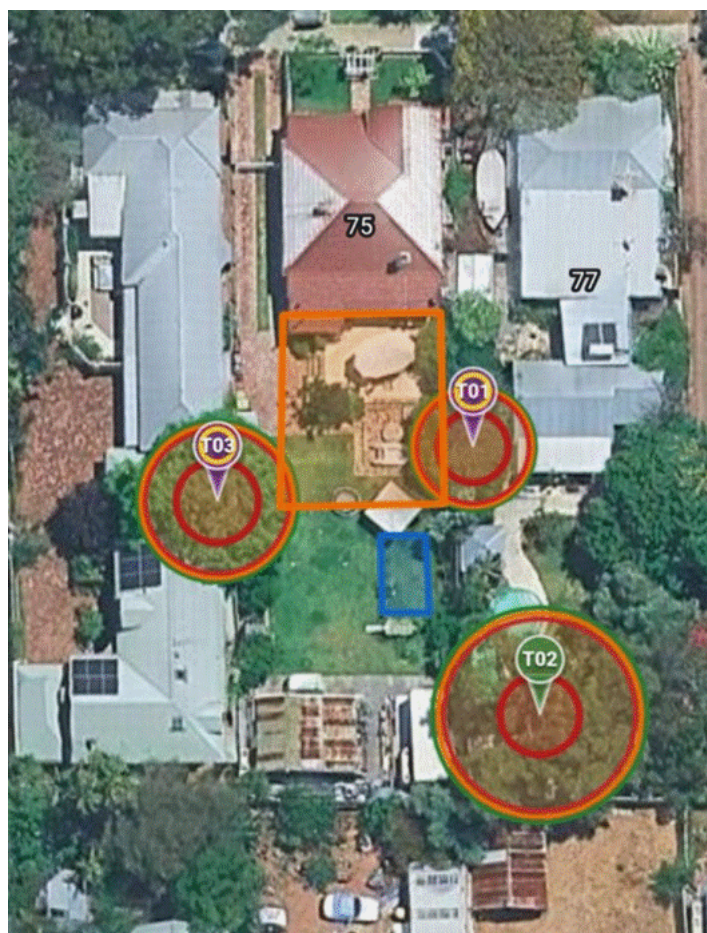
and that part of the heritage area in the vicinity of the proposed development, with changes designed and sited in a manner that retains, conserves, respects and complements the heritage significance of the area. 8.3(ii) – Significance – Alterations and additions to the original building exterior are to change as little as reasonably possible that would impact the streetscape significance.	The demolition of the rear lean-to section of the house containing the bathroom and laundry will have only a minor impact on the heritage values of the place as this part of the building has undergone alteration and these auxiliary rooms make little contribution to the streetscape and heritage character of the Holland and Forrest Heritage Area.
8.5 (i) – Existing chimneys – All chimneys are to be retained and conserved.	One of the existing chimneys is to be retained, being the one visible from the street. The newer chimney is proposed to be removed but it is not visible from the street and has minimal impact on the heritage significance of the house and the area.
8.6 (i) Roof lines – Additions are to respond to and reinforce the existing characteristics of a place with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.	The new roof responds and reinforces the characteristics of the existing place by matching the pitch of the existing house. The removal of the Decromastic, aluminium 'tile' roof sheeting and reinstatement of the original corrugated steel sheeting will have a positive impact on the adverse impact on the heritage value of this house and its contribution to the streetscape.
9.4 (iv) – Form – Contemporary Additions Contemporary style additions are to respond to, and interpret, the scale, articulation and detail of the existing place in a modern, innovative and sympathetic way.	The contemporary additions are predominantly to the rear of the house, with a small side extension on the east elevation. The scale of the house is maintained as viewed from the street.
9.1 (iii) Side Additions – Notwithstanding the criteria discouraging openings, removal of walls, and the like to the original building exterior elsewhere in this Policy, side additions are permitted provided they: a) Are single storey and lower in height than the place;	The side addition does not continue the roofline of the original house and does not result in alteration to the roof form. The side addition is small and is still able to be "read" as a later addition rather than an attempt at faux heritage.



b) Are set back 1m min. from front building line; c) Have a new roof independent from the roof form of the place and which doesn't continue the slope of the roof of the original building exterior; and d) Have no alteration to existing roof form.	
9.1(iv) Rear Additions - Ensure that development: a) is not visible from the street; b) does not alter or impact the original building exterior; c) does not extend over or into the roof of the existing place; d) is constructed so that the roof of the new addition is independent from the original place's roof form (New roof may connect into back of roof of existing place as long as the extent of the original roof remains clear); e) employs one of the following methods to retain the distinct form of the place: i. Be detached from the place; ii. Be attached by a linkage with a reduced scale and/or contrasting material; iii. Have side walls set in from the place; iv. Have a wall height lower than that of the place; or v. Have differing finishes/materials from the original place or a material change at the junction of the old and new.	The new development is set behind the existing house and does not extend over the house. The roof form is independent, and the new rear addition is identified by contrasting materials at the junction of the old and the new. There is minor impact to the original building exterior.
9.1(vi) Internal openings - Internal doors can be altered, blocked and new openings introduced in most circumstances, unless it results in loss of a key internal feature such as a fireplace. Interpret changes to record original configuration.	The fireplace is proposed to be removed, however, the chimney is to be retained. This is an appropriate outcome for a place that is not on the heritage list and is only within a heritage area. The heritage impact to the streetscape will remain intact.

Regulated trees

An arborist report has been provided to the City investigating the 3 mature trees on the adjoining properties as shown in the figure below.



The report states that the dwarf peppermint (T01) at No. 77 Forrest Street can be facilitated within the build with selective branch removal. An exploratory trench to investigate the roots of the mature jacaranda (T03) at No. 73B Forrest Street found that some roots within the development zone may be safely cut to make room for the development provided any necessary pruning is limited to the documented roots and completed cleanly under arboricultural control. T02 is far enough from the works so as to not be impacted.

Given the proximity of regulated trees on the adjoining properties, and the proposed excavation which could impact their tree root zones, a condition of approval is recommended to ensure construction adheres to the recommendations within the arborist report in order to protect adjoining trees.



The trees being removed onsite do not meet the definition of a Regulated tree and can therefore be removed.

CONCLUSION

The application for additions and alterations is supported subject to conditions.

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 Jemima Williamson-Wong Seconded: Cr Melanie Clark

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, additions and alteration to existing Single house at No. 75 (Lot 1465) Forrest Street, Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 22 September 2026. It does not relate to any other development on this lot and must substantially commence within four years.**
- 2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 3. All development hereby approved, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 4. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 5. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the rumpus room located on the west elevation, and the bedroom 2 located on the east elevation, are to be screened in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes by either:**
 - a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c. a minimum sill height of 1.60 metres above the internal floor level,**

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



- 6. Prior to occupation of the development hereby approved, the boundary wall(s) located on the east and west boundaries shall be of a clean finish in any of the following materials:**
- coloured acrylic or sand render, or
 - face brick, or
 - other approved finish
 -
 - and be thereafter maintained to the satisfaction of the City of Fremantle.
- 7. Prior to lodgement of a Building Permit application for the development hereby approved, details of a Tree Protection Zone on the subject site in order to protect the trees on the adjoining sites as identified in the Perth Arbor Services Arboricultural Impact Assessment version 1.0 dated 31 August 2026, and in accordance with Australian Standard 4970 – Protection of Trees on Development Sites, shall be submitted and approved, to the satisfaction of the City of Fremantle. The Tree Protection Zone shall thereafter be implemented and maintained for the duration of construction and for the ongoing health of the trees or unless otherwise agreed by the City of Fremantle.**
- 8. The chimney above the existing living room on the western side of the roof, shall be retained.**

Advice note(s):

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 9 of the Building Code of Australia**

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, accepted by the Presiding Member:



AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Mayor Ben Lawver

To amend the officer's recommendation to include the following advice note:

- iii. It is recommended that the applicant liaises with immediately adjoining neighbours to obtain Structural Engineers / Dilapidation Report regarding the integrity of the existing adjoining heritage buildings.*

Amendment Carried: 5/0

For:

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

Against:

Nil

Reason for amendment:

To encourage good practice, which a builder would do instinctively in recognition of the concerns raised by neighbours regarding the impact of construction.

COMMITTEE DECISION ITEM PSC2610-6 **(Officer's recommendation, as amended)**

Moved: Cr Jemima Williamson-Wong

Seconded: Cr Melanie Clark

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, additions and alteration to existing Single house at No. 75 (Lot 1465) Forrest Street, Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 22 September 2026. It does not relate to any other development on this lot and must substantially commence within four years.**
- 2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**



- 3. All development hereby approved, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 4. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 5. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the rumpus room located on the west elevation, and the bedroom 2 located on the east elevation, are to be screened in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes by either:**
 - a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c. a minimum sill height of 1.60 metres above the internal floor level,**

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

- 6. Prior to occupation of the development hereby approved, the boundary wall(s) located on the east and west boundaries shall be of a clean finish in any of the following materials:**
 - coloured acrylic or sand render, or**
 - face brick, or**
 - other approved finish**
 - and be thereafter maintained to the satisfaction of the City of Fremantle.**
- 7. Prior to lodgement of a Building Permit application for the development hereby approved, details of a Tree Protection Zone on the subject site in order to protect the trees on the adjoining sites as identified in the Perth Arbor Services Arboricultural Impact Assessment version 1.0 dated 31 August 2026, and in accordance with Australian Standard 4970 – Protection of Trees on Development Sites, shall be submitted and approved, to the satisfaction of the City of Fremantle. The Tree Protection Zone shall thereafter be implemented and maintained for the duration of construction and for the ongoing health of the trees or unless otherwise agreed by the City of Fremantle.**



8. The chimney above the existing living room on the western side of the roof, shall be retained.

Advice note(s):

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 9 of the Building Code of Australia**
- iii. *It is recommended that the applicant liaises with immediately adjoining neighbours to obtain Structural Engineers / Dilapidation Report regarding the integrity of the existing adjoining heritage buildings.***

Carried: 5/0

For:

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

Against:

Nil



Council decision

PSC2610-11 ANNUAL UPDATE OF THE HERITAGE LIST AND LOCAL HERITAGE SURVEY 2026

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Council
Attachments:	1. Results of Consultation 2026 Annual Update of Heritage List and Local Heritage Survey 2. Revised Heritage Assessments 2026 Annual 3. Heritage assessments Extracted from Meeting attachments-Ordinary Meeting of Council-10 June 2026
Additional Information:	Nil

(viewed electronically)

SUMMARY

The purpose of this report is to present the outcomes of consultation regarding proposed modifications to the Heritage List and Local Heritage Survey (LHS) as part of the regular update required under the Heritage Act 2018.

Following consideration of the responses provided during the consultation period, this report recommends changes to the Local Heritage Survey and Heritage List and seeks Council's approval of these modifications:

- a. Retention of 1 place on Heritage List and modification of name, LHS management category and other information to reflect inclusion on State Heritage Register;**
- b. Addition of 13 places to Heritage List;**
- c. Retention of 21 places on the Heritage List and modification of LHS Management Category;**
- d. Removal of 41 places from Heritage List and modification of LHS Management Category;**
- e. Identification of 1 place as a Contributory Place in the South Fremantle Heritage Area;**
- f. Modification of the name and address, and/ or management category of 6 places that are on the LHS but not the Heritage List;**
- g. Defer the consideration of 2 places to a future annual update.**



BACKGROUND

Local Heritage Survey

The Heritage Act 2018 requires that local governments prepare and maintain a Local Heritage Survey (LHS) of places that in its opinion are, or may become, of cultural heritage significance. The survey is required to be periodically updated and reviewed. Places on the LHS are recognised but do not automatically receive statutory protection.

The LHS is an information database that records and provides information on all places of cultural heritage significance in Fremantle. However, not all places on the LHS are heritage protected, and the information in the LHS does not have any legal implications for the development of land within the City of Fremantle. The information in the LHS, including the Management Category, is used as background information for the heritage impact assessment of the development of places that are identified on the Heritage List and in a Heritage Area. Because of their greater heritage significance, the significant heritage fabric of places with higher management categories requires a greater level of protection and conservation. However, most heritage places usually contain buildings and fabric of different levels of heritage significance. Items of high significance need to be protected, and items of low significance can be changed or even removed. These levels of significance are usually determined when a planning application is received, and generally, the significant fabric includes the original or early part of the building.

During the assessment process LHS information is generally checked for accuracy in case change has occurred since it was written, or the original data is inconsistent. There are five main management categories in the LHS plus some older categories that are slowly being updated as areas of Fremantle are being reviewed.

Management category - Level 1a – Exceptional Significance – State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle. This place is entered onto the State Heritage Office of Western Australia's Register of Heritage Places. All development applications must be referred to the State Heritage Office for approval.

Management category - Level 1b – Exceptional Significance – Not State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. It is recommended that this place be considered for entry in the Heritage Council of Western Australia's Register of Heritage Places.



Management category - Level 2 – Considerable Significance

The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

Management category - Level 3 – Some Significance

The City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced.

Management category - Level 4 – Historic Record Only

The City of Fremantle has identified this place as being of interest for historical reasons and/or for structures that no longer exist. These places are part of Fremantle's rich cultural heritage but are not included on the Heritage List.

Heritage List and Heritage Areas

The Planning and Development (Local Planning Schemes) Regulations 2015 ('the Regulations') Schedule 2 'Deemed Provisions for local planning schemes' part 3 make provision for the establishment and maintenance of a Heritage List and Heritage Areas which have been identified as of significance and worthy of built heritage conservation. Places on the Heritage List and in Heritage Areas have statutory protection under the planning scheme.

Places on the Heritage List or in a Heritage Area have special protection under the planning scheme to facilitate the conservation of places of heritage value and ensure that development occurs with due regard to identified heritage values in the interest of the community.

The Heritage List contains approximately 2,540 places that are considered to have some heritage value to the City of Fremantle for their individual aesthetic, historic, social or scientific significance (Burra Charter values), and/or their contribution to the streetscape, local area and Fremantle.

The Heritage List contains only a name and address. Management Categories and other information including historical background, physical description and statement of significance are included in the Local Heritage Survey (LHS), formerly known as the Municipal Inventory. The LHS information is recorded in Inherit, a statewide heritage information database, and more recently in the City's own heritage and history database, Recollect. The LHS place record is a useful guide to understand the heritage significance of a place, but it does not have any legal implications for the development of land within the City of Fremantle.



Heritage Areas are places where special planning control is needed to conserve and enhance the cultural heritage significance and character of an area. There are 18 Heritage Areas in Fremantle. Heritage Areas often include places on the Heritage List, but even places not significant enough to go on the Heritage List can contribute to the significance of a heritage area.

Places within Heritage Areas can be defined as either 'contributory' or 'non contributory' to the significance of the area. Contributory places are determined by an assessment against the Burra Charter values and may include representative or rare examples of a place type, period or style, places which contribute to the streetscape; and/or be places which combine with other related places to demonstrate the historic development of a heritage area. Where mapping of contributory places has not been undertaken for a Heritage Area or has not been completed due to the inaccessibility of the site or the inability to fully assess the existence of fabric of cultural significance, this will be assessed upon receipt of a planning application.

The City is currently undertaking a staged review of all heritage areas which includes the identification of all contributory places.

Review process

Council adopted its initial LHS (then called a Municipal Heritage Inventory) in September 2000 and subsequently adopted a Heritage List based on the Inventory through the provisions of Local Planning Scheme No. 4 (gazetted in 2007). These lists are periodically reviewed and adjusted over time. The City's Local Planning Policy 1.6 'Heritage Assessment and Protection' (LPP 1.6) outlines the process for modification to the LHS and Heritage List and stipulates that:

'Any person or organization may nominate a place to be added, removed or amended on the Local Heritage Survey, Heritage List and/or as a contributory place to a heritage area, at any time. This shall be in the form of a written request to the City. The basis for inclusion/removal/amendments of places on the Local Heritage Survey, Heritage List and/or as a contributory place to a heritage area shall be based on cultural heritage significance, determined through a heritage assessment. Requests will be considered through an annual update. The City itself can also identify places for inclusion, removal or amendment as required.'

The process to add or remove a place from the Heritage List (HL), as stipulated in the Regulations and includes the following three steps:



1. Notify each owner and occupier of the place and provide them with a description of the place and the reason for its proposed entry or removal.
2. Invite the owner and occupier of the place to make a submission for a period of not less than 21 days. Note: In the event of landowners making no objection to modifications recommended to the Local Heritage Survey and Heritage List, that these changes be adopted, documented and communicated to the Heritage Council of Western Australia, and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council.
3. Following consultation, the City is to consider the submissions made on each proposal and resolve if a place is to be added or removed from the heritage list.

Annual Update 2026

Between April 2025 and April 2026, the City received 6 submissions from landowners to alter the heritage protection of their properties.

In addition to landowner requests, officers kept a running list of places that are identified in the due course of work as requiring review. These generally include:

- Places added to the State Register of the Heritage Places by HCWA.
- Places that have been legally demolished.
- Places that have been subdivided and/ or renumbered and do not contain heritage fabric.
- Places identified through officer's work and planning enquiries.

These places were then investigated and recommended changes were presented to Council on 13 August 2026. Council considered the report and endorsed the proposed modifications to the Local Heritage Survey (LHS) and Heritage List for advertising.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The *Heritage Act 2018* requires periodic update and review of the LHS. The *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the process for adding or amending the Heritage List.

STRATEGIC IMPLICATIONS

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



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

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.
- Adaptive re-use of heritage buildings is enabled through supporting private investment, renewal and innovation.
- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

Consultation with affected landowners and tenants was undertaken between 17 July and 7 August 2026 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. A project page was posted on My Say Freo to provide detailed information on the Annual Update and provide a formal process for making a submission. Letters were sent to the owners, and tenants of affected properties and emails were also sent to individuals who nominated a place for consideration during the Annual Update.

16 responses were received during the consultation period, and 4 late responses were accepted after. 15 of the responses were submitted via My Say Freo.

Of these 20 responses, 6 were not supportive of the recommendation, 4 were supportive of the recommendation, and 6 requested further information on the implications of listings or corrected information in the report. A further 4 responses were for places that were not being assessed as part of the Annual Update. These responses were redirected to the White Gum Valley Heritage Review or were added to the list for consideration in the 2027 Annual Update.

Not supportive of recommendation:

	Place	Respondent	Recommendation	Response
1	House, 28 Blinco Street, Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Disputed significance of house due to age and extent of change.
2	House, 38 Blinco Street, Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Disputed significance of house due to extent of change.
3	Dyson Woolstores, 7 Price Street, Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Not Supportive



4	Mills & Ware Factory, 330 South Terrace, South Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Not required as it is already protected as part of the Heritage Area
5	3 Trafford Street, South Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Not supportive. Note: refer DA0219/26
6	Robert Jowitt & Sons Warehouse, 2 James Street, Fremantle	Owner (late)	Add to Heritage List, Add to LHS as Level 3	Retaining the building will adversely affect the development potential of the site.

Supportive of recommendation

	Place	Respondent	Recommendation	Response
7	House and Studio, 8 Coral Street, South Fremantle	Owner	Change name of place	Further information on Silver Street Studio to be provided
8	Dyson Woolstores, 7 Price Street, Fremantle	Neighbour	Add to Heritage List, Add to LHS as Level 3	Supportive
9	House, 5 Skinner Street, North Fremantle	Owner (late submission)	Retain on Heritage List but change management category from Level 2 to Level 3	Supportive
10	House, 8 Staples Street, North Fremantle	Owner	Change description of heritage fabric.	Supportive

Further information requested or provided

	Place	Respondent	Recommendation	Response
11	Church, 3 Canning Highway, Fremantle	Parishioner	Add to Heritage List, Add to LHS as Level 3	Requested further information about effect of heritage listing on future works and maintenance.
12	Joyce Brothers Factory, 8 Josephson Street, Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Requested further information about effect of heritage listing



13	Princess Chambers, 21-23 Market Street, Fremantle	Owner	Rename	Requested further information about heritage grants
14	Terrace (demolished), 11 Norfolk Street, Fremantle	Owner	Remove from Heritage List and change Management Category to Level 4	Requested that description be amended from 17 townhouse to 18 townhouse
15	Commercial Building (demolished), 49 Pakenham Street, Fremantle	Owner	Retain on Heritage List but change name and Management Category to Level 3	Requested further information about archaeological potential of site and its impact on future development
16	Mills & Ware Factory, 330 South Terrace, South Fremantle	Owner	Add to Heritage List, Add to LHS as Level 3	Requested further information about heritage listing

Comment below is provided on the responses that objected to the proposed changes to the Heritage List and Local Heritage Survey. The full results of the consultation are presented in Attachment 1.

OFFICER COMMENT

General

Where no objection has been received, recommended changes to the Heritage List and Local Heritage Survey have been included in the Officer Recommendation. For further detail on these recommendations refer to Attachment 3.

166 Hampton Road, Beaconsfield

This house is one of a pair built next to St Paul's Church in the Post War Era. At the 12 November 2025 Planning Services Committee, it was resolved to demolish this place for the construction of a 3-storey Residential Building (DA0239/25). The proposed Residential Building, referred to as "Charis House" in the planning report included as additional information, will provide self-contained low cost accommodation for people with limited financial resources. The building is proposed to be managed by St Paul's Beyond Inc., a not for profit charity linked to St Paul's Church.

The proposed listing will not affect the recently approved DA0239/25 which is valid for four years. If the application is acted upon and the building demolished,



the place record can later be removed. If the application lapses or the applicant seeks an extension of time for the application, a heritage listing would impact future assessments and affirm that the place should not be demolished.

Deferral to next Annual Update

House (Demolished) 16 Banister Street and House 64B Attfield, 64C Attfield and 1-5/ 47 Wray Avenue were constructed in the 1980s by the Architect Brian Klopper and are potentially significant to Fremantle as an example of the 1980s redevelopment of Fremantle and the work of an influential Fremantle architect. Consideration of the heritage value of these places has been deferred to allow for further research and consultation to be undertaken.

Comments on objections to proposed listings

Revised heritage assessments for places discussed below are included in Attachment 2. All other heritage assessments are included in Attachment 3.

House, 28 Blinco Street, Fremantle

The owner provided a detailed response that did not support the recommendation to add this place to the Heritage List and Local Heritage Survey as a Management Category Level 3 place because the house was constructed in the Post War Era and because it has been altered since construction.

Following the owner's questions regarding the construction date of 1915 – 1947, and its description as an Inter-War Era house, further research was undertaken and the construction date was found to be close to 1947 making it an early example of a Post War Era house not an Inter-War Era House.

Photographs of the house in the early 2000s were found on an archival property file. These photos confirm that while 28 Blinco Street is largely intact, it has undergone some alterations. The hipped tile roof and brick chimney are original, but the half weatherboard and half fibrous cement sheet wall cladding has been replaced with full height weatherboard cladding. The timber front veranda with a tiled skillion roof that is continuous with the main roof is original, but some decorative timber fretwork has been added below the verandah beam, and the balustrade, which may have been an original element, has been removed.

The casement sash windows with horizontal glazing bars to the front elevation are original as are other timber windows with matching horizontal glazing bars but the leadlight window on the south wall is a recent addition and the leadlight front door may be as well.

While it has undergone some modification, 28 Blinco Street is still largely intact and is a good example of a timber framed house from the Early Post War Era



which demonstrates the eastward expansion of Fremantle in the Post War Era. This house contributes to the historic character of Fremantle and has sufficient heritage value to be included on the Heritage List.

Recommendation – Add to Heritage List. Management Category Level 3

House, 34 Blinco Street, Fremantle

The owner has provided a detailed response that did not support the recommendation to add this place to the Heritage List and Local Heritage Survey as a Management Category Level 3 place because the house has been modified and because of the small size of the block which limits future development. The owner provided further information on the physical condition of this house. Below the render finish the original external walls are of limestone construction with brick quoins.

The windows to the façade of the house, which are concealed by the verandah enclosure, have been modified from vertical format double hung sashes to horizontal format casement sashes.

The modifications that have been made to 34 Blinco Street are typical of alterations undertaken to 'modernise' Victorian Georgian style houses in the Inter-War and Post War eras and are common in heritage listed places in Fremantle. These changes include rendering of masonry, modification of window openings to the façade, modification of the verandah roof and enclosure of the front verandah. There are many examples in Fremantle where these types of Post War modification have been removed and the original form successfully reinstated, including the removal of cement render from limestone and the reconstruction of vertical format double hung sash windows.

The brick and limestone foundation additions to the side of the house are typical of Post-War construction. These additions can be retained or removed and replaced with a new larger addition that complies with Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use.

The alterations to 34 Blinco Street have not reduced the value of the place below the threshold for inclusion on the Heritage List, and through renovation and restoration these heritage values can be further enhanced. The lack of rural context does not decrease the value of this heritage house, instead it demonstrates the layers of history in this area by illustrating its early semi-rural development and the later Post-War expansion of suburban development in Fremantle.



Recommendation – Add to Heritage List. Management Category Level 3

Dyson Woolstores, 7 Price Street, Fremantle

Two responses were received, one objecting and one supporting the proposal to retain this place on the Heritage List and change the management category from Historic/Archaeological site to Level 3. No detail was provided to support these responses.

The gable roofed facades of this former industrial building and other surviving elements contribute to Fremantle's distinctive built heritage character and rich history as a working port city. The 1990s building fabric has little significance. Protecting the remnants of this warehouse retains the mixed residential and industrial character of the area.

Recommendation – Add to Heritage List. Management Category Level 3

Mills & Ware Factory, 330 South Terrace, South Fremantle

Several responses were received from property owners questioning why this heritage listing needs to be updated given that the building is already protected as a Contributory Place

While this former factory complex already has some protection, the historic, social and aesthetic cultural heritage value of this place to Fremantle clearly warrants a greater level of protection to retain and conserve the values of this place and significant heritage fabric including elements that are not visible from the street.

Note: There are several heritage listings for places associated with the historic Mills and Ware Factory which covered a large area in South Fremantle before it was subdivided and redeveloped in the 1990s. It is likely that the original listing for the main factory was confused with the administration building at 11 Wardie when the site was subdivided.

Recommendation – Add to Heritage List. Management Category Level 2

3 Trafford Street, South Fremantle

The owner did not support the recommendation to add this place to the Heritage List and Local Heritage Survey as a Management Category Level 3 place because the house has been modified from its original form.



In the past 3 Trafford Street has undergone some changes including the replacement of the original fibrous cement wall cladding with a faux brick sheeting which was then rendered and the replacement of the timber window sashes with aluminum sliders. Recently the tile roof has been replaced with corrugated steel sheeting and during the consultation period for the Annual Update, Council granted approval for the removal of the front porch and replacement with a timber verandah. While these changes may have cumulatively reduced its authenticity and aesthetic value, 3 Trafford Street will continue to contribute to the character of the Heritage Area because it retains its original form, setting and sitting.

Recommendation – Do NOT add to Heritage List. Identify as a Contributory Place in the South Fremantle Heritage Area.

Robert Jowitt & Sons Warehouse, 2 James Street, Fremantle

The owner did not support the recommendation to add this place to the Heritage List and Local Heritage Survey as a Management Category Level 3 place because retaining this building will adversely affect development potential of site.

There are many examples of historic warehouses in Fremantle that have been adapted for new uses including residential and mixed uses and recently several large developments have been approved including 49 Phillimore Street and the Elders Woolstores and Heirloom. In these projects the retention and integration of some heritage fabric into the development has been leveraged into creating a unique, authentic identity for the development which has benefited the project as well as contributing to the regeneration and revitalization of Fremantle through greater residential density.

Recommendation – Add to Heritage List. Management Category Level 2

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Council



OFFICER'S RECOMMENDATION

Moved: Mayor Ben Lawver

Seconded: Cr Melanie Clark

Council:

- 1. Note the submissions received in relation to the 2026 Annual Update of the Heritage List and Local Heritage Survey, as outlined in Attachment 1.**
- 2. Endorse the following modifications to the Local Heritage Survey (LHS) and Heritage List in accordance with regulation 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Attachment 2 and 3)**
 - a. Retain on Heritage List but modify the name, LHS management category and other information to reflect inclusion on State Heritage Register:**
 - i. Fremantle Fishing Boat Harbour**
 - b. Add to Heritage List and update LHS accordingly:**
 - i. House, 28 Blinco Street, Fremantle**
 - ii. House, 34 Blinco Street, Fremantle**
 - iii. Christian Science Church, 3 Canning Highway, Fremantle**
 - iv. House, 166 Hampton Road, Beaconsfield**
 - v. Shop, 228 High Street, Fremantle**
 - vi. House, 5/18 John Street, North Fremantle**
 - vii. House, 6/18 John Street, North Fremantle**
 - viii. Joyce Brothers Factory, 8 Josephson Street, Fremantle**
 - ix. House, 11 Louisa Street, South Fremantle**
 - x. Robert Jowitt & Sons Warehouse, 2 James Street, Fremantle**
 - xi. House, 16 Scott Street, South Fremantle**
 - xii. Shop And House, 114 South Street, Fremantle**
 - xiii. Mills and Ware Biscuit Factory, 330 South Terrace, South Fremantle**
 - c. Retain on Heritage List but modify LHS Management Category**



- i. **Balding Nurses Quarters (Demolished), 7 Alma Street**
 - ii. **House 3 Barnett, (Demolished), Fremantle**
 - iii. **House, 8 Coral Street, South Fremantle**
 - iv. **Duplex (Demolished), 9 Essex Street, Fremantle**
 - v. **Duplex (Demolished), 11 Essex Street, Fremantle**
 - vi. **House, 28 Hulbert Street, South Fremantle**
 - vii. **House, 12 Mardie Street, South Fremantle**
 - viii. **Princess Chambers, 21-27 Market Street, Fremantle**
 - ix. **Princess Theatre, 29 – 33 Market Street, Fremantle**
 - x. **Commercial Building, 99 Market Street, Fremantle**
 - xi. **Site of Dave Johnson Motor Factory, Fremantle**
 - xii. **Commercial Building (Demolished), 49 Pakenham Street, Fremantle**
 - xiii. **Dyson Wools Building (Demolished) 7 Price Street, Fremantle**
 - xiv. **House, 5 Skinner Street, Fremantle**
 - xv. **House, 8 Staples Street, North Fremantle**
 - xvi. **Mills & Ware Administration Building Façade, 10 Wardie Street, South Fremantle**
 - xvii. **Mills & Ware Flour Loft, 11 Wardie Street, South Fremantle**
 - xviii. **House (Demolished), 47 Wray Avenue, Fremantle**
 - xix. **Limestone Feature(S), 54 Wray Avenue, Fremantle**
 - xx. **Duplex, 58 Wray Avenue, Fremantle**
 - xxi. **Duplex 60 Wray Avenue, Fremantle**
- d. Remove from Heritage List and update LHS accordingly:**
- i. **Prospect House (Demolished), 33 Adelaide Street, Fremantle**
 - ii. **House (Demolished), 13 Blinco Street, Fremantle**
 - iii. **House (Demolished) 23 Chamberlain Street, O'Connor**



- iv. Warehouse (Demolished), 3 Collie Street, Fremantle**
- v. Workshop (Demolished), 17 Collie Street, Fremantle**
- vi. Former Public Works Department Depot (Demolished), 15 Corkhill Street, North Fremantle**
- vii. Warehouse (Demolished), 13 Essex Street**
- viii. Shop & House (Demolished), 12-14 Essex Street**
- ix. House (Demolished), 17 Hampton Road, Fremantle**
- x. House (Demolished), 19 Hampton Road, Fremantle**
- xi. Timber Framed Houses (Duplex (Demolished), 74-76 Hampton Road), Fremantle**
- xii. House, 12 Hickory Street, South Fremantle**
- xiii. House (Demolished), 166 High Street, Fremantle**
- xiv. House (Demolished), 168 High Street, Fremantle**
- xv. House (Demolished), 170 High Street, Fremantle**
- xvi. House (Demolished), 8 Jarvis Street, O'Connor**
- xvii. Site of St Paul Lutheran Church, 2 Josephson, Fremantle**
- xviii. Site Of Joyce Brothers Factory, 3-5 Josephson, Fremantle**
- xix. Duplex (Demolished), 12 Josephson Street, Fremantle**
- xx. House (Demolished), 4 Letitia Road, North Fremantle**
- xxi. Houses (Demolished), 93-95 Market Street, Fremantle**
- xxii. Terrace (Demolished), 5 Norfolk Street, Fremantle**
- xxiii. Terrace (Demolished), 6 Norfolk Street, Fremantle**
- xxiv. Terrace (Demolished), 11 Norfolk Street, Fremantle**
- xxv. Terrace (Demolished), 13 Norfolk Street, Fremantle**
- xxvi. Building, 16 Norfolk Street, Fremantle**
- xxvii. Limestone Features, 38 Norfolk Street, Fremantle**
- xxviii. House Demolished 19 Solomon Street, Fremantle**



- xxix. Matrons Quarters-Fremantle Hospital (Demolished), 75 Solomon Street, Fremantle**
- xxx. Sunny West Factory (Demolished), 118 Solomon Street, Fremantle**
- xxxi. House & Stables (Demolished), 122 Solomon Street, Fremantle**
- xxxii. Commercial Building (Demolished) & Stables, 122 Solomon Street, Fremantle**
- xxxiii. Duplex (Demolished), 44 South Street, Fremantle**
- xxxiv. Commercial Building (Demolished), 55 South Terrace, Fremantle**
- xxxv. Caretaker's House (Demolished), 90 South Terrace, Fremantle**
- xxxvi. House (Demolished), 102 Stirling Highway, North Fremantle**
- xxxvii. Antiques Shop, 109 Stirling Highway, North Fremantle**
- xxxviii. House (Demolished), 209 Stirling Highway, North Fremantle**
- xxxix. House, 65 Tuckfield Street (Demolished) (Simla), Fremantle**
- xl. Site Of Former Mills & Ware Factory-Shed, 5 Wardie, St South Fremantle**
- xli. House (Demolished), 1 Yilgarn Street, Fremantle**
- e. Identify as a Contributory Place in the South Fremantle Heritage Area:**
 - i. House, 3 Trafford Street, South Fremantle**
- f. Change name and address, and/ or management category (not on HL)**
 - i. House (Demolished), 16 Alfred Road, North Fremantle**
 - ii. House (Demolished), 26 Ainslie Road, North Fremantle**
 - iii. House (Demolished), 28 Ainslie Road, North Fremantle**
 - iv. House (Demolished), 30 Ainslie Road, North Fremantle**



v. Duplex (Demolished), 18 John Street, North Fremantle

vi. Duplex (Demolished), 20 John Street, North Fremantle

2. Defer to a future annual update:

i. House (Demolished) 16 Banister Street

ii. House 64B Attfield, 64C Attfield and 1-5/ 47 Wray Avenue

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, accepted by the Presiding Member:

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Melanie Clark

To amend the officer's recommendation to delete part 2 (b) (x) such that 2 James Street is not added to the heritage list.

Amendment Carried: 5/0

For:

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

Against:

Nil

Reason for amendment:

The building is of comparatively unsophisticated construction from a relatively late period of warehouse development (c.1934) and is the only older building in the street block. The warehouse has been significantly modified over the years and what remains is now in poor condition. The remainder of the street block is set on a different alignment along Beach Street such that the building effectively projects 15m metres into the modern-day alignment of the Beach Street Road reserve making retention unrealistic. As the street name suggests, the levels along Beach Street are very low at 2.0m AHD adjacent to the building. The building essentially sits directly on the water table, and the area is prone to inundation which will be exacerbated as sea levels rise. Retention of the building in a high-water table and inundation prone environment is unrealistic. The public realm around the building will, in time, need to be significantly modified to deal with these unsustainable ground levels and to accommodate medium to long term transport planning needs in the area. In particular, the configuration of both James and Beach streets immediately adjacent to the building will need to be modified in a manner that makes retention of the building facades impracticable. The specified building setback along James Street listed in LPS4 is a minimum of 2.0 metres and while



this doesn't apply to the existing warehouse building, its retention would disrupt the urban design intent for the area. These setbacks will need to be reviewed in LPS5, or a structure plan for the street block, with reference to the *Future of Fremantle* vision which elevates the strategic importance of James Street because of the potential for a future river crossing on this alignment. Under normal circumstances and if located in a cohesive heritage precinct or street block, the warehouse may just qualify for a Category 3 listing. However, on balance, the warehouse is isolated in an extremely awkward and precarious environment where any significance it may have had has been so substantially eroded that its significance is diminished below the required threshold for listing. The place can be seen to have once formed a part of Fremantle's rich cultural heritage but that has been so compromised that it should not be included on the Heritage List. The City of Fremantle should identify and record this place as being of interest for historical reasons only.

COMMITTEE RECOMMENDATION ITEM PSC2610-11
(Officer's recommendation, as amended)

Moved: Mayor Ben Lawver

Seconded: Cr Melanie Clark

Council:

- 1. Note the submissions received in relation to the 2026 Annual Update of the Heritage List and Local Heritage Survey, as outlined in Attachment 1.**
- 2. Endorse the following modifications to the Local Heritage Survey (LHS) and Heritage List in accordance with regulation 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Attachment 2 and 3)**
 - a. Retain on Heritage List but modify the name, LHS management category and other information to reflect inclusion on State Heritage Register:**
 - i. Fremantle Fishing Boat Harbour**
 - b. Add to Heritage List and update LHS accordingly:**
 - i. House, 28 Blinco Street, Fremantle**
 - ii. House, 34 Blinco Street, Fremantle**
 - iii. Christian Science Church, 3 Canning Highway, Fremantle**
 - iv. House, 166 Hampton Road, Beaconsfield**
 - v. Shop, 228 High Street, Fremantle**
 - vi. House, 5/18 John Street, North Fremantle**



- vii. House, 6/18 John Street, North Fremantle**
- viii. Joyce Brothers Factory, 8 Josephson Street, Fremantle**
- ix. House, 11 Louisa Street, South Fremantle**
- x. House, 16 Scott Street, South Fremantle**
- xi. Shop And House, 114 South Street, Fremantle**
- xii. Mills and Ware Biscuit Factory, 330 South Terrace, South Fremantle**

c. Retain on Heritage List but modify LHS Management Category

- i. Balding Nurses Quarters (Demolished), 7 Alma Street**
- ii. House 3 Barnett, (Demolished), Fremantle**
- iii. House, 8 Coral Street, South Fremantle**
- iv. Duplex (Demolished), 9 Essex Street, Fremantle**
- v. Duplex (Demolished), 11 Essex Street, Fremantle**
- vi. House, 28 Hulbert Street, South Fremantle**
- vii. House, 12 Mardie Street, South Fremantle**
- viii. Princess Chambers, 21-27 Market Street, Fremantle**
- ix. Princess Theatre, 29 – 33 Market Street, Fremantle**
- x. Commercial Building, 99 Market Street, Fremantle**
- xi. Site of Dave Johnson Motor Factory, Fremantle**
- xii. Commercial Building (Demolished), 49 Pakenham Street, Fremantle**
- xiii. Dyson Wools Building (Demolished) 7 Price Street, Fremantle**
- xiv. House, 5 Skinner Street, Fremantle**
- xv. House, 8 Staples Street, North Fremantle**
- xvi. Mills & Ware Administration Building Façade, 10 Wardie Street, South Fremantle**
- xvii. Mills & Ware Flour Loft, 11 Wardie Street, South Fremantle**



- xviii. House (Demolished), 47 Wray Avenue, Fremantle**
- xix. Limestone Feature(S), 54 Wray Avenue, Fremantle**
- xx. Duplex, 58 Wray Avenue, Fremantle**
- xxi. Duplex 60 Wray Avenue, Fremantle**

d. Remove from Heritage List and update LHS accordingly:

- i. Prospect House (Demolished), 33 Adelaide Street, Fremantle**
- ii. House (Demolished), 13 Blinco Street, Fremantle**
- iii. House (Demolished) 23 Chamberlain Street, O'Connor**
- iv. Warehouse (Demolished), 3 Collie Street, Fremantle**
- v. Workshop (Demolished), 17 Collie Street, Fremantle**
- vi. Former Public Works Department Depot (Demolished), 15 Corkhill Street, North Fremantle**
- vii. Warehouse (Demolished), 13 Essex Street**
- viii. Shop & House (Demolished), 12-14 Essex Street**
- ix. House (Demolished), 17 Hampton Road, Fremantle**
- x. House (Demolished), 19 Hampton Road, Fremantle**
- xi. Timber Framed Houses (Duplex (Demolished), 74-76 Hampton Road), Fremantle**
- xii. House, 12 Hickory Street, South Fremantle**
- xiii. House (Demolished), 166 High Street, Fremantle**
- xiv. House (Demolished), 168 High Street, Fremantle**
- xv. House (Demolished), 170 High Street, Fremantle**
- xvi. House (Demolished), 8 Jarvis Street, O'Connor**
- xvii. Site of St Paul Lutheran Church, 2 Josephson, Fremantle**
- xviii. Site Of Joyce Brothers Factory, 3-5 Josephson, Fremantle**
- xix. Duplex (Demolished), 12 Josephson Street, Fremantle**
- xx. House (Demolished), 4 Letitia Road, North Fremantle**



- xxi. Houses (Demolished), 93-95 Market Street, Fremantle**
- xxii. Terrace (Demolished), 5 Norfolk Street, Fremantle**
- xxiii. Terrace (Demolished), 6 Norfolk Street, Fremantle**
- xxiv. Terrace (Demolished), 11 Norfolk Street, Fremantle**
- xxv. Terrace (Demolished), 13 Norfolk Street, Fremantle**
- xxvi. Building, 16 Norfolk Street, Fremantle**
- xxvii. Limestone Features, 38 Norfolk Street, Fremantle**
- xxviii. House Demolished 19 Solomon Street, Fremantle**
- xxix. Matrons Quarters-Fremantle Hospital (Demolished), 75 Solomon Street, Fremantle**
- xxx. Sunny West Factory (Demolished), 118 Solomon Street, Fremantle**
- xxxi. House & Stables (Demolished), 122 Solomon Street, Fremantle**
- xxxii. Commercial Building (Demolished) & Stables, 122 Solomon Street, Fremantle**
- xxxiii. Duplex (Demolished), 44 South Street, Fremantle**
- xxxiv. Commercial Building (Demolished), 55 South Terrace, Fremantle**
- xxxv. Caretaker's House (Demolished), 90 South Terrace, Fremantle**
- xxxvi. House (Demolished), 102 Stirling Highway, North Fremantle**
- xxxvii. Antiques Shop, 109 Stirling Highway, North Fremantle**
- xxxviii. House (Demolished), 209 Stirling Highway, North Fremantle**
- xxxix. House, 65 Tuckfield Street (Demolished) (Simla), Fremantle**
- xl. Site Of Former Mills & Ware Factory-Shed, 5 Wardie, St South Fremantle**
- xli. House (Demolished), 1 Yilgarn Street, Fremantle**



e. Identify as a Contributory Place in the South Fremantle Heritage Area:

i. House, 3 Trafford Street, South Fremantle

f. Change name and address, and/ or management category (not on HL)

i. House (Demolished), 16 Alfred Road, North Fremantle

ii. House (Demolished), 26 Ainslie Road, North Fremantle

iii. House (Demolished), 28 Ainslie Road, North Fremantle

iv. House (Demolished), 30 Ainslie Road, North Fremantle

v. Duplex (Demolished), 18 John Street, North Fremantle

vi. Duplex (Demolished), 20 John Street, North Fremantle

2. Defer to a future annual update:

i. House (Demolished) 16 Banister Street

ii. House 64B Attfield, 64C Attfield and 1-5/ 47 Wray Avenue

Carried: 5/0

For:

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

Against:

Nil



PSC2610-9 ADOPTION OF LOCAL PLANNING POLICY 5.4: CONVENIENCE STORES

Meeting date: Wednesday 7 October 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Decision making authority: Council
Attachments:
1. Draft LPP 5.4 - Convenience Stores
2. Comments on LPP 5.4 - Convenience Stores
Additional Information: Nil
(viewed electronically)

SUMMARY

This report discusses the results of community consultation for Local Planning Policy 5.4: Convenience Stores (LPP 5.4), and recommends that Council adopt LPP 5.4 without modifications, as provided in Attachment 1.

BACKGROUND

At the 11 February 2026 Ordinary Council Meeting, Council resolved to:

Request that the Chief Executive Officer prepare a scheme amendment, prior to the preparation of a new scheme, that changes the land use permissibility of Convenience Stores to be an 'A' use in all zones except in Residential zones where it should remain an X use.

The reason for the amendment was that:

Members of our community first raised concerns about the number of "convenience type" shops in November 2024 and since then the number of these shops in the CBD has more than doubled. The change to the scheme will require future Convenience stores to lodge a development application that is publicly advertised and allow the City of Fremantle to consider any further increase in the number of convenience shops in Fremantle.

On 16 February 2026, the State Government announced reforms to the Tobacco Products Control Act 2006 that would see increased penalties and enforcement abilities as part of a first tranche of reforms. These reforms have come into effect and seen several Convenience Stores within the City shut down under the new legislation.



Scheme Amendment 89 was drafted to change the land use table within the City of Fremantle Local Planning Scheme No. 4 to change the permissibility of Convenience Stores to an 'A' use in Local, Neighbourhood, City Centre and Industry zones. Scheme Amendment 89 is discussed in a separate report.

At the 8 April 2026 Ordinary Council Meeting, Council endorsed Scheme Amendment 89 to send to the Minister for Planning for permission to advertise. On the 17 June 2026, the City was granted permission to advertise. At the Ordinary Council Meeting of 1 July 2026, Council endorsed Local Planning Policy 5.4: Convenience Stores for the purposes of advertising. LPP 5.4 provides assessment criteria for assessment of Convenience Stores.

The policy and the scheme amendment were advertised concurrently for 42 days.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Schedule 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015* sets out the procedure for making a local planning policy. If endorsed by Council, it comes into effect on the day that notice is published.

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

LPP 5.4 was advertised concurrently with Scheme Amendment 89 for 42 days. At close of advertising, the City received 22 comments with 16 in support, 3 somewhat supportive and 3 opposed. Full comments and responses are included in Attachment 3 and summarised below:



Comment	Officer Response
There are too many convenience stores in the City and many seem to be mainly places for selling illegal tobacco rather than true convenience stores for residents.	The planning framework cannot directly address illegal tobacco sales, as that is a police matter. The intent of reducing the number of convenience stores is so that the City maintains a good mix of retail offerings, rather than being dominated by one single use type. However, convenience stores seem to be the primary land use for selling these products.
Illegal cigarette sales are caused by the taxes on the products.	Noted. The planning framework cannot directly address illegal tobacco sales, as that is a police matter.
The business should be at the landlord's discretion with any crimes addressed by the police.	Noted. The planning framework cannot directly address illegal tobacco sales, as that is a police matter.
The separation distance should be greater.	Noted. 100m will limit the number of Convenience Stores to 1 or less per block on Market Street and High Street within the City Centre.

OFFICER COMMENT

In considering the proposed policy, it is important to distinguish between concerns about the operation of individual businesses and the broader strategic planning implications of a growing concentration of Convenience stores. The recent proliferation of Convenience stores, particularly within the City Centre, has caused community concern about the cumulative effect of this land use on the diversity and character of the retail environment. Prior to advertising the policy, four Convenience stores were visible from the corner of Market Street and High Street, illustrating the degree of concentration within a relatively small area. Although each premises may be acceptable when considered individually, a clustering of similar outlets can reduce the range of services and experiences available to residents, workers and visitors. This may present a strategic risk to the City Centre's objective of supporting a diverse, resilient and attractive mix of businesses, particularly if Convenience stores are able to outcompete other retailers for well-located premises.

In ordinary circumstances, market competition would generally be expected to limit the number of comparable retail outlets operating in close proximity; however, the observed concentration indicates that this outcome cannot necessarily be relied upon.

It is understood that much of the community concern regarding Convenience stores arises from allegations that some premises sell illicit tobacco products.



Following discussion at the February Council Meeting, the State Government announced and subsequently enacted reforms that increased penalties for illicit tobacco sales, including larger fines for operators and property owners, powers to close non-compliant premises and expanded enforcement powers for police and other authorised agencies. These reforms provide a more direct mechanism for addressing unlawful sales than the local planning framework, which regulates land use and development rather than the legality of individual products or business practices. In the past few months, state enforcement action has resulted in at least three Convenience stores within the City Centre being temporarily or permanently closed, including two of the four stores previously visible from the corner of Market Street and High Street. While this demonstrates that the strengthened enforcement regime is having an effect, it does not remove the separate strategic planning issue associated with the concentration of a single retail use. The amendment is therefore intended to complement, rather than duplicate, state enforcement by enabling the City to consider the location, cumulative impact and suitability of future Convenience stores through the development application process.

Scheme Amendment 89 will require Convenience Stores to submit a planning application where located within 4 zones where they are currently permitted. However, there is limited assessment criteria against which to judge any proposal, with only general zone objectives and matters to be considered in the Regulations. Proposed LPP 5.4 (Attachment 1) introduces criteria to require a 100 metre separation distance between Convenience Stores so that no single type of store will dominate an area and squeeze out other uses that could offer diversity to the street. Having the same type of store dominate a city block also tends to reduce street activation, particularly after normal business hours, and discourages visitors who are seeking a range of offerings.

The policy also includes criteria to maintain visibility into and out of a store to make it harder to sell illicit products without being seen by the public. A number of the current Convenience Stores in the City Centre have large window areas dominated by products that act as a screen to make illicit activity more difficult to see. The City's existing planning policy on advertisements already requires that window signs cover no more than 50% of the window area.

The proposed policy would supplement that requirement and ensure that the display of goods and window signage together must not occupy more than 50% of the window area, with the visibility to be at pedestrian height.

It is noted that a local planning policy cannot fetter discretion and that it can be varied. This means that it is possible for a Convenience Store to be approved within the separation distance, provided it meets the objectives of the policy. In



this instance, the proponent would have to demonstrate that they are not contributing to an excessive concentration of Convenience Stores in any one area.

Given that Convenience Stores are currently an 'A' use in the Mixed Use and Commercial Zones, LPP 5.4 would have some utility if adopted immediately. If the scheme amendment is approved by the Minister, it will immediately affect the other zones.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Council

COMMITTEE RECOMMENDATION ITEM PSC2610-9 **(Officer's recommendation)**

Moved: Cr Melanie Clark

Seconded: Mayor Ben Lawver

Council adopt Local Planning Policy 5.4: Convenience Stores, provided in Attachment 1, under Schedule 2, Regulation 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Carried: 5/0

For:

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

Against:

Nil



PSC2610-10 FINAL RECOMMENDATION ON AMENDMENT 89: CONVENIENCE STORES

Meeting date: Wednesday 7 October 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Decision making authority: Council
Attachments:
1. Scheme Amendment 89 Report - Convenience Stores
2. Comments on Amendment 89
Additional Information: Nil
(viewed electronically)

SUMMARY

This report discusses the results of community consultation for Scheme Amendment 89: Convenience Stores.

This report recommends that Council recommend that the Western Australian Planning Commission (WAPC) and the Minister for Planning approve Scheme Amendment 89 without modifications.

BACKGROUND

At the 11 February 2026 Ordinary Council Meeting, Council resolved to:

Request that the Chief Executive Officer prepare a scheme amendment, prior to the preparation of a new scheme, that changes the land use permissibility of Convenience Stores to be an 'A' use in all zones except in Residential zones where it should remain an X use.

The reason for the amendment was that:

Members of our community first raised concerns about the number of "convenience type" shops in November 2024 and since then the number of these shops in the CBD has more than doubled. The change to the scheme will require future Convenience stores to lodge a development application that is publicly advertised and allow the City of Fremantle to consider any further increase in the number of convenience shops in Fremantle.



On 16 February 2026, the State Government announced reforms to the *Tobacco Products Control Act 2006* that would see increased penalties and enforcement abilities as part of a first tranche of reforms. These reforms have come into effect and seen several Convenience Stores within the City shut down under the new legislation.

Scheme Amendment 89 was drafted to change the land use table within the City of Fremantle Local Planning Scheme No. 4 to change the permissibility of Convenience Stores to an 'A' use in Local, Neighbourhood, City Centre and Industry zones.

At the 8 April 2026 Ordinary Council Meeting, Council endorsed Scheme Amendment 89 to send to the Minister for Planning for permission to advertise. On the 17 June 2026, the City was granted permission to advertise the amendment as presented.

At the Ordinary Council Meeting of 1 July 2026, Council endorsed Local Planning Policy 5.4: Convenience Stores (LPP 5.4) for the purposes of advertising. LPP 5.4 provides assessment criteria for assessment of Convenience Stores.

The policy and the scheme amendment were advertised concurrently for 42 days.

LPP 5.4 is discussed in a separate report.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) set out the process for a local government to amend the local planning scheme. A local government must refer scheme amendments to the Western Australian Planning Commission (WAPC), who make a recommendation to the Minister for Planning, who makes the final decision. If approved, the amendment takes effect on the day it is published in the Government Gazette.

STRATEGIC IMPLICATIONS

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



Thriving City - A resilient seven-day economy

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.
- A vibrant high street environment attracts and supports unique and independent businesses.

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

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

CONSULTATION

The scheme amendment was advertised for 42 days in accordance with the Regulations. At close of advertising, the City received 22 comments with 16 in support, 3 somewhat supportive and 3 opposed. Full comments and responses are included in Attachment 2 and summarised below:

Comment	Officer Response
There are too many convenience stores in the City and many seem to be mainly places for selling illegal tobacco rather than true convenience stores for residents.	The planning framework cannot directly address illegal tobacco sales, as that is a police matter. The intent of reducing the number of convenience stores is so that the City maintains a good mix of retail offerings, rather than being dominated by one single use type. However, convenience stores seem to be the primary land use for selling these products.
Illegal cigarette sales are caused by the taxes on the products.	Noted. The planning framework cannot directly address illegal tobacco sales, as that is a police matter.
The business should be at the landlord's discretion with any crimes addressed by the police.	Noted. The planning framework cannot directly address illegal tobacco sales, as that is a police matter.

OFFICER COMMENT

In considering the proposed amendment, it is important to distinguish between concerns about the operation of individual businesses and the broader strategic planning implications of a growing concentration of Convenience stores. The recent proliferation of Convenience stores, particularly within the City Centre, has



caused community concern about the cumulative effect of this land use on the diversity and character of the retail environment. Prior to advertising the amendment, four Convenience stores were visible from the corner of Market Street and High Street, illustrating the degree of concentration within a relatively small area. Although each premises may be acceptable when considered individually, a clustering of similar outlets can reduce the range of services and experiences available to residents, workers and visitors. This may present a strategic risk to the City Centre's objective of supporting a diverse, resilient and attractive mix of businesses, particularly if Convenience stores are able to outcompete other retailers for well-located premises. In ordinary circumstances, market competition would generally be expected to limit the number of comparable retail outlets operating in close proximity; however, the observed concentration indicates that this outcome cannot necessarily be relied upon.

It is understood that much of the community concern regarding Convenience stores arises from allegations that some premises sell illicit tobacco products. Following discussion at the February Council Meeting, the State Government announced and subsequently enacted reforms that increased penalties for illicit tobacco sales, including larger fines for operators and property owners, powers to close non-compliant premises and expanded enforcement powers for police and other authorised agencies. These reforms provide a more direct mechanism for addressing unlawful sales than the local planning framework, which regulates land use and development rather than the legality of individual products or business practices. In the past few months, state enforcement action has resulted in at least three Convenience stores within the City Centre being temporarily or permanently closed, including two of the four stores previously visible from the corner of Market Street and High Street. While this demonstrates that the strengthened enforcement regime is having an effect, it does not remove the separate strategic planning issue associated with the concentration of a single retail use. The amendment is therefore intended to complement, rather than duplicate, state enforcement by enabling the City to consider the location, cumulative impact and suitability of future Convenience stores through the development application process.

The proposed amendment (Attachment 1) seeks to change Convenience Stores from a 'P' to an 'A' use in the Local, Neighbourhood, City Centre and Industry zones. Convenience Stores are already an 'A' use within the Mixed Use and Commercial zones. An 'A' use requires that a planning approval be submitted and that the City advertise the application prior to making a determination. While there is a less onerous 'D' (Discretionary) use available that does not require advertising, the Regulations have exempted Convenience Store uses from requiring planning approval where they are a 'D' use and they do not sell petroleum products. Hence, they must be an 'A' use for the City to assess them.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Council

COMMITTEE RECOMMENDATION ITEM PSC2610-10 **(Officer's recommendation)**

Moved: Mayor Ben Lawver

Seconded: Cr Melanie Clark

Council:

- 1. Support the proposed Scheme Amendment 89: Convenience Stores, provided in Attachment 1, without amendments under Schedule 2, Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Authorise the Chief Executive Officer and the Mayor to sign and seal any required documentation necessary to refer the scheme amendment to the Minister for Planning.**

Carried: 5/0

For:

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

Against:

Nil



Committee delegation

PSC2610-8 PLANNING INFORMATION REPORT - OCTOBER 2026

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date:	Wednesday 7 October 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 7 October 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
DA0108/26
Site Address and Proposal
No. 612/23 (Lot 82) Adelaide Street, Fremantle – Change of use to Unhosted short-term rental accommodation
Update and status
- At its meeting held on 10 June 2026, the Council resolved to refuse the application. - On 20 July 2026 an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Mediation session between the parties was held on 28 August 2026.



- The matter was reconsidered at an Ordinary Council Meeting on 23 September 2026, with Council resolving to approve the application subject to a 24 month time restriction.

2. 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.
- The State Administrative Tribunal has ordered the Development Assessment Panel to reconsideration an amended proposal on or before the 31 October 2026.
- At the time of writing this report, the applicant had not provided a revised proposal for consideration. A directions hearing is scheduled to determine next steps.

3. Application Reference

DA0153/26

Site Address and Proposal

No. 39/31 East Street, Fremantle – Change of use to Unhosted short-term rental accommodation

Update and status

- At its meeting held on 22 July 2026, the Council resolved to refuse the application.
- On 17 August 2026, an application for review by the State Administrative Tribunal was lodged by the owner.
- A directions hearing was held on 4 September 2026.
- Mediation was held between the applicant and City on 24 September 2026.
- The matter will be reconsidered by Council in October.

4. Application Reference

DA0188/26

Site Address and Proposal

No. 6/37 Pakenham Street, Fremantle – Change of use to Unhosted short-term rental accommodation

Update and status

- At its meeting held on 5 August 2026, the Council resolved to refuse the application.



- On 10 September 2026 an Application for Review by the State Administrative Tribunal was lodged by the owner.
- A Directions Hearing is scheduled for 13 November 2026.

5. Application Reference
DAP003/26
Site Address and Proposal
No. 254c Hampton Road, Beaconsfield – Redevelopment of existing Motor vehicle wash
Update and status
• On 16 June 2026 the City accepted an application for the above proposal. • On 15 September 2026, the Authorised City officer submitted the RAR to DAP, with a recommendation for approval. • At its meeting on 24 September 2026, the Development Assessment Panel (DAP) resolved to approve the development.

6. Application Reference
DAP004/26
Site Address and Proposal
No. 382 South Terrace, South Fremantle- 3x studio apartments and 1 x commercial unit with carpark – 3 storey development
Update and status
• On 1 September 2026 the City accepted an application for the above proposal. • Community consultation for this item closes on 19 October 2026. • A Responsible Authority Report is due to DAP on 18 November 2026.

3. ADMINISTRATIVE CHANGES TO POLICY UNDER DELEGATION

1. Policy Reference
LPP 2.3 Fremantle Port Buffer Area Development Guidelines
Amendments
Administrative amendment to clarify built form requirements apply to all development in Area 1.

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 PSC2610-8
(Officer's recommendation)

Moved: Mayor Ben Lawver

Seconded: Cr Ingrid van Dorssen

Council receive the following information reports for October 2026:

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

Carried: 5/0

For:

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

Against:

Nil



Cr Jemima Williamson-Wong declared a financial interest in item PSC2610-7, earlier in the meeting. Cr Williamson-Wong left the meeting prior to the discussion and vote on the item at 8.15pm and did not return.

At 8.15pm the Cr Melanie Clark assumed the chair.

**PSC2610-7 REVIEW OF LOCAL PLANNING POLICY 2.27: UNHOSTED
SHORT-TERM RENTAL ACCOMMODATION**

Meeting date:	Wednesday 7 October 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Draft LPP 2.27 Unhosted STRA 2. Draft LPP 2.27 - USTRA - Tracked changes
Additional Information:	Nil

(viewed electronically)

SUMMARY

This report introduces proposed amendments to Local Planning Policy 2.27 Unhosted Short-Term Rental Accommodation (LPP 2.27) which seek to provide further guidance for the preferred location for approval and restriction of unhosted short-term rental accommodation (USTRA) within the City.

The policy has been in active use since the start of 2026 with a number of applications for USTRA being considered by Council. It has become evident that there are improvements required to the policy to more clearly outline expectations regarding the suitability of properties for USTRA.

This report recommends that Council endorse draft amendments to LPP 2.27, as provided in Attachment 1, for the purpose of advertising.

BACKGROUND

In November 2023, the Western Australian Planning Commission (WAPC) released its Position Statement and Guidelines for Tourism and Short-Term Rental Accommodation (STRA), supporting broader state reforms arising from the 2019 parliamentary inquiry into the impacts of short-term rentals. The reforms introduced a mandatory state-wide STRA Register under the Short-Term Rental Accommodation Act 2024, which replaced the City's Short Stay Accommodation

Local Law and register from 1 January 2025, requiring all hosted and unhosted accommodation providers to register.

Prior to this change, short-term rental accommodation was an exempt land use throughout the City of Fremantle under Local Planning Policy 1.6: Development Exempt from Planning Approval. Applicants only had to register with the City to get a license under a Health local law, but there was no planning permission required.

The new changes mean that hosted STRA is completely exempt from planning approval, while USTRA is exempt for up to 90 nights per year, with the Register monitoring bookings and notifying local governments as properties approach this limit. To align with related changes to planning regulations and ensure consistency across Western Australia, the City was required to amend its local planning scheme, and LPP 2.27 was prepared to provide guidance for the assessment for USTRA. LPP 2.27 was adopted at the 13 August 2025 to accompany gazettal of scheme amendment 88.

The Department of Planning, Lands and Heritage provides a public heat map of approved STRA as shown below:

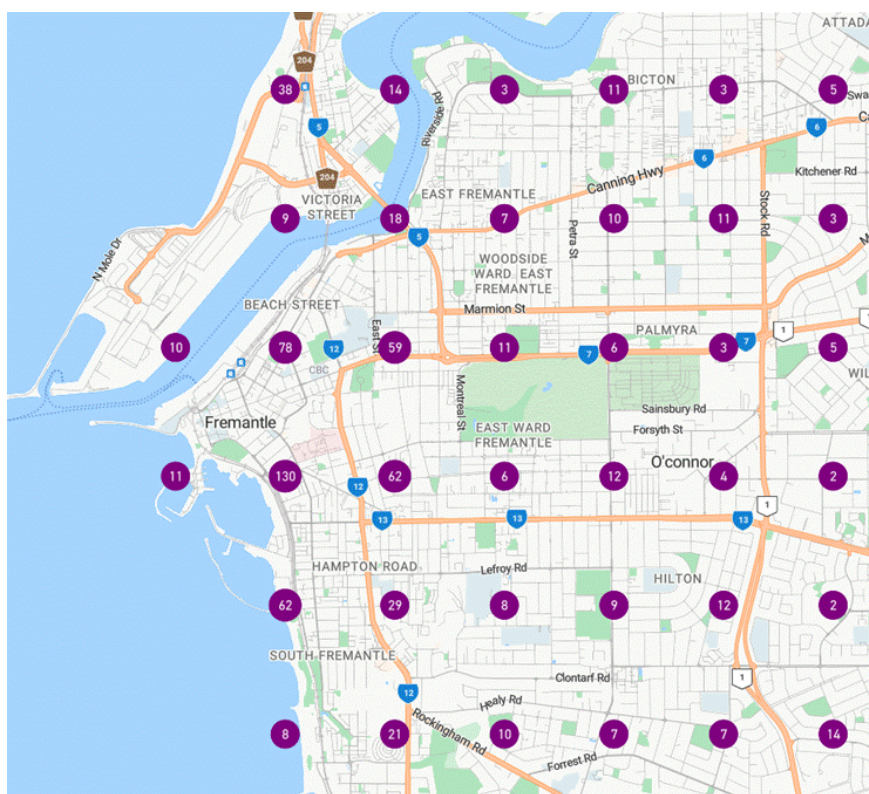


Figure 1: Heat map of STRA



Note that this public map is divided into squares so as not to show individual properties in order to protect privacy. It also includes both hosted and unhosted STRA, and includes those STRA units registered last year prior to the end of the exemptions.

Since the new legislation came into effect at the start of this year, the City has received 33 development applications for USTRA as of the writing of this report. Of these:

- 14 approvals granted
- 5 refused, with 3 currently appealing the decision through the State Administrative Tribunal (SAT)
- 11 under assessment
- 3 cancelled / withdrawn.

Shelter WA's May 2026 report, *Death by 10,000 Cuts: A Report on the Impact of Short-Term Rental Accommodation in WA*, notes that more than 10,000 dwellings across Western Australia have reportedly been diverted from the long-term rental and home ownership market into short-term accommodation, contributing to reduced housing supply and increased pressure on housing affordability. Fremantle was identified as having the fourth-highest number of Airbnb listings in Western Australia between March and September 2025, highlighting the significance of this issue locally.

In response to STRA reforms and implementation of the Register, WALGA have prepared a *Short-Term Rental Accommodation (STRA) in Western Australia Consultation Paper* (September 2026) to formulate a draft advocacy position. The paper outlines a number of considerations associated with STRA operations, regulatory settings and the current housing landscape. While STRA provides important tourism accommodation and economic benefits to the City, there remains concerns at the reduced supply of long-term housing and the contribution of this to affordability pressures. According to the WALGA paper one- and two-bedroom dwellings, which are typically among the most affordable rental options, account for 52% of Airbnb listings in WA, suggesting that STRA may be removing more affordable properties from the long-term rental market. The report notes that with their understanding of local contexts, local governments can play an important role in balancing tourism benefits with broader planning outcomes such as long-term housing objectives.

The City's Economic Development Strategy recognises that an increased resident base promotes local commercial opportunities and supports the retail environment and nightlife. Permanent residents drive the everyday demand for goods and services and ensures that Fremantle is not simply a weekend destination. The Economic Development Strategy also recognises the importance of tourism to



Fremantle. Tourism made up 18 per cent of the local industry in 2023-24 and attracted 1.3 million visitors. In 2025, Fremantle was awarded the Top Tourism Town, further emphasising the importance the City has placed on being an attractive destination. A sufficient supply of short-term accommodation complements tourism.

These two factors – tourism and permanent residents – must be balanced against each other when considering how to assess short-term rental accommodation and what limits to impose.

Officers have reviewed the current LPP 2.27 and considered short-term rental accommodation policies adopted by other local governments to investigate ways to strengthen provisions to ensure the availability of dwellings for permanent residents. Other local governments have implemented various criteria, such as locating USTRA:

- near sites of high tourism value (e.g. Perth Zoo, Coastal nodes)
- Within 200-400m of high frequency transportation
- Within 200-400m of specific zones
- Within 200m of transport corridors/road types
- Specified areas mapped out
- In locations with 'Preferred' characteristics

The Officer Comment section of this report discusses the proposed amendments to the policy in detail.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Thriving City - A resilient seven-day economy

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



Thriving City - Vibrant and active city centre

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

CONSULTATION

Should Council adopt the draft LPP 2.27 for the purpose of advertising, it will be undertaken in accordance with clause 5, Schedule 2 of the Regulations. The policy will be advertised for a minimum of 21 days, after which it will be referred back to Council for a final decision.

OFFICER COMMENT

Proposed amendments to LPP 2.27

The proposed policy amendments seek to achieve a balanced outcome by acknowledging and supporting Fremantle's tourism economy while responding to the ongoing housing crisis. Fremantle's importance as a visitor destination is recognised through its award as Australia's Top Tourism Town in 2025. By managing its prevalence within residential developments, the amendments aim to support the local tourism sector while protecting housing choice and residential amenity for the community.

It is proposed that LPP 2.27 be amended to introduce parameters to define "preferred" and "undesirable" characteristics of proposed USTRA based on several criterion:

Preferred:

- a. Location – Must be located within a 200m buffer of a high frequency bus route, fronting High Street or within the area bounded by Curtin Avenue, Walter Place and Leighton Beach Road, North Fremantle.
- b. Saturation – The USTRA is proposed in a development with no more than 20% of existing USTRA in a complex, and no more than 20% of dwellings within adjoining properties being an existing USTRA.
- c. Proximity to noisy areas – Bonus for being in a vibrant area such as the City Centre.

Undesirable:

- a. Does not meet (a) and (b) above
- b. Does not have approval from a majority of strata owners (if on a strata title).
- c. Is located at the rear of a battleaxe-style site.

The policy is drafted such that having 1 or more undesirable characteristics makes the entire proposal undesirable, despite how many preferred characteristics it may have.

Location

Location requirements for USTRA have been introduced, which seek to ensure a balance between the need for tourist accommodation in suitable locations and the preference for long term and affordable housing for residents within the City.

This approach recognises Fremantle's role as a premier tourism destination directing visitor accommodation to locations that provide convenient access along high frequency bus routes (shown as blue in figure 2 below). It also promotes USTRA in areas typically considered to be noisy, such as High Street in the City Centre (green in figure 2), in order to reduce conflicts between permanent residents and entertainment and nightlife venues, as well as the area bounded by Walter Place, Curtin Avenue and Leighton Beach Road (green in figure 2) where other tourist accommodations such as hotel are designated as potential uses under Local Planning Scheme No. 4.

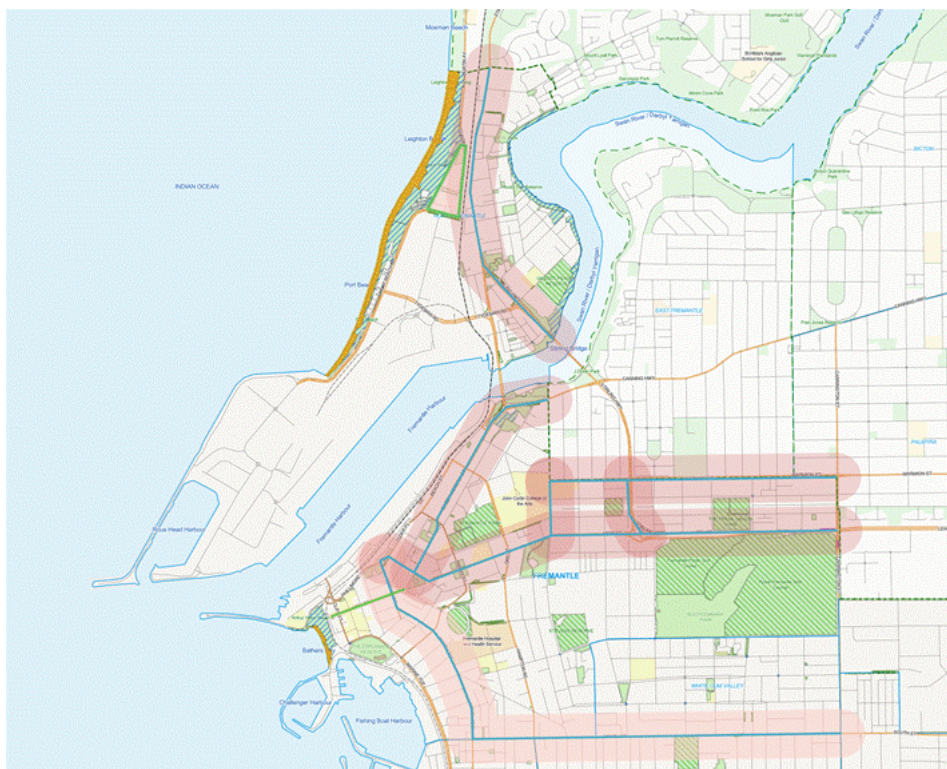


Figure 2: Preferred location of USTRA shown in red (high frequency bus route in blue, High St and North Fremantle area in green).

Saturation

The proposed amendments seek to reduce the oversaturation of STRA within grouped and multiple dwelling developments, and within an area. This responds to increasing concerns regarding the cumulative impact of STRA on housing availability and affordability. Providing for a cap of 20% of residential dwellings in a residential complex and the adjoining residential dwellings which can be approved/registered as USTRA seeks to ensure that single locations, especially where affordable housing is located, are not inundated with USTRA.

Below are two examples of how the provisions will be assessed:

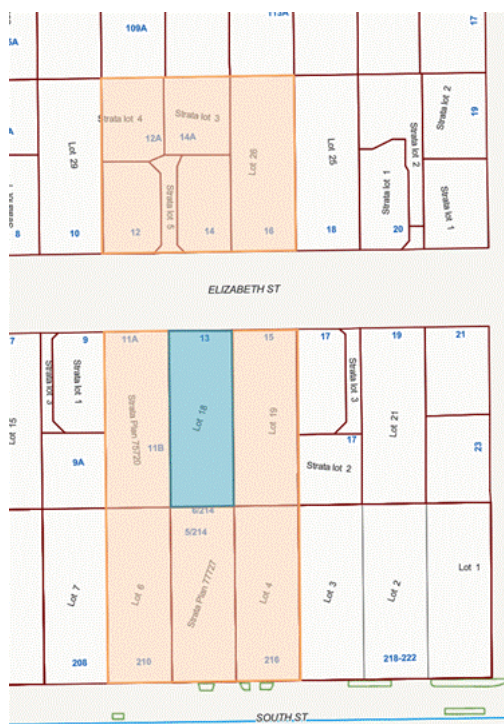
- Multiple dwelling located on high frequency bus route (23 Adelaide Street, Fremantle)



Total residential dwellings in development	118
20% of residential dwellings in development	24
Total adjoining residential dwellings	85
20% of adjoining residential dwelling	17

There are currently 27 STRA located in the development, 25 of which are unhosted. There are currently no STRA located in the adjoining dwellings. The development exceeds the 20% cap, therefore proposals for additional USTRA units in this development would be considered undesirable.

- Single house located within 200m of high frequency transport route (13 Elizabeth Street, White Gum Valley)



Total residential dwellings in development	1
20% of residential dwellings in development	N/A
Total adjoining residential dwellings	13
Total residential dwellings	14
20% of residential dwellings	3

In this location the use of 3 of the 14 dwellings for USTRA would be considered acceptable. Currently there are no USTRA dwellings at this location, therefore a USTRA at 13 Elizabeth Street would meet a) and b) of the Preferred Property Characteristics as the location is not saturated by USTRA and it is located within 200m of a high frequency bus route on South Street.



Proximity to noisy areas

Locating USTRA in areas with existing ambient noise and non-residential uses is considered appropriate as visitors generally expect a level of activity associated with tourism destinations. These locations are less suited to more noise-sensitive permanent residential uses, which makes High Street in Fremantle a good location for USTRA.

Strata approval

Since the changes to USTRA came into effect at the beginning of this year, City Officers have identified a common occurrence for USTRA proposed within a strata title. The strata manager will sign the development application form on the grounds that there is no strata by-law against short-term rental accommodation. Then, when Officers advertise the proposal, a number of units within the building object, necessitating a referral to Council for a decision.

The amended policy requires that an application include evidence that the proposal has been approved by a simple majority of strata owners before the application can be accepted. This could either be through official minutes or through some other form of confirmation that includes contact information that City Officers could verify. Requiring this approval up front would force the strata members to sort out the issue among themselves in advance rather than make the City the arbiter of a decision to which a majority of members object.

Battleaxe-style site

A battleaxe-style site is an undesirable location as it requires visitors to drive past the front house, potentially disturbing the occupants. Being at the rear of a battleaxe-style lot also means the house is located closer to outdoor living areas and other sensitive areas of adjoining properties. Labelling these lots as "undesirable" aims to reduce the potential land use conflict between permanent residents and short-term residents.

Objectives

To bolster the new criterion, the policy objectives have been modified to place more of an emphasis on balancing the needs of short-term visitors with those of long-term residents and ensuring that affordability and permanent housing stock is maintained. As highlighted in the WALGA paper, several other local governments have included objectives that respond to local housing needs. The City of Belmont's LPP was tested and upheld by SAT. In the case of Abdullah and City of Belmont [2025] WASAT 110, the Tribunal upheld the refusal of an USTRA



application, finding it inconsistent with the policy's locational and housing supply objectives despite no adverse amenity impacts.

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 Andrew Sullivan

Seconded: Mayor Ben Lawver

Council endorses draft Local Planning Policy 2.27: Unhosted Short-Term Rental Accommodation, as provided in Attachment 1, for the purpose of advertising in accordance with clause 5, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following procedural motion:

PROCEDURAL MOTION

At 8:25pm the following procedural motion was moved:

Moved: Cr Andrew Sullivan

Seconded: Mayor Ben Lawver

The item be deferred to the next appropriate Planning Services Committee meeting to further review the draft policy.

Carried: 4/0

For:

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

Against:

Nil



Reason for deferral:

The Committee resolved to defer consideration of the draft Short-Term Rental Accommodation Policy to enable further review of a number of policy matters raised during Committee discussion. These matters included:

1. Balance the need for short-term rental accommodation with the need to maintain and encourage investment in permanent, purpose built and managed tourism and short stay accommodation, including hotels, motels, backpacker accommodation, co-living and student accommodation, and the additional support infrastructure they provide that supports tourism and visitations.
2. Regarding the section that states: "Unhosted short-term rental accommodation which is registered under the Short-Term Rental Accommodation Act 2024, Part 3, prior to 9 January 2026 are considered existing non-conforming uses, meaning planning approval is required to continue this land use at the property under the same landowner", do we need to emphasise that if the use ceases (? say for more than 90 days?) or is used as hosted short stay, the exemption expires?
3. Regarding not counting under 16's in the occupancy head count, is that written in law or can we include all persons in the head count? In the hotel business 12 and over are counted as adults. Ages 3 to 11 stay for free but are still counted against the actual bed count. Only infants and toddlers under 3 are excluded from the PAX or bed count. Should we change "16" to "3"?
4. Clause 8.3a requires a nuisance complaint to be dealt with within 12 hours but that seems completely unreasonable when guests could conceivably party all night and only get dealt with or evicted in the morning. We discussed this issue at a recent SAT mediation and felt that a manager should respond within an hour to deal with a complaint, not 12. In support of this, short-stay unit managers can install detection systems that alert them to problems even before they arise. Managers can telephone guests to reinforce their obligations. If there's no response the manager should visit immediately even if that is in the middle of the night, or more correctly, especially if that is in the middle of the night. This is how a hotel operates so why should short stay operate any differently. Can we change the response time to 1 hour, noting it's a policy and some slippage would be tolerated, but 12 hours is just unacceptable slack.



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 8.26pm.