



Additional documents

Ordinary Meeting of Council

Wednesday 9 April 2025 6:00 pm



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C2504-1 LOT 201 (NO. 1) GOLDSBROUGH ST & PART LOT 40 (NOS. 48-68) CANTONMENT ST, FREMANTLE (WOOL STORES)- SEVEN (7) STOREY MIXED USE DEVELOPMENT COMPRISING 39 MULTIPLE DWELLINGS, 174 CO-LIVING (RESIDENTIAL BUILDING) UNITS, OFFICE, RESTAURANT/CAFÉ, SHOP AND TAVERN

Proposed Alternative Motion by Mayor Hannah Fitzhardinge

SUPPORT the Alternative Officers Recommendation to APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop and Tavern Land Uses at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle, as per the Responsible Authority Report with the following additional condition:

- 39. Prior to the lodgement of a building permit, a revised plan for the Cantonment Street elevation shall be provided that demonstrates the following to the satisfaction of the City of Fremantle:**
- Replacement of the glazed doors for the southern most F+B/Retail outlet with fixed glazing, and entry to the tenancy to be taken from the central lobby.**
 - Replacement of the glazed doors for the second F+B/Retail outlet with fixed glazing, retention of the ledge in front of the opening, and entry to the tenancy to be taken from the central lobby.**

Reasons for alternative motion:

The development proposed is a high-quality outcome for the site and the applicant's heritage assessment that the proposal satisfies the requirements of Clause 4.14 (Demolition) is accepted. An additional condition is requested to ensure ongoing skateability of the ledge in recognition of the cultural significance of the place and to ensure skateboarding can occur safely by removing potential conflict between skaters and people accessing the commercial tenancies.



C2504-1 LOT 201 (NO. 1) GOLDSBROUGH ST & PART LOT 40 (NOS. 48-68) CANTONMENT ST, FREMANTLE (WOOL STORES)- SEVEN (7) STOREY MIXED USE DEVELOPMENT COMPRISING 39 MULTIPLE DWELLINGS, 174 CO-LIVING (RESIDENTIAL BUILDING) UNITS, OFFICE, RESTAURANT/CAFÉ, SHOP AND TAVERN

Proposed Amendment by Officers

Amend conditions 12 and 21 of the Alternative Officers Recommendation to APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop and Tavern Land Uses at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle, as per the Responsible Authority Report to read as follows:

- 12. Prior to the lodgement of a building permit application for the works hereby approved, a traffic impact study addressing any need resulting from the development for the upgrading of the adjacent roads, including the location of access points to the on-site parking with particular attention to queuing, sight lines for exiting vehicles, weaving and gap analysis at the development's vehicle entries, being submitted and approved by *the* City of Fremantle's ~~Traffic Design Officer~~.**

The recommendations of the approved Plan are to be implemented at the developer's cost, prior to the occupation of building(s) *to the satisfaction of the City of Fremantle*.

- 21. Prior to the lodgement of a Building Permit application, an updated Waste Management Plan shall be prepared in accordance with advice from the City's ~~Waste Management Team Leader~~ and subsequently be submitted to, and approved by the City of Fremantle.**

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

Reasons for amendment:

Minor amendments to recommendations of conditions of approval in the Alternate Recommendation, to remove references to job titles.



C2504-1 LOT 201 (NO. 1) GOLDSBROUGH ST & PART LOT 40 (NOS. 48-68) CANTONMENT ST, FREMANTLE (WOOL STORES)- SEVEN (7) STOREY MIXED USE DEVELOPMENT COMPRISING 39 MULTIPLE DWELLINGS, 174 CO-LIVING (RESIDENTIAL BUILDING) UNITS, OFFICE, RESTAURANT/CAFÉ, SHOP AND TAVERN

Proposed Amendment by Cr Andrew Sullivan

Amend the Alternative Officers Recommendation to APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop and Tavern Land Uses at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle, as per the Responsible Authority Report, to include the following advice note:

1. *In relation to the contribution required for LPP 2.19 Contributions for Public Art and/or Heritage Works, the applicant is encouraged to continue working with the City of Fremantle, and are provided with the following guidance as to what is reasonable in complying with the policy:*

- ***The required contribution shall not be spent on general urban or streetscape improvement works.***
- ***The contribution must:***
 - ***Include public art works for the purpose of providing public art within the locality or area of the development that are responsive to site and that draw on the cultural, social and historical context of place. These influences may include the existing skate culture and former wool trade for example; and/or***
 - ***Include heritage interpretation works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance (for example – former schools at Princess May Park). This does not include the subject development site; and/or***
 - ***Provide funds to be accrued for public art projects led by the City of Fremantle.***

Reasons for amendment:

To provide clarity to the applicant regarding the City's expectations for the Public Art contribution.



C2504-1 LOT 201 (NO. 1) GOLDSBROUGH ST & PART LOT 40 (NOS. 48-68) CANTONMENT ST, FREMANTLE (WOOL STORES)- SEVEN (7) STOREY MIXED USE DEVELOPMENT COMPRISING 39 MULTIPLE DWELLINGS, 174 CO-LIVING (RESIDENTIAL BUILDING) UNITS, OFFICE, RESTAURANT/CAFÉ, SHOP AND TAVERN

Proposed Amendment by Cr Ben Lawver

Amend Condition 11 of the Alternative Officers Recommendation to APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop and Tavern Land Uses at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle, as per the Responsible Authority Report, to read as follows:

- 11. Prior to the submission of a Building Permit, the applicant is to submit detailed plans for the provision of three (3) loading/service bays within the ~~road-reserves immediately adjacent the subject development~~ site for approval by the City of Fremantle.**

Prior to the occupation of the development hereby approved, the three (3) loading/service bays are to be constructed ~~in-agreement with to the satisfaction of the City of Fremantle. All costs associated with the design and construction of the parking bays are to be borne by the landowner in full.~~

Reasons for amendment:

Utilising on-street parking requires a separate approval process and the proposed removal of the Heritage internal works is at least in part for parking purposes. Also, with a shortfall of over 500 parking bays already, using 3 or more of the proposed internal parking bays for loading won't materially increase any parking pressure that may be absorbed in the community.



**C2504-2 SOUTH STREET NO.228 (LOT 3) WHITE GUM VALLEY -
UNAUTHORISED CHANGE OF USE FROM LUNCH BAR TO
RESTAURANT / CAFE - (DA0019/25)**

Proposed Amendment by Cr Andrew Sullivan

Amend Condition 4 of the Officer's Recommendation, and add an additional advice note, to read as follows:

Amended Condition:

- 4. Within 60 days of the determination notice of the development hereby approved, a plan detailing:**
- a. The provision of two (2) Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks *(to be constructed within 120 days of the determination notice)* shall be provided to the satisfaction of the City of Fremantle.**
 - b. *A revised parking plan, showing a minimum of two car bays for the use of staff, with access from a single crossover only shall be provided to the satisfaction of the City of Fremantle.***

~~The racks shall be installed within 120 days of this determination notice and thereafter maintained for the life of the development.~~

Additional Advice note:

- 1. The applicant is advised that the parking and bin storage area is recommended to be along the northern boundary. A 3m wide strip that includes two tandem staff bays should be access directly from a single crossover to minimise vehicle movements in the area.***

The applicant should also liaise with the City on improvements to the existing on street parking arrangement.

Reasons for amendment:

While the onsite area could accommodate four parking bays, this would be at the expense of one or two informal street bays and as such would deliver a net increase of 2 or 3 bays. The use of part of the rear yard for staff parking will allow the applicant to retain part of the outdoor play area and limit the extent of vehicle movements across the footpath while achieving a similar overall parking improvement.



**C2504-2 SOUTH STREET NO.228 (LOT 3) WHITE GUM VALLEY -
UNAUTHORISED CHANGE OF USE FROM LUNCH BAR TO
RESTAURANT / CAFE - (DA0019/25)**

Additional Information by Officers

Five (5) submissions were inadvertently left out of this week's agenda for No. 228 South Street, White Gum Valley (Lovers Café). There are five additional submissions, 3 objecting and two in favour. Of those objecting, they raise similar concerns in relation to car parking, waste management and traffic congestion.

These are attached for Council's consideration, [here](#).



**C2504-3 PAKENHAM STREET, NO. 47 (LOT 116), FREMANTLE - MIXED
USE DEVELOPMENT - (JD DAP001/25)**

Proposed Alternative Motion by Cr Ben Lawver

NOT SUPPORT the Officers Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Mixed use (Restaurant/Café and Multiple Dwellings) development, and provide the following Alternate Recommendation for DAP's consideration:

That the Metro Inner DAP Name resolves to:

- 1. Accept that the DAP Application reference DAP/24/02637 is appropriate for consideration as a Multiple Dwelling and Restaurant/Cafe land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4.***
- 2. Refuse DAP Application DAP/24/02637 and accompanying plans (attachment SD1-00 (Rev. D), SD1-01 (Rev. D), SD1-02 (Rev. N), SD2-01 (Rev. Q), SD2-02 (Rev. N), SD2-03 (Rev. N), SD2-04 (Rev P), SD2-05 (P), SD2-06 (Rev. M), SD3-01 (F), SD3-02 (E), SD3-03 (E), SD4- 01 (Rev. H), SD4-02 (Rev. A), SD5-01 (Rev. Q)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4 for the following reasons:***
 - a. The application is not consistent with the requirements of Schedule 7, Local Planning Area 1 (Sub Area 1.3.1) in relation to the proposed building heights and will be detrimental to the character and amenity of the area.***

Reasons for alternative motion:

If Council is prepared for five story developments to be allowed in the west end it would be more appropriate to change the existing policy rather than continue setting greater and greater precedents.



**C2504-6 BUTSON STREET, NO.13 (STRATA LOT 1), HILTON – TWO
STOREY ADDITONS AND ALTERATIONS TO EXISTING**

Proposed Alternative Motion by Cr Ben Lawver

Council refer the application to the administration with the advice that the Council is not prepared to grant planning approval to the application for the two storey additions and alterations to existing Grouped Dwelling at No. 13 (Strata Lot 1) Butson Street, Hilton based on the current submitted plans and invite the applicant, prior to the next appropriate Ordinary Council meeting to consider submitting an amended proposal that reduces the building height and/or visibility from the primary street of the addition.

Reasons for alternative motion:

The proposal is inconsistent with the building height provisions of LPP 3.7 Hilton.



Additional Documents - Attachments

Additional Information by Officers

DA001925 - Unauthorised change of use of café at 228 South Street WGV

We reside at

The location of our house has for many years been an area relatively protected by pedestrian and vehicle traffic, on a small quiet street.

We have enjoyed the peaceful ambience and community/family-focused environment for the last 12 years, and the community focuses on preserving the natural environment and looking out for each other, which is why we have remained.

However, this all changed since the tenants of Lovers Canteen and Café started renovating the premises in late 2024 and subsequently opened their doors. Since then, we have had consistent issues around the grossly inadequate parking facilities, selfish parking habits of café patrons and complete lack of engagement from the café owners/management on working with surrounding homeowners to address the issues and work on finding solutions.

The fact that the owners of the café decided to completely ignore the permit and approvals process when opening up their new business, shows a complete lack of integrity and respect for the City of Fremantle's bylaws, regulations and processes as well as the welfare of surrounding residents and the local community.

The café owners are well aware of the required permit and licence approvals process and did not bother to do any due diligence on their responsibilities, despite being café owners of at least two other cafes in the Perth metro area (one of which is located in the City of Fremantle). They have been quoted in media saying that locals have not engaged with them on the issues, which is a complete lie and also laid the blame of their lack of due diligence and their responsibilities on the real estate agent and the City of Fremantle...essentially everyone but themselves. This approach is designed to depict them as victims and shift the blame and unfortunately, this has had some traction in the media and it is the residents of Stokes street who are now being targeted by the café patrons as being unreasonable and I have started to receive abuse outside my premises.

The recent impact of parking and traffic congestion has been problematic solely due to the increase in pedestrian and vehicle traffic and the initiatives the café management have put in place to maximise capacity and profits at the expense of the surrounding residents.

Stokes Street is packed with cars on weekends and on numerous occasions the parking habits of the café's patrons have resulted in local residents being blocked in their driveways and the street being congested to the point where larger vehicles and trucks, including waste management and emergency vehicles are unable to access the street.

This has resulted in a fair amount of frustration, aggression and confrontation by the affected parties.

Despite trying to calmly and proactively engage with the management on the parking issues and encourage them to use the designated parking infrastructure on site, which they have turned into a basketball court, they refused this compromise and informed us that they have 'big plans' for this area. We can only assume that they plan to increase the seating capacity of the café in this space, which will only serve to exacerbate the problem and add more parking and other pressures to the surrounding precinct.

The lack of parking in the precinct compared to the cafe's substantial unauthorised capacity is a significant problem and any plans to increase the café seating area will only exacerbate this issue. We have also been told that the owners of the commercial property across the road (old Retro Joe premises) are planning to open up a new business and this will only increase the competition for parking bays in the street.

The basketball court area is also being used to house a large industrial refrigerator which causes noise pollution 24/7, industrial sized waste bins and a play area for young children. The bins are close to kids playing areas and have we have noticed a significant increase in rats and vermin in the surrounding precinct which we can only attribute to the bins and lack of adequate management of the cafes waste, which also blows down our street and accumulates on the verges.

We are requesting that the traffic congestion impact on Stokes Street at both entry points into Stokes Street (Samson and South Street) are carefully considered given the current congestion and increasing speed at which a large number of vehicles turn into Stokes Street from Samson and South Street. Careful consideration and regulations are needed to ensure the safety of pedestrians, cyclists, and children entering our street from both Samson and South Street due to the increasing speed that occurs due to Stokes Street's location.

We request that the Fremantle Council consider the following matters when assessing the cafes **retrospective** application for a permit to run a Lovers Canteen and Café at 228 South Street:

- Acknowledge the lack of due diligence or integrity of the owners when setting up their new business without any approvals or permits;
- If an application/permit is to be granted, then ensure the dedicated parking area on the premises is utilised for its intended use to limit the parking impact on Stoke St and surrounding streets;
- impose a considered patron capacity limit on the premises, taking into account the available parking and other current and planned businesses in the surrounding commercial precinct;

- Implement parking restrictions on Stokes St to ensure limited congestion, allow access for residents to their driveways and ensure one side of the street is accessible at all times. **Our strong preference and that of our neighbours is to use yellow line marking on the road as opposed to ugly street signs;**
- Ensure the waste management infrastructure is adequate and reduces vermin and waste blowing down the street;
- Ensure that refrigeration unit is moved inside the premises to reduce noise pollution and ensure more cars are able to access the parking lot;
- Ensure a service vehicle space is designated for trucks and cars dropping off goods at the café;
- Ensure adequate amounts of amenities/toilets on site in line with the café capacity; and
- That the Café remove the current bike rack on Council land and replace with one which is not a trip hazard on the cafes premises.

As a rate payer it is disappointing to see the City of Fremantle's lack of policing of these permit and approvals process, it took close to 2 months of complaints by numerous residents and media exposure before any action was taken by the city to check on the parking and compliance issues and it was found that no effort was made by the café's owners to comply with any of the City's processes.

I do however, want to acknowledge *our ward councillor Jenny Archibald* and the City of Fremantle's Parking & Infringements team, who have taken a proactive approach to managing the illegal/excessive parking in our small suburban street and been receptive to attending the scene when we have had issues.

A number of my neighbours and I would like the opportunity to have input into the proposed parking restrictions and the initiatives that the City are looking to implement to help address the parking issues in Stokes Street. Stokes Street is one of the more pleasant streetscapes in WGV and we would like this retained as much as possible. We are not supportive of converting the Stokes Street water sump verge to parking bays for the Café or erecting ugly street signs up the street.

I look forward to seeing the outcome of the process and if a permit should be granted, working with the café and City of Fremantle on an agreed approach on how the issues raised in this letter and any other responses received will be addressed.

25 February 2025

Re: 228 South Street WHITE GUM VALLEY - Unauthorised Change of Use to Cafe/Restaurant - DA0019/25

I am writing to express my full support for the planning approval of the local café, *Lovers*, situated at 228 South Street, White Gum Valley (DA0019/25). This café has become an integral part of our community, plays a vital role in improving the area, and has had such a positive impact on the neighbourhood.

A Boost for the Community

The café has revitalised the local area, breathing life back into what was previously a somewhat underdeveloped spot. It has become a gathering place for residents of all ages, from young families to older community members, and has contributed to a sense of belonging and community cohesion. Additionally, the basketball area at the back of the café has been a fantastic addition for those of us with young families. Whilst I understand this may need to be converted to car parking, it would be such a shame to lose this space!

Parking Considerations

The statutory requirement for car parking spaces is 10 spaces. However, the café is able to provide 4 parking spaces on-site, resulting in a shortfall of 6 spaces.

This shortfall is considered to be acceptable due to several factors that support alternative transportation options. Firstly, the café is well-served by public transport, with excellent access to nearby bus stops, making it easily accessible for customers who do not drive and encouraging a more sustainable and walkable approach to visiting the café. Additionally, the café is within walking distance from an established residential neighbourhood, which means that many customers can conveniently walk to the café, reducing the need for car parking.

Moreover, there is ample on-street parking available in the surrounding area, which provides further support for visitors who choose to drive. It is also important to note that the peak customer period is relatively brief, with most customers staying for only 30 minutes to 1 hour, meaning that parking spaces turnover quickly and are available for new customers.

Given these factors, the shortfall of 6 parking spaces can be considered manageable, and the café's overall impact on traffic and parking will remain minimal.

A Genuine Misunderstanding Regarding Unauthorised Use

It is also important to note that any previous concerns regarding unauthorised use of the space were genuinely a misunderstanding on the part of the café. Once the situation was brought to their attention, they acted swiftly and responsibly by submitting a retrospective planning application to ensure everything is in compliance. This shows their commitment to abiding by local regulations and their willingness to work with the community to resolve any issues that may arise.

Suitability of Café Use for the Area

The use of the premises as a café is entirely appropriate for the area and is compatible with the surrounding land uses. The site has a long-standing history of serving the community as a lunch bar and takeaway, and the proposed café use is not significantly different from this previous use.

The surrounding area comprises residential properties and other small-scale commercial establishments, which makes a café an entirely fitting addition without being out of character with the existing uses. Given the area's mix of residential and commercial spaces, a café provides an amenity that supports the social fabric of the neighborhood, aligning with the area's needs and lifestyle.

Support for Small Businesses

The City of Fremantle has long been a strong supporter of small businesses, recognising their vital role in fostering local economic growth, creating jobs, and enhancing the community's vibrancy. By continuing to support small businesses like *Lovers*, the City ensures that this area remains a thriving, diverse, and dynamic place to live and work. Small businesses contribute to the unique character of the area, providing essential services and creating gathering spaces for residents and visitors alike. It is crucial that this support continues, as it not only benefits the businesses themselves but also strengthens the broader community and economy.

Food Quality

Finally, and I know it's not a planning consideration, but the food offered at the café is amazing!

In conclusion, *Lovers* is an asset to our community, and I fully support the planning approval and hope that the café can continue to thrive, contributing even more to our local area.

Thank you for your time and consideration.

Sincerely,

25 February 2025

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Moreover, there is ample on-street parking available in the surrounding area, which provides further support for visitors who choose to drive. It is also important to note that the peak customer period is relatively brief, with most customers staying for only 30 minutes to 1 hour, meaning that parking spaces turnover quickly and are available for new customers.

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It is also important to note that any previous concerns regarding unauthorised use of the space were genuinely a misunderstanding on the part of the café. Once the situation was brought to their attention, they acted swiftly and responsibly by submitting a retrospective planning application to ensure everything is in compliance. This shows their commitment to abiding by local regulations and their willingness to work with the community to resolve any issues that may arise.

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Food Quality

Finally, and I know it's not a planning consideration, but the food offered at the café is amazing!

In conclusion, *Lovers* is an asset to our community, and I fully support the planning approval and hope that the café can continue to thrive, contributing even more to our local area.

Thank you for your time and consideration.

Sincerely,

Submission to the City of Fremantle

DA001925 – Unauthorised change of use to café/restaurant

Lovers Café 228 South Street White Gum Valley

12 February 2025

Background

I have lived in [redacted] for 18 Years and, before that, in [redacted] for 15 years. During this time, I have not experienced a comparable level of neighbourhood disruption, as caused by Lovers Café.

Lovers Café (the Café) commenced refurbishment of the premises at 228 South Street around October/November 2024. Local residents were aware that the premises had changed hands and were, even at this early stage, impacted by rubbish from an unenclosed skip bin, located on the verge parking, spilling over and blowing down Stokes Street. One resident is known to have complained to the City of Fremantle (the Council) about the rubbish from the site. It was not apparent that this was corrected.

I noted that the new owners had painted the rear parking area and had installed basketball hoops, a toddlers' play area next to the gas meter box, extra seating, a walk in cool room, and had located the commercial rubbish bins against the wall shared with a residential property – all in a space that was previously the parking area for the former business. It was my understanding that there was a requirement for the rear parking area to be retained to maintain parking amenity for the residents of Stokes Street and to comply with the regulatory criteria (see submission point (7) below).

A resident telephoned the Council, seeking more information on the new premises, but was informed that there was no planning application before Council, and no information could be provided. Early notification by a resident that there may have been unauthorised activities at the property was, therefore, dismissed by the Council.

I have personally lodged complaints with both Environmental Health and Planning in mid-December 2024 but the response from Council was slow in coming. I have also emailed my local Councillor and Member of Parliament requesting information and advice.

Social media for the Café provided a story of the owners having two other cafes, one in Fremantle, one in Mosman Park, and that they had big plans for premises at 228 South Street.

“When we found the lease I thought it was the perfect spot for what I was looking for – that neighbourhood, community vibe. There’s a big block of land – that ability to have a back courtyard, a front courtyard. And it’s very central in the sense of it being on a main road....I always thought that this area was lacking. I’ve lived in Freo forever, I think that living in the neighbourhood, and other people living in the neighbourhood are always like, ‘There’s nothing around here, you’ve got to go to Fremantle.’” (Perthisok.com)

The Café opened early December 2024. The Café’s initial hours were 7am-4pm daily (including over Christmas). The currently proposed hours are 7-4 Mon-Fri and 7-3 Sat-Sun. That is, the Café will be operating seven days a week.

Submission points

1. Does White Gum Valley need another Café?

As described by online media for the Café (see above) the claim is presented that there was a need for the service in this area. I reject this claim. White Gum Valley does not need another café because there are several cafés already operating in the vicinity of Lovers Café. Here are a few of them:

1. Two Laughing Dogs ~70m from Lovers Café
2. Il Panino Bakery ~600m from Lovers Café
3. Café Lumos ~750m from Lovers Café
4. Charlies Coffee Bar ~800m from Lovers Café
5. The Coffee Corner Hilton ~800m from Lovers Cafe
6. Big Loaf Bakery ~1km from Lovers Café
7. Hinata Café ~1.5km from Lovers Café
8. 5 Turners Café ~1.5km from Lovers Café

There is no argument that can be presented to support the need for more cafés in the area. White Gum Valley urgently needs more ‘convenience’ services to replace the newsagent and the grocer, which have been replaced by cafés.

Furthermore, given the parking problem (detailed below) it is *not* local residents who are using the Café, rather it is passing trade. And if it is not local residents who are frequenting the Café, then there is a greater need to ensure that there is adequate parking.

The fundamental matter that should be addressed by Council when considering the planning application for this Café is, whether a site, which is reserved to provide a small neighbourhood convenience store, should be used for other purposes?

2. Parking

On the day of the Café opening, Stokes Street was filled with cars. They filled the few remaining street parking bays outside the Café, but also used all available street and verge parking used by residents and/or their visitors. And not only did they park in the legitimate parking areas, they parked across driveways, on residents' verges, across the footpaths, on both sides of the narrow street (at times preventing access), and they parked within a metre of the South Street corner. On one occasion I returned to my property to find someone attempting to park in my private driveway. The parking was also spilling over into Yalgoo Ave and Central Ave. This parking trend has continued for two months.

The Café is especially busy at the weekends, and this corresponds to a time when most residents are at home and when they have visitors – a time when street parking is needed by residents.

Some residents have reported not being able to have deliveries to their house due to the absence of parking, and those with commercial vehicles, caravans, etc., have been unable to negotiate the parking squeeze. I have personally had to move my vehicle to accommodate tradespeople but have been unable to find an alternative parking spot nearby for my own vehicle.

I have called the parking inspectors on numerous occasions, alerting them to vehicles blocking driveways or parking on both sides of the narrow street. The parking inspectors are usually not able to respond immediately, and even when they do give out parking tickets, the illegally parked vehicles are replaced by many more throughout the day. But importantly, a parking ticket doesn't remove the car blocking entry to your property.

I have been informed that, as a result of the parking problem, Stokes Street is now on the parking inspector's list of streets to check. Thus adding to the Council's burden.

For my family (myself and two young adult sons), our weekends have been ruined by the parking problem and the high level of vehicular and pedestrian traffic in the street. We can't have friends over – there would be nowhere for them to park. We cannot have deliveries or services to our house – there is nowhere for a truck to park. If we were in need of an ambulance, or if there was a fire, there would be restricted access for these emergency vehicles. We worry that if we leave our property, we'd return to our driveway blocked or otherwise inaccessible. Sometimes it has been difficult to get out of our driveway – cars parked behind and on either side make reversing out near impossible. On one occasion I had to drive along the footpath to exit via a neighbour's driveway.

To add to the parking problems linked to patrons of the Café, staff are using street parking for long periods, and not the bays reserved for the Café. And due to an absence of a dedicated service bay, noisy refrigerated delivery vans for the Café have also parked in areas that block residential access.

Furthermore, if you are parked in and you go to the Café to find the owner of the offending vehicle, you will likely be met with indifference by staff. On one occasion a staff member

verbally abused a neighbour, using insults of a highly sexual nature. Sexual harassment and verbal abuse are what we risk if we engage with the Café staff.

The Café is clearly operating to a level that cannot support the available parking in the street. It does not meet the standard required in relation to the available seating at the Café. And even with the rear parking lot reinstated, the Café would still experience a parking shortfall to accommodate both seated, takeaway customers, and staff. The parking provisions available for the Café include 4 onsite bays, which will not even accommodate the staff (the proposed daily staff levels being six (6)). The additional public street parking outside the Café will allow for 2 extra staff, 2 patrons, and a dedicated service bay. As noted in the application, the fencing that was previously erected will likely need to be removed to accommodate access to the off-street parking. While it will be necessary to make use of the rear area to accommodate parking, this will create an extra risk, with vehicles reversing across the footpath.

Therefore, I submit that the location of this busy Café in a quiet residential street is not viable. Stokes Street is not inner-city Fremantle. We chose to live in Stokes Street because it is relatively quiet, is safe for children, and has a bit of space for caravans and larger work/commercial vehicles. The Café impacts this fundamental amenity of Stokes Street through its inadequate provision for patrons' parking.

Furthermore, I do not support the conversion of the sump verge to parking. This area softens the surrounding road hardstand, lends itself to cooling the street, and maintains a physical barrier and filtration mechanism to road pollution runoff entering the sump.



Figure 1: Street parking on Stokes Street during Café opening hours



Figure 2: Vehicle parked over footpath restricting disabled access



Figure 3: Delivery van restricting vehicle access and blocking lines of sight

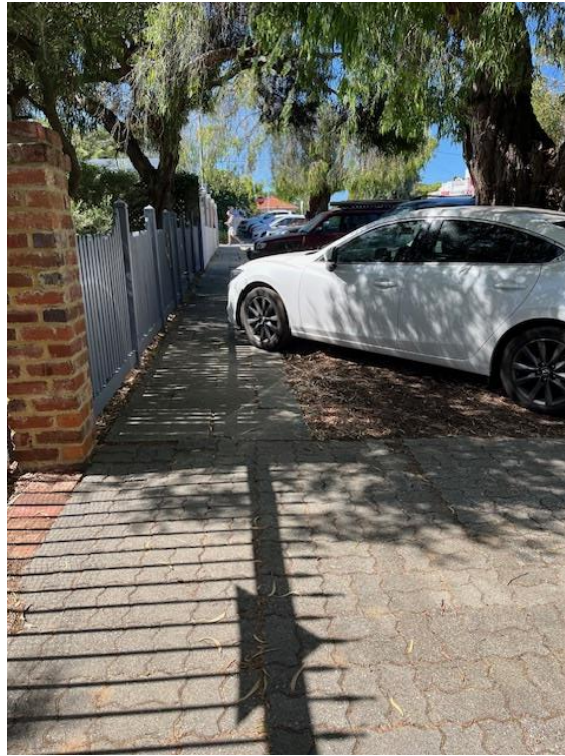


Figure 4: Vehicle parked on verge restricting footpath access



Figure 5: Pedestrians and vehicles sharing the road

3. Waste management

The Café is currently operating as a food establishment with seating for at least 40 customers. This generates considerable putrescible and other waste.

- (i) The waste (e.g., cardboard) is being stockpiled in a manner that is a fire risk to neighbouring properties and businesses.
- (ii) Waste bins are overflowing, attracting vermin and ravens.
- (iii) Waste collection is at inappropriate times in a residential street, for example, on 30 Jan 2025 I was woken at 1.20am by a commercial waste removal truck servicing the Café.

The proposed changes appear to include waste storage in the same location, adjacent to a wall shared with a residential property. I submit that this does not alleviate the current problem of waste management.



Figure 6: Overflowing waste bins and loose cardboard at the residential property boundary

4. Noise

The Café has installed basketball hoops in the concreted rear carpark. This has resulted in early morning (sometimes from 7am on Sundays) and prolonged bouncing throughout the day. The noise is audible several houses away.

In addition to the bouncing noise, once the Café has closed, sometimes loud thumping music can be heard from the premises. This noise penetrates my house and adds to the weekend disturbance.



Figure 7: Basketball hoops in the rear car park

5. Dogs

The Café encourages dogs and patrons allow them off-lead in the street.

6. Safety

I believe the Café is in breach of s19(2) of the *Work Health and Safety Act 2020 (WHS Act)*. The WHS Act states:

19. Primary duty of care

(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. (emphasis added)

There are several areas within the current operations of the Café that place members of the public at risk:

(i) The children's play area

As demonstrated in Figs 8 and 9, the children's play area is located in an area containing overflowing waste bins, other waste and stored materials, a piece of unsecured fencing propped against the cool room, electrical extension cables, a gas meter box, and hot water pipes. Fig 5 shows the location of the play area, open to the busy car park.

(ii) The bike rack

The Café's bike rack is located on the Council footpath, it is small (knee height), and it presents as a trip hazard, especially at night. It is unlikely to be compliant with AS2890.3 (2015).

(iii) Road safety

The Café's off-street parking is located 11 metres from the corner of South Street. The South-Stokes Street corner can be very busy. There are other businesses in the vicinity and a bus stop at this intersection and it is also a well used pedestrian crossing point. For vehicles turning right into Stokes Street from South Street, it is often necessary to do this at speed to avoid oncoming traffic. Reversing vehicles from off-street carparking (or the proposed rear onsite parking area) for the Café create a significant hazard. This is further complicated by poor lines of sight, distracted drivers (looking for a parking spot), and increased pedestrian traffic.

The off-street parking for the Café is also insufficiently long enough to accommodate larger vehicles. These are frequently observed to overshoot the parking bays and block the footpath. Fig. 2 shows precisely this problem, in this case restricting wheelchair access.

The increase in vehicular traffic in Stokes Street is also concerning. As previously noted, residents have chosen to live in Stokes Street because it is a quiet, short, narrow street that is safe for raising a family. The increase in traffic, the inadequacy of parking, and the loss of lines of sight increase the risks for pedestrians and cyclists. With the Café operating to its current levels, the street is no longer safe for young families.

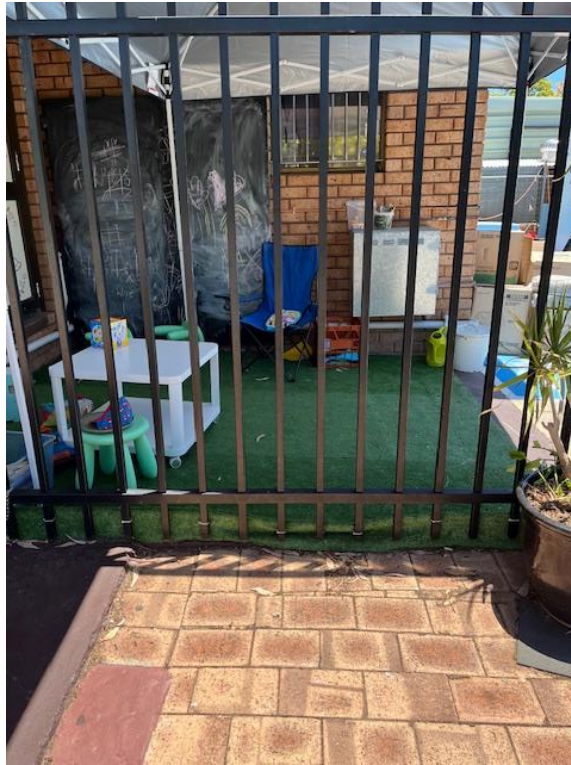


Figure 8: Young children's play area next to the gas meter box and hot water pipes



Figure 9: A children's play area in proximity to waste and storage areas, electrical cables, and unsecured fencing propped against the cool room.



Figure 10: Bike rack on footpath is a trip hazard

7. Regulatory requirements

Local Planning Scheme no. 4 (LPS4)

CITY OF FREMANTLE - Property

Property_No	3240
Land Type	FHOLD
Lot Number	3
Address	228 South Street WHITE GUM VALLEY WA 6162
Property_Rating	Commercial - Improved
Zoning	R20/R25
Metropolitan regional scheme	Primary Regional Road Reserve
LPS4	Neighbourhood Centre Zone
Local planning area	LPA 6 - White Gum Valley
LPP area	LPP 2.2
LPP details	More info
MRS reserves	Primary Regional Road Reserve

1

Under LPS4, 228 South Street is listed as Neighbourhood Centre Zone. Neighbourhood Centre zoning must ensure that development is not detrimental to the amenity of adjoining owners or residential properties and, importantly, development within the neighbourhood centre zone “shall: provide for ... convenience retailing ... which serve the local community, consistent with the local – serving role of the centre.” (LPS4 p21 emphasis added²).

“4.7.1 a) b) Vehicle Parking - All Use Classes Subject to clause 4.7.2, a person shall not use land for a purpose specified in Table 2 unless car parking spaces, delivery bays and bicycle racks of the number specified in Table 2 are provided and sealed, drained and marked to the Council's specifications prior to occupancy of development or commencement of a use and maintained to the satisfaction of Council thereafter” (LPS4 p34 emphasis added).

Requirements for parking for a restaurant/café under LPS4 are:

Parking bays: 1 bay per 5 seats or 1 bay per 5m² dining area, whichever is the greater.

Delivery bays: 1 service/storage.

Bicycle racks: Class 1 or 2: 1 rack per 100 m² public area Class 3: 2 racks.

¹ [Planning](#)

² [Fremantle Scheme text](#)

Relaxation of Parking Requirements under clause 4.7.3.1

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,*
 - (vii) the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
 - (viii) any other relevant considerations.*

*Note: *In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

- (b) 4.7.3.2 Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above. Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.*

Furthermore, under Local Planning Sub-area 6.3.1, any new development “Vehicle parking shall only be provided at the rear of the buildings and/or below ground level.” “For new development with frontage to South St, a Traffic Impact Statement is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.”

Under the *Planning and Development Act 2005*, ‘development’ means:

“(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; (b) the carrying out on the land of any excavation or other works” The alterations to the premises include installation of additional structures in the rear parking

bay, therefore, parking for the premises should only include that which is available at the rear of the property.

“In considering an application for development approval under this clause [4.8.3], where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site that is the subject of consideration for the variation, the Council shall:

- a) consult the affected parties by following one or more of the provisions for advertising applications under clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, and
- b) have regard to any expressed views prior to making its determination to grant the variation.”

I submit that the parking requirements of LPS4 be applied. However, the relaxation of parking rules to allow street parking should not be applied for this location, due to the known excessive volume of parking traffic from the Café; the need for street parking by residents and their guests; that the street is a Narrow Street (see below); and for safety reasons.

Narrow Streets – Safe Access Policy

Stokes Street falls within the criteria set by the Narrow Streets Policy³, being approximately 6m wide. Accordingly, parking should only be permitted on one side (there are currently no restrictions). Pedestrian and other safety considerations are paramount in defining appropriate parking restrictions for a Narrow Street, and should also include consideration of the proximity of a commercial property, increasing vehicular traffic, the ease of reversing out of a driveway and whether line of sight restrictions are compromised with increased street parking.

Food Business Guidelines: Design, operation and construction (November 2013)

This document provides guidance on shop-fit, including for number of toilets and the location of these relevant to food areas; and the estimated number of patrons.

I ask that Council address the following questions:

- The installation of a walk-in cool room and freezer requires a building licence. Does the Café have this? Has this application been included in the application before Council?
- Should the Café use viable off-street parking to include its support infrastructure?
- Is the Café able to safely store chemicals under its restricted floor plan?

³ <https://www.fremantle.wa.gov.au/sites/default/files/Attachment%202%20-%20Updated%20Narrow%20Street%20Safe%20Access%20Administration%20Policy%20-%202023%20-%20Infrastructure.pdf>

- Is the Café providing the sufficient number of toilets for staff and patrons, and in an area that would not result in food contamination? Does the Café provide patron sanitary conveniences under the extended seating arrangement?

The Council must consider all the regulatory requirements of the Building Code of Australia.

Environmental Protection (Noise) Regulations 1997

Sound levels are regulated by the Council under the *Environmental Protection (Noise) Regulations 1997* and these would prohibit noise from bouncing balls and music, at least, for some of the times of opening, especially early morning and Sundays. Other noises from the external cool room or exhausts could also be restricted under this regulatory control.

The new plan presented to Council shows the cool room in the rear parking area.

Waste management

The Waste management strategy is not compliant with Local Planning Policy 2.24 'Waste Management Plans for New Development'.⁴

As previously noted, it is in proximity to a residential property; has no access restrictions; encourages vermin; and collection is at inappropriate times for a residential area.

Work Health and Safety Act 2020

The Café should observe the statutory requirements to protect public safety.

8. Respect for residents

The Café has shown a disregard for the rights of local residents by:

- operating, and continuing to operate, a business without appropriate approvals;
- failing to address residents' complaints meaningfully;
- allowing staff to use street parking and restrict residential access; and
- enticing patrons with the promise of free parking.

9. Extra Council resources

If the Council is considering invoking its discretionary powers to approve the planning application for the Café, Council must first have regard for the extra resources needed to monitor the premises for parking compliance, and for the installation of signage, etc. Parking compliance is likely to be an ongoing issue. It must be considered whether it is fair that residential ratepayers/taxpayers bear these extra costs or be burdened with the stress and loss of amenity from the activities of the Café.

⁴ [Local Planning Policy 2.24](#)

Following is a list of the other matters that the Council will need to address if the Café application is approved:

- Use of parking inspectors limited resources during weekends.
- Ongoing enquiries and complaints to various departments within Council.
- Drawing on time and resources of elected representatives.
- Requirement to install extra parking signage or street marking.
- Ongoing compliance checks.
- Ranger resources for monitoring dogs.
- Installation of bike racks on Council land.
- Installation of parking barriers for verge street parking at the Café.
- Establishing a traffic calming strategy.
- Managing the safety risks at the South Street intersection.

Outcomes sought

The Café cannot currently accommodate the parking needs of its patrons. There is simply insufficient parking in Stokes Street for this kind of business. Most of the 16 properties in Stokes Street (not including corner properties with entries on Stokes), rely on street and/or verge parking. Accordingly, I urge the Council to reject the change in use for the premises and not invoke its discretionary powers to allow an unapproved use. This kind of business is not approved at this location for precisely the reasons which have become apparent while the Café has been operating without approvals in place, and which I have raised in this submission.

In the alternative, should the Council use its discretionary powers to approve the Café, the Council should impose the following conditions on the Café's operations and not allow the Café to operate until these conditions have been met:

1. The Café must reinstate its rear parking.
2. Café staff should use Café parking or use public transport.
3. The Café must provide a dedicated service vehicle bay, where it is least likely to disturb residents.
4. The Café must reduce the available seating to meet its parking obligations.
5. The Café should address its waste management failings, especially in regard to fire risk and attraction of vermin.
6. The Café should meet all the building code requirement for a café of this size – install extra toilets, etc.
7. The Café should bear the cost of installing barriers to prevent vehicles blocking the footpath or overshooting and injuring a pedestrian.
8. Line of sight issues for vehicles parking near the South Street corner must be addressed.
9. The Café should remove the children's play area – being both a source of noise, a safety risk, and using available onsite parking.
10. The Café should remove the current bike rack on council land and replace it with one which is Australian Standards compliant, and not a trip hazard.
11. The Café should not allow dogs on the premises or encourage patrons to bring dogs to the Café.

12. The Café should fund parking signage for the street – this should not be at the cost of residential rate payers or tax payers.
13. The Café should fund signage at South Street to warn other road users of reversing vehicles.
14. The Café staff should have regard for the rights of residents and behave in a respectful manner, if met with an enquiry about illegal parking or other compliance matter.
15. The Café should limit its waste collection and food deliveries to normal work hours.
16. The use of the mulched verges at the sump should not be approved as additional parking for the Café.

Hi,

To whom this may concern, We have lived here for over 7 years with the reason due to the beautiful suburban street and the elegant nature of the silence and nature. This has been the way since we moved here and the reason we continue to live here. But since the new Lovers café opened, we have had consistent issue evolving around the arrangements of the parking facilities.

I have had the Council rangers out several times and interacted with the café owners at least 3 times since opening due the parking and access to my driveway and vehicle unable to get past as patron of the café have decided to double park restricting the access.

I have also been in an argument when I returned home with my caravan and was parked and unloading when a patron from the café decide to park opposite me and stopped all traffic for over 1.5 hrs – at this stage I refused to move and went to the café to tell them and they made no move to assess who was parking causing the blockage of the street.

This leads to my next issue. I have 110-year-old heritage house and had there been an issue or an emergency that required attendance not just at mine but others down the street – this could of lead to an unforeseen disaster. My other issues I have with the parking is that their patrons do not reside at the street and drive from all over so how is this a benefit for the street. when this was small deli or Cornershop we had locals getting milk, eggs a light sandwich or roll and off they went. now we have patrons parking for up to 2 -3 hrs and then we also have the work staff parking all day –

They also seem to park on the verges and churn up the vegetation. and when I now sit outside of my house all I hear is continued vehicle starting and people walking past looking into my house. We also have the issues of reversing out of our driveway as our views are all blocked behind and at the sides and we do get fast drivers coming down the street as we have no ramps to slow them down. This also leads to not being able to have our bins picked up in the morning and having deliveries for our house Beit goods etc as the trucks cannot get down and we must start getting up very early to block the road so we can get deliveries. We have also noticed that this is now starting to bring in undesirables looking for a quick feed or the potential to break into cars. meaning that our street now has undesirable walking up and down our street looking for a quick steal.

Now onto the café itself – I feel that there are more than enough cafés within walking distance that have ample parking over the road where there is more of an industrial area that does not impact the stokes street community or others to be in fact.

This corner should be a small convenience and maybe a small deli not a lunch / dinner place and if they were to get a licence this would encourage parking all day and maybe if they get their alcohol licence this could see a rise in driving issues or mess around there area .

This also leads me onto that fact they have converted the parking area at the back that is fit for over 4-6 + cars easing congestion in stokes street there is also off-street parking at the top of stokes st but is this not also for hey joe once they establish ? and to be honest these parking bays are extremely dangerous due to their close proximity to South st may I add I have had cars pull out several times as I'm turning off south street to have a collision. They also have a bike rack in a ridiculous position and due to lighting down stokes street I have almost tripped over this 3-4 times this needs to be relocated.

Now let's get to the restaurant /café set up. How many seating areas are there in this café ? to how many parking bays allowed there seems to be on the last look far more than is quoted – this needs to be looked at . Then where are the toilets for patrons and staff for this amount. I have seen patrons or passers by outside my house urinating up the wall – but I

would also like to know why is there nonregulated fridges outside a business? is this the correct way to store food for patrons ? are they lockable and protected from vermin – should they not have the correct cool storage facilities? Where will this go? this does not leave much room at the back as the amount of people attending this restaurant requires correct cool / frozen storage of the right type.

Where is all the rubbish being placed at the end of the week and we have a potential fire hazard stockpiling all week until collection and having a timber house a few meters away scares me as we do have as mentioned undesirable sin the area.

We also must look at the children that live in the street – before the café we had plenty of sight clearance as no cars were parked near verge and if a small child ran out into the road there was clearance for drivers to react. well, this has been drastically reduced and has the potential for an injury if not a death.

Then we must look at all the parking regulations that could impact the taxpayer because of the café – why should we foot the bill for non-residence to attend a café that has no benefit to the stokes st community? this could inc

- Extra parking compliance checks.
- Ongoing planning and health compliance checks.
- Extra provisions to address the parking problem – e.g., parking signs and road markings.
- Residents' enquiries and complaints.
- Rangers to monitor dogs.
- Installation of compliant bike racks.
- Upgrades to the parking area on Council land outside the Café.
- Parking barriers to prevent vehicles overshooting the parking bays outside the Café.

We need the café to pay for these items that need adding and maybe more as they may need signs at the parking area at the top by South St – vehicle allocations for café deliveries – this is more frequent up and down our street everyday morning and afternoon - noise is a major issue as the street facade is diminishing every day.

I'm happy for there to be a small café with minimal impact like it has been for years 4 -6 tables a max of say 20 patrons and has the ability to serve the stokes st community – you have made stokes st or the houses down it heritage listed with the image of a high street vibe .. the two do not go together and you're going against all your planning regulations to keep within the history .

Make up your mind and decide what's best – do we really need a café this busy as the end of a quiet street? NO. let's move it or reduce its capacity to an agreeable acceptance. Or as we said decline the licence altogether if they cannot conform. Just look at your own policy statements ..

Under LPS4, 228 South Street is listed as Neighbourhood Centre Zone. Neighbourhood centre zoning requires that development is not detrimental to the amenity of adjoining owners or residential properties and, importantly, development within the neighbourhood centre zone “shall: provide for ... convenience retailing ... which serve the local community, consistent with the local – serving role of the centre.”

Clause 4.7.1 (a) states:

“Subject to clause 4.7.2, a person shall not use land for a purpose specified in Table 2 unless car parking spaces, delivery bays and bicycle racks of the number specified in Table 2 are provided and sealed, drained and marked to the Council's specifications prior to occupancy of development or commencement of a use and maintained to the satisfaction of Council thereafter.”

The requirements for parking under Table 2 are:

- Restaurant/café parking bays: 1 bay for every 5 seats or 1 bay for every 5m² dining area, whichever is the greater.
- Delivery bays: 1 service/storage bay.
- Bicycle racks: Class 1 or 2 - 1 bicycle rack per 100 m² public area; Class 3: 2 bicycles racks.

Relaxation of parking requirements will only occur if the Café can demonstrate there is other available parking in the locality.

Furthermore, under Local Planning Sub-area 6.3.1, for any new development “Vehicle parking shall only be provided at the rear of the buildings and/or below ground level...For new development with frontage to South St, a Traffic Impact Statement is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.”

Under the *Planning and Development Act 2005*, ‘development’ means: “(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; (b) the carrying out on the land of any excavation or other works.” (emphasis added)

“In considering an application for development approval under this clause [LPS4 4.8.3], where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site that is the subject of consideration for the variation, the Council shall:

- a) consult the affected parties by following one or more of the provisions for advertising applications under clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, and
- b) have regard to any expressed views prior to making its determination to grant the variation.”

Narrow Streets – Safe Access Policy

Stokes Street falls within the criteria set by the Council’s Narrow Streets Policy, being approx. 6m wide. In accordance with the Policy, parking should only be permitted on one side. There are currently no parking restrictions in Stokes Street.

Other factors to consider under this Policy:

- Pedestrian and other safety considerations.
- The proximity of a commercial property.
- Increasing vehicular traffic from the commercial property.
- Parking restrictions (for example, the ease of reversing out of a driveway and whether lines of sight are compromised with increased street parking).

Food Business Guidelines: Design, operation and construction (November 2013)

This guideline provides direction on shop-fit, including for the number of toilets required and the location of these relative to food areas; the installation of a walk-in cool room and/or freezer (which should require a building licence); the safe storage of chemicals, and other matters.

Environmental Protection (Noise) Regulations 1997

Sound levels are regulated by Council under the *Environmental Protection (Noise) Regulations 1997* and generally would prohibit noise from bouncing balls, at least for some of the times of opening, especially early mornings and on Sundays. Noise from the external cool room or exhausts can also be regulated under this law.

Waste management

- The Waste management strategy is not compliant with Local Planning Policy 2.24 'Waste Management Plans for New Development'.
- Waste management is also controlled under the *City of Fremantle Health Local Laws 1997*

Work Health and Safety Act 2020

Under s19(2) of the *Work Health and Safety Act 2020*, a business must observe statutory requirements to protect public safety.

These are your rules so please act on them accordingly.