



Agenda

Ordinary Meeting of Council

Wednesday 12 February 2025 6:00 pm



Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 12 February 2025** in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

A handwritten signature in blue ink, appearing to read "Glen Dougall".

Glen Dougall
Chief Executive Officer

5 February 2025



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Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

Attendance, apologies and leave of absence

Apologies

There are no previously received apologies.

Leave of absence

Cr Geoff Graham	Central Ward
Cr Ingrid van Dorssen	North Ward

Applications for leave of absence

Elected members may request leave of absence.

Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO or at the meeting.

Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 29 January 2025:

Louis de Villiers spoke in relation to the PSWMA report (attachment) and asked the following questions:

On 23 October 2024 I brought a concern and question to Council, "Does the City still support our community naval nuclear safety being in the hands of the defence minister? If so, why? If not, why has the City not spoken up for our community and raised these concerns with ARPANSA and the Defence Department? The



response I received claimed "that The City of Fremantle, through the Perth South West Metropolitan Alliance, provided a submission on the Bill and one of the items raised was the governance structure. The Alliance made the comment within the report that the regulator shouldn't report to the Defence Minister". I suggest there is no such comment in the PSWMA's submission. Can the City's response please be reconsidered?

Response:

The City can advise that PSWMA provided a response to the Foreign Affairs Trade and Defence Committee not ARPANSA. The City is not intending to provide its own response further to this.

Mark Woodcock spoke in relation to item C2501-3 and asked the following question:

Question 3:

Why does this agreement seemingly expose ratepayers to costs incurred by the WAEC for its potential failures in running an election? On page 17, the point states "Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns". What exposure do the ratepayers have with clauses like this in the agreement? What other legal expenses are they referring to?

Response:

This is a standard clause provided to all local governments and refers to any legal expenses incurred by the City as part of their role in the agreement.

Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time. Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

Petitions

Petitions may be tabled at the meeting with agreement of the presiding member.

Deputations

A deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.



Presentations

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

Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 29 January 2025.

Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.



Reports and recommendations from officers

Planning reports

C2502-1 MONTREAL STREET, NO. 20 (LOT 555), FREMANTLE - PUBLIC GOLF COURSE REDEVELOPMENT - (JD DA0362/24)

Meeting date:	12 February 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans (Final) 2. Waste Management Plan 3. Environmental Noise Assessment 4. Light Impact Assessment 5. Arborist Report 6. Bushfire Attack Level Assessment Report
Additional Information: <i>(viewed electronically)</i>	7. Applicant's Planning Report 8. Booyeembara Park and LaunchPad Perspectives 9. DAC Meeting Minutes and Applicant Response 10. Civil and Stormwater Design Concept 11. Landscape Plan 12. Vegetation Assessment 13. Transport Impact Assessment 14. Schedule of Submissions and Applicant Response

SUMMARY

Approval is sought from the Western Australian Planning Commission (WAPC) for the development of a golf club and driving range at the Fremantle Public Golf Course at No. 20 (Lot 555) Montreal Street, Fremantle. The proposal is referred to Council due to the scale and nature of the proposal.

A detailed Business Plan for the proposed development has previously been approved by Council which endorsed a lease agreement which has been signed. The application put forward by the applicant reflects the commitments and design detailed in the approved Business Plan.

As the site is located within a Parks and Recreation Reserve under the Metropolitan Region Scheme (MRS), the City's local planning policies and Local Planning Scheme No. 4 (LPS4) do not formally apply. Consideration has been given to relevant state planning instruments.



Council's recommendation will be referred to the WAPC for their consideration in determining the application under the MRS.

The application is recommended to be referred to the WAPC with a recommendation for conditional planning approval.

PROPOSAL

Detail

Approval is sought for a development at the Fremantle Public Golf Course at No. 20 (Lot 555) Montreal Street, Fremantle (subject site). The proposed works include:

- A two storey driving range facility with 40 tee boxes/booths.
- A 'pro shop' for the retail sale of golf merchandise.
- A lounge/ bar on each level.
- Kitchen facilities on the ground level.
- Enclosed deliveries, bin storage and waste collection area.
- A kiosk/servery window on the Booyeembara Park aspect of the building.
- Associated end of trip facilities and storage facilities, including showers.
- Construction of 36 car parking bays located in front of the building.
- Formalising of five (5) bays in the street verge in front of the building (currently unmarked).
- Construction of an additional car park to the north consisting of 30 bays.
- Construction of an additional 27 bays in the street verge along Montreal Street.
- Five (5) bicycle racks (sufficient for ten (10) bicycles) at the front door.
- 24m high netting along the north side and 36m high netting along the south side of the driving range.
- Installation of landscaping.

The applicant submitted amended plans on 21 January 2025 to address some feedback and submissions received. The following updates were made –

- Inclusion of access to golf course for greenkeeper through Northern car park
- Landscaping updates:
 - Golf cart laydown area
 - More defined pedestrian paths and entry
 - Addition of planter box
 - Updated material palette (limestone)
 - Increased tree well size

- Additional bicycle racks on kiosk side
- Updated entry
- Additional windows on ground level
- Increased kiosk window, pergola addition and inclusion of signage
- Minor changes to materials

Further amended plans were provided on 31 January 2025, to update the design of the northern car park in order to preserve some of the trees.

Amended development plans are included as Attachment 1.

Site/application information

Date received:	15 November 2024
Owner name:	City of Fremantle
Submitted by:	Planning Solutions
Scheme:	N/A
Heritage listing:	Not Listed
Existing land use:	Parks and Recreation Reserve
Use class:	Recreation-Private
Use permissibility:	N/A

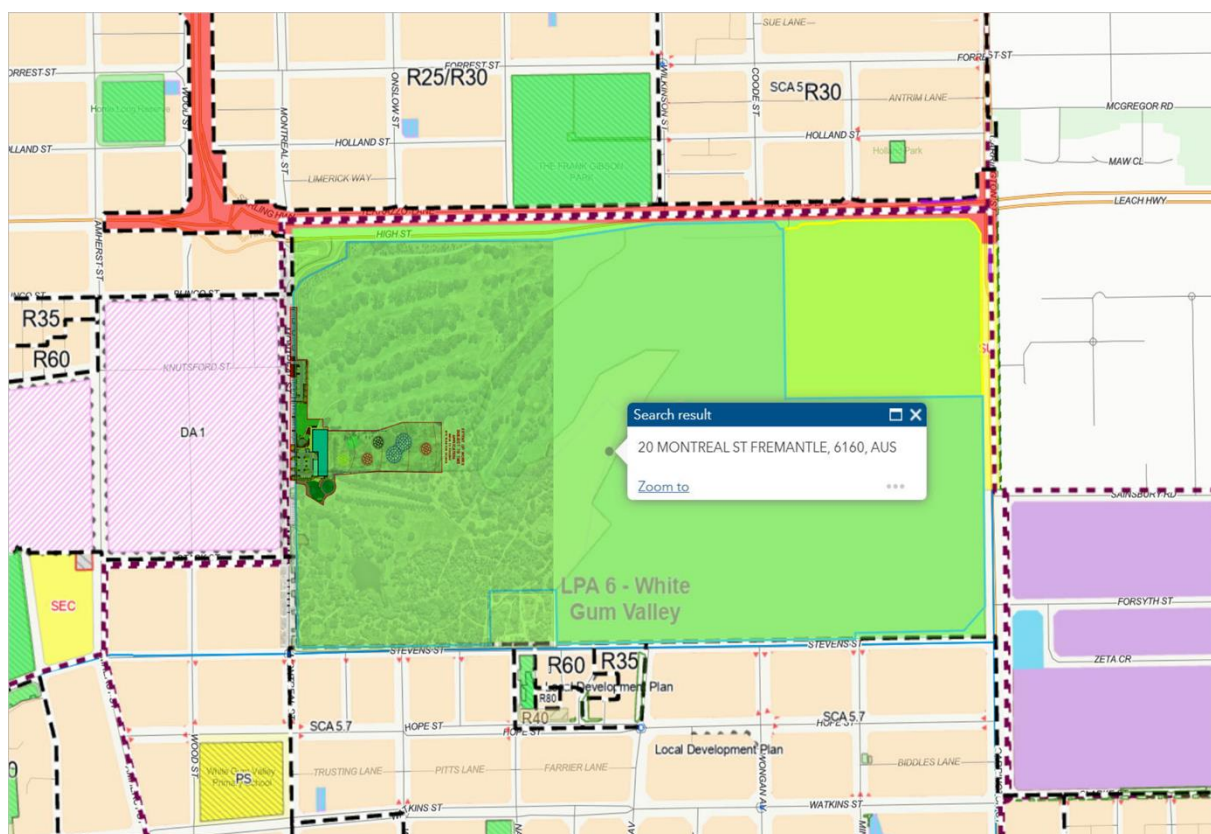


Figure 1 - Indicative location of development illustrated above.



CONSULTATION

External referrals

Department of Water and Environmental Regulation (DWER)

As the subject site has been classified under the *Contaminated Sites Act 2003* due to its history as landfill the proposal was required to be referred to DWER for comments. DWER provided the following advice:

Given the uncertainties associated with the current contamination status of Lot 555, the department cannot comment on the suitability of the site for the proposed commercial development. However, the proposed development does not involve a change to more sensitive land use. Therefore, the department has no objection to the proposed development of the site and recommends that the approval should not include a contamination condition.

Given the risks associated with the potential disturbance of historical contaminants should soil disturbance or groundwater abstraction be required, the department recommends that the following advice note be applied for any approval granted by the City:

Advice

The site management plan prepared for the site 'Booyeembara Park, Site Management Plan' (2014) is required to be implemented during proposed works for management of any contaminated materials which may be encountered.

An unexpected finds protocol should be prepared to address the risks associated with the former land use of the site.

Accordingly, the advice has been included in the Officers recommendation.

Design Advisory Committee (DAC)

The applicant engaged with the City's DAC on 14 October 2024 prior to the lodgement of the application. The DAC provided comment and recommendations on the proposal against State Planning Policy 7 (Design of the Built Environment).

In summary, there was general support for the function of the development as well as the location, height and massing. The over-arching ambition to engage with Booyeembara Park was recognised.



The following table outlines the recommendations made by the DAC, and a brief summary of the applicants response. The full DAC comments and the applicant's detailed response (as submitted with the DA) is included in the additional information to this report.

<i>DAC Comment</i>	<i>Applicant Response</i>
Consider studying and responding to the broader context of Fremantle and the immediately surrounding rich industrial character and engage more directly and meaningfully with the immediate golf course and public park context.	Detailed design for landscaping works to be undertaken in consultation with the City.
Consider studying building types and materials that are related to the predominantly industrial character of the area and referencing/integrating this cultural/historical heritage in the design.	Applicant asserts that the area is in transition and includes modern developments in addition to legacy industrial sites. Revisions were made to proposed landscaping including change to limestone finish on footpaths to reflect Booyeembara Park. Updates also made to the building materials to include recycled timber, limestone cladding and hot dip galvanised steel cleats.
Consider engaging a Traditional Owner to assist in understanding and interpreting the historical indigenous significance of the site and context and consider opportunities to include First Nations knowledge/history in the design that is integrated and meaningful.	No commitments made regarding engagement, however will consider artwork with indigenous themes.
Provide a clear indication on the drawings of which trees are to be removed and where new proposed mature trees will be located	The applicant has provided revised plans in an effort to demonstrate the location of existing trees and proposed planting. Conditions of approval are recommended for an update to the arborist report and detailed landscaping plans to be provided, in addition to further detail that demonstrates works do not affect trees outside the lease area.
Further explore the interface between the street and the building to improve its use, functionality and relationship with the functions at ground level, particularly the conflicts between the	Landscaping proposed along pedestrian routes. Further updates were made to the development plans to reconfigure the



main public pedestrian routes, landscape and servicing.	pedestrian entry space and raised pedestrian crossings shown at crossovers. Additional windows were also included at ground level to improve permeability to the building.
Consider ways to make the building more transparent and open to the street at the northern and southern ends.	Glazing is not proposed on the stair elevations. Increased glazing on the western elevation is not feasible. Mechanical louvres have been provided to allow for cross ventilation.
Consider any possible ways to make the driving range fences and associated supporting poles less imposing.	Constructed at this height to ensure safety.
Consider reviewing the planning of the building to better locate and separate the main servicing from the public entry.	Various options for servicing have been considered. Spatial constraints, including Booyembara park, required orientation for the driving range and location of the pro shop limit this. Revised plans have been provided to increase the height of the front entry structure to make it more visible from the street. Additional LED lighting to signage.
Consider how service vehicles (rubbish trucks etc) will enter and exit the site from/to Montreal St and how this relates to pedestrian movement between the street/carparking and main entry/pro shop.	Delivery and waste vehicles can enter in forward gear and will occur off peak to reduce conflict.
Clarify how the provision of car parking bays was calculated and whether any traffic management has been considered.	Transport Impact Assessment provided.
Further develop and define the sustainability strategies and measures for the proposal.	PV cells on the roof, mechanical louvres for cross ventilation, EV charging, waterwise rated internal fixtures, LED lighting and signs, sustainable building products and EOT facilities are provided.
Consider the extent and location of PV cells on the roof.	Shown on development plans.
Consider rainwater collection and harvesting as a way to improve sustainability measures for the building.	No response specifically provided, layout as per DAC review.



Consider and clarify the location of plant rooms.	Plant rooms shown on plans.
Consider making the internal public functions (lounge, bar, dining, pro-shop) better connected with the surrounding landscape (golf course and Boo park).	No response specifically provided, layout as per DAC review. Revised plans were provided to redesign the kiosk to include a 3m window along with menu boards and identification signage.
Consider providing stronger community engagement on Booyeembara park.	Landscaping proposed outside of the lease area at the applicants cost. Details of this to be worked through with the City. Additional bicycle racks provided on Booyeembara park elevation.
Consider making the main point of entry more evident.	Verandah, glazing and pathways provided.
Consider reviewing the location of the first hole tee off to ensure that it does not pose risks for the users of the building or carpark users and pedestrians along Montreal St.	Screen fencing provided.
Engagement with the City of Fremantle regarding the front setback and public zones is encouraged.	Landscaping proposed outside of the lease area at the applicants cost. Details of this to be worked through with the City. Artwork also proposed, detail not yet determined.

Internal comments

Economy and commercial

The proposed development is consistent with the approved Business Plan approved by Council. A lease has also been signed with the applicant.

Parks and Landscape

Noting the City is the Managing Body for the Fremantle Golf Course, and also Booyeembara Park, any integration or works to these spaces require careful consideration. Specifically, this DA relates to the approved lease area with any proposed landscaping in the surrounds subject to further detail and sign off by the City.

Broadly, the proposal is supported, however further detail is required in relation to tree removal, landscaping design and netting installation. Matters that require assessment in the DA process, are detailed in the officer comment below, with other requirements included as advice to the applicant.



- Landscaping works within the lease boundary will require detailed plans to the City's specification through condition clearance.
- Landscaping works within the verge and Booyeembara Park will require detailed plans to the City's specifications, and separate negotiation prior to any works commencing. The in-kind proposal for the southern side of the building, outside of the lease area, will need to ensure seamless integration with Booyeembara Park and the Olive Grove. This includes detailed plans for pedestrian pathways, signage, art, lighting, material and landscaping that creates a unified experience across these spaces.
- Access to the greenskeeper shed across the northern carpark and maintenance road into Booyeembara Park shall be kept clear at all times.
- The pedestrian connection from Montreal Street to the new facilities requires improvements. Specifically, inclusion of pram ramps and integration of local pathway networks to improve accessibility for the community.
- Landscape design should complement new facilities and Booyeembara Park and Olive Grove landscape. Any concrete proposed should meet Boral ECOPact standards and timber sustainably sourced, maintaining a commitment to quality and durability.
- Any species proposed in the landscaping shall be to the City's specifications. Typically, the City supports the Endemic/local and native Australian species palette. For example, could the *Dracena marginata* be substituted for a small native such as *Hakea Laurina*.
- While an arborist report has been provided, it does not indicate all existing trees. Specifically, there are 15 trees in the northern carpark that have not been recorded. These should be included in an updated report.
- A sectional view of the netting and corresponding footing sizes must be incorporated into the design to clarify potential impacts on trees, particularly those located within Booyeembara Park outside the lease area should be provided. Where trees are at risk of being impacted, tree protection measures should be included.
- Where trees are proposed to be retained, tree protection measures should be as per AS4970 Tree Protection guidelines.
- Landscaping plans should provide clear topographical information.
- Landscaping and car parking plans should incorporate water sensitive urban design, and specifically incorporate clear strategies for directing stormwater runoff into garden beds and using permeable paving in car bays to promote ground water recharge.
- Landscaping plans should provide information regarding irrigation, with specific reference to the City's Standard Irrigation Specification FCC622/22.
- Where proposing aboriginal artwork, ensure it follows the guidance of the City's Public Art Coordinator to ensure proper engagement with the Whadjuk



Nyoongar community and approved artists to ensure respect for cultural protocols, knowledge, and Intellectual Property rights.

Environmental health

The site is not currently connected to reticulated sewer. The lease requires that any required connection to services, including sewer is the applicants responsibility.

The applicant has provided an acoustic report, that demonstrates the development as designed is capable of compliance with noise regulations. A condition of approval is recommended to ensure all recommended measures are implemented.

Further advice is also provided in the officers recommendation regarding standard food business requirements.

Engineering and traffic

The applicants' Transport Impact Assessment, included in the additional information to this report, has been reviewed by City officers.

The development is expected to generate 409 daily vehicle trips, with minimal impact on road capacity or intersection performance. While public transport is limited, it is considered that the parking supply exceeds demand for the development. Access for pedestrians and cyclists is supported by existing footpaths. No significant traffic or transport issues have been identified, and the impacts from the development appear manageable.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising period commenced on 9 December 2024 and concluded on 14 January 2025 (an additional 7 days were included in accordance with LPP1.3) and 25 submissions were received. The following table provides a summary of the issues raised by submitters and officer response:



<i>Summarised comment</i>	<i>Officer comment</i>
Consideration should be given to retaining as many mature trees as possible.	See officer comment below.
Insufficient parking close to the entrance.	See officer comment below.
Light pollution having a negative impact on threatened/native animal species and impacting nearby residence.	A lighting plan has been provided by the applicant that advises compliance with Australian standards.
Habitat loss for native birds.	See officer comment below for discussion on trees and landscape.
Noise impact on the surrounding area resulting from late night functions.	An environmental noise assessment has been provided that demonstrates the development is capable of meeting noise regulations. Further assessment of land use is included below.
Safety of vehicles entering/exiting the proposed verge parking to the north conflicting with vehicles exiting Leach Highway.	Verge parking proposal is subject to further review and specification from the City, but initial review by City's engineering professionals has not identified any significant safety risk.
Increase in traffic congestion along Montreal Street and connecting roads.	See officer comment below.
Visual impact from the proposed netting.	Noted.
Risk to birds/bats flying into the netting and becoming injured.	Noted.
Reduction in parking availability on Montreal Street due to increased visitation to the site.	Additional parking is proposed on Montreal Street, in addition to on site parking to assist with demand.
It is unnecessary to remove seven (7) mature Tuart trees.	This proposal was reviewed as part of the Business Plan and the site deemed an appropriate location for the facility and driving range. Additional planting is proposed to offset the loss.
A two storey building is excessive, the preference is for a single storey.	There are no height restrictions in the planning framework for this site.
Radar ball tracking impacting the bat population.	Noted.
Lack of community facilities.	The proposal is consistent with the Business Plan approved by Council.
Proposed exotic plant species should be replaced with native species.	Species of planting within the site and public areas, is recommended for additional review via conditions of approval.



The applicant has also submitted a response to the above comments raised which can be seen in Additional information section of this report.

OFFICER COMMENT

Statutory and policy assessment

The subject site is zoned as a Parks and Recreation Reserve under the MRS. The site is not zoned or reserved under LPS4. Clause 2.2.2 of LPS4 states that "the approval of the Council under the Scheme is not required for the commencement or carrying out of any use or development on a regional reserve". Approval for the commencement or carrying out of any use or development on a Regional Reserve is granted by the WAPC. In preparing a recommendation for the decision maker, it is considered appropriate to have regard to relevant provisions of LPS4 and Council Local Planning Policies.

Background

The subject site is located on the south east corner of Montreal Street and High Street. The site has a land area of approximately 746880m² and is currently a public golf course. The site is zoned as a Parks and Recreation Reserve under the MRS. The site is not zoned under Local Planning Scheme No. 4. The site is not individually heritage listed nor located within a Heritage Area.

There is limited development history on site, with demolition of the previous golf course clubrooms occurring in 2020.

At its ordinary meeting held on 28 February 2024, Council adopted the Business Plan for the development of, and management of, a driving range and public golf club. The submitted development application is consistent with the plans and details provided and approved by Council.

The following table provides a summary of the issues that were dealt with via the approved lease versus this development application.

<i>Development application</i>	<i>Approved business case</i>
Land use – amenity, character, consistency with scheme	Location of lease area for the driving range, building and car parking
Parking and traffic	Contractual arrangements and costs, inclusive of ongoing maintenance, management and leasing agreements
Landscaping and vegetation	Additional Booyeembara Park landscaping (*Additional offering from applicant outside lease boundary)



Design/detailed building design feedback	Inclusion of driving range/entertainment facility and the scale/intensity proposed
Environmental and servicing matters (i.e. bushfire, site contamination)	Operational model of facility (i.e. combined driving range and kitchen/bar spaces, pro shop and management of golf course)
	Inclusion of ordering kiosk on Booyeembara Park

Land Use

Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space

The subject site is a Parks and Recreation (restricted public access) Regional Reserve under the MRS. Regional Reserves are lands reserved for a public purpose. Approval is required under the MRS from the Western Australian Planning Commission (the Commission) for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

Development Control Policy 5.3 'Use of Land Reserved for Parks and Recreation and Regional Open Space' (DCP5.3), prepared under Section 14(b)(ii) of the *Planning and Development Act 2005*, establishes the WAPC's position regarding the use and development of land reserved for Parks and Recreation in the MRS.

DCP5.3 provides criteria where it may be considered appropriate for a club and/or private business to be located on land reserved for Parks and Recreation which are as follows:

- (i) *the nature and scale of the proposal is compatible with the use and zoning of surrounding land, the nature and purpose of the reserved land and the environmental character of the location;*
- (ii) *there is a community need for the proposed facility in the proposed location;*
- (iii) *the community and local government(s) support the proposal;*
- (iv) *the proposal can be integrated with other planned facilities and sharing of facilities by more than one incorporated club, community group or private business; and*
- (v) *the proposal is consistent with existing and/or proposed land use and management plans.*



The proposed development is considered to be appropriate for the subject site for the following reasons:

- The proposal is consistent with the intent and purpose of the Park and Recreation reserve by continuing and offering a recreational activity to the greater Fremantle community.
- Being a Park and Recreation reserve, there is a general expectation that there is regular visitation and activity on site. Further, the site has been an operating golf course for some time and previously had a club house on site.
- The overall proposed scale, intensity and general built form of the proposal is generally compatible with the immediate character and context of this area of Fremantle.
- The proposed development is the result of City entering into a lease agreement and supporting a business plan for this type and intensity of development. It is subject to certain conditions to ensure a certain outcome for the community.

Parking

As mentioned above, the subject site is not zoned under LPS4. The following table uses the parking calculation for Recreation-Private as a guide to determine an appropriate number of bays.

Provision	Requirement	Proposal	Assessment
Car parking	1:5 seats or 1:5 people accommodated Required: 130 seats (GF), 124 seats (UF) - 51 bays required or 306 person capacity - 62 bays required	36 (in front of facility) 30 (northern car park) Total: 66* bays	4 bay surplus
Delivery bays	1:service/storage area	Approx. 100m ² area for deliveries	Complies
Bicycle racks	Class 1 or 2: 1 per 4 employees	Class 1: Nil Class 3: 14 racks	Shortfall- 8 Class 1 or 2 4 Class 3



	Required: Proposed 30 employees - 8 racks required Class 3: 1 per 200m² GLA Required: Approx. 3120m² GLA - 16 racks		
Total			

*In addition to the bays on the reserve, the applicant is formalising some additional car bays along Montreal Street.

A condition of approval is recommended to ensure that additional bicycle racks are provided on site for the use of staff and patrons.

Trees and landscaping

The proposed development is shown to be removing at least 7 mature trees at the location of the driving range. The Business Plan approved by Council acknowledged that some removal was necessary with the siting of the development. The applicant committed through that process to provide a nett increase of trees across the site.

However, Officers have also identified that the arborist report and landscaping plans provided by the applicant, do not identify an additional 15 trees (of approximately 5 years in age), that may need to be removed in the location of the northern car park. The applicant has updated their site plans since lodgement to demonstrate that they intend on retaining some of these trees, however further detail will be required to ensure their protection and commitment to planting replacement trees.

The proposed netting may also impact the existing trees in the Olive Grove in Booyeembara Park. Further detail is required to be able to confirm that all works are wholly within the lease area and will not impact trees outside it. A condition of approval is recommended to ensure the footings for the netting is to the City's satisfaction, and limits damage to any trees outside the lease area.

Conditions of approval are recommended to:

- Provide an updated, accurate arborist report that clearly identifies all trees currently on site.



- Provide updated landscaping plans, that details retained trees, protection measures for retained trees, proposed removal of trees and details for replacement trees (amongst other detail to the City's specifications).
- Provide at least one replacement tree per tree being removed, and providing a net overall increase across the lease area.

The Council endorsed Booyeembara Park Landscape Plan (2021) responded to the previous Fremantle Public Golf Course and Community Facility Proposal. This Plan was developed in consultation with the community and Booyeembara Park Reference Group. The proposed 2 storey driving range facility presents a different interface to Booyeembara Park and the design for the proposed works outside the lease area needs to be modified in response. The City will lead this process in collaboration with the proponent and in consultation with the Friends of Booyeembara Park and community as appropriate. Officers have commenced this process and while the development plans indicate the applicants intention to contribute outside of the formal lease area, the design is not currently endorsed.

State Planning or Whole of Government Policy

While the City's local planning policies have limited application, state planning policies are to be given due regard.

State Planning Policy 3.7 - Planning in bushfire prone areas

The Bushfire Management Plan (BMP), included as an attachment, has been prepared by a level 3 Bushfire Planning Practitioner and demonstrates that the site is in area of limited bushfire risk.

SPP 7.0 Design of the Built environment

The proposed development has considered the general principles of design as follows:

<i>Design Principles</i>	<i>Proposed development</i>
Context and character	The applicant provided updates to some of the proposed materials in response to DAC feedback. The building is setback from the street and is proposed to be landscaped in front of the building. The function of the building is consistent with the character of the reserve.
Landscape quality	Further detail is required, with design work to be undertaken to the City's specifications.
Built form and scale	The massing and scale is appropriate for its context. Minor improvements have been



	made to ground level to provide some permeability into the building.
Functionality and build quality	The proposal provides a functional golf facility and driving range, that includes parking and onsite delivery/waste management.
Sustainability	The applicant has proposed PV panels and net increase of trees on site.
Amenity	The proposal provides a new offering at the existing golf course, with numerous activities and hospitality options to support the reserve.
Legibility	Clear pathways and signage are proposed to the building. Improvements were made to elements such as the kiosk to improve their legibility after review by DAC.
Safety	The proposal provides clear entryways, openings facing the street and lighting in car parks.
Community	The proposal provides engagement with the golf course via the driving range, broader community via the pro shop and hospitality venues and park with the kiosk.
Aesthetics	The design of the building is simple, with some materials updated to reflect the existing context. Landscape design will be further developed with consideration to ongoing Booyeembara Park master planning work.

Government Sewerage Policy

At the detailed design stage of the proposal, the applicant will need to give consideration to sewerage disposal. It identifies reticulated sewerage as being the preferred disposal method, and for a facility of this scale, it is likely this will be required by the Department of Health. As approved in the lease terms, it will be the applicants responsibility to liaise with service agencies to ensure the appropriate approvals are obtained and connections installed.

CONCLUSION

The proposed development is consistent with the objectives of the Parks and Recreation reserve and provides a facility that complements and enhances the use of the golf course.



Conditions of approval are recommended to ensure detailed landscape planning is undertaken to the City's specification, to ensure the facility and its surrounds are integrated positively into the neighbouring Booyeembara Park.

STRATEGIC IMPLICATIONS

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

Liveable City - Functional and inclusive recreational facilities

- Recreational facilities are contemporary, functional and can be accessed by all members of the community.
- Sporting clubs have access to facilities and greenspace that meet the needs of a broad range of sporting codes and skill levels.
- The community can participate in a diverse and affordable range of sporting and recreational pursuits.
- The matters contained in this report align to the intent of this theme's outcome.

Thriving City - Attraction and retention of diversified investment and talent

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

REFER to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme the Fremantle Public Golf Course Redevelopment No. 20 (Lot 555) Montreal Street, Fremantle subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 31 January 2025. 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. The approved development shall be wholly located within the lease boundaries of the subject site.**
- 3. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 4. The opening hours of the approved development are limited to:**
 - 7:00am to 11:00pm Sunday to Wednesday, and**
 - 7:00am to 12:00am Thursday to Saturday**
- 5. Prior to lodgement of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.**
- 6. Prior to lodgement of a Building Permit for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**



- e) Access to site by construction vehicles;**
- f) Contact details;**
- g) Site offices;**
- h) Noise - Construction work and deliveries;**
- i) Sand drift and dust management;**
- j) Waste management;**
- k) Dewatering management plan;**
- l) Traffic management; and**
- m) Works affecting pedestrian areas.**

7. Prior to the lodgement of an application for a building permit, a Dewatering Management Plan is to be submitted to, and approved to the satisfaction of the City of Fremantle, on the advice of the Department of Water and Environmental Regulation to address:

- a) The impact of dewatering**
- b) Compliance with WQPN 13 Dewatering of Soils at Construction Sites; and**
- c) Any required amelioration including sediment control and regular monitoring.**

8. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the environmental acoustic report prepared by Lloyd George Acoustics Pty Ltd dated 5 November 2024 (Ref: 24099385-01A) are to be implemented into the design/operation of the development are to be submitted and approved to the satisfaction of the City of Fremantle.

The measures shall be implemented and maintained for the life of the development, commencing at occupancy.

9. Prior to lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.



- 10. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZSC 1428, including parking bay/s, loading bays, disabled bays, aisle widths, circulation areas, driveway/s and points of ingress and egress. The design for the northern carpark shall include clear access to the Greenskeepers shed on the golf course.**
- 11. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan for within the lease boundary, including information relating to species selection, reticulation, details of existing vegetation to be retained, lighting of pathways and vehicle access areas and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.**

The proposed landscaping must be suitably designed to maintain compliance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas.

- 12. Prior to the lodgement of a building permit, detailed plans of the high level driving range fencing, including the required footings sizes and sectional view, which should be wholly located within the lease boundary shall be provided to the satisfaction of the City of Fremantle.**
- 13. Prior to the lodgement of a building permit, a pre-works geotechnical report shall be provided to certify that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.**

In the event that that remediation works are required, a post geotechnical report certifying the works have been carried out in accordance with the pre-works report shall be provided to the satisfaction of the City of Fremantle.

- 14. Prior to the lodgement of a building permit, the applicant shall provide details of sewerage disposal that meets the requirements of service providers to the satisfaction of the City of Fremantle.**



- 15. Prior to the commencement of construction, the Westworks Consultancy Tree Protection report (dated 25 September 2024) shall be updated to include all trees on site. Detailed plans for tree protection (in accordance with AS4970 Tree Protection Guidelines) for the on site trees and adjoining trees in Booyeembara Park that may be impacted by the proposed works shall also be provided to the satisfaction of the City of Fremantle.**

Tree protection methods shall be implemented as recommended and approved by the City.

- 16. Prior to the commencement of construction, a detailed plan demonstrating replanting of a replacement tree for all trees removed on site shall be provided to the satisfaction of the City of Fremantle.**

Trees shall be planted prior to occupation of the development and maintained for the life of the development.

- 17. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle. The approved landscaping must be suitably maintained to maintain compliance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas.**

- 18. Prior to the submission of Building Permit application/s, a detailed design for any verge parking, crossovers and landscaping is to be submitted, at the applicant's cost, for the portion of the road reserve parking shown on the approved plans, to the satisfaction of the City of Fremantle.**

- 19. Prior to lodgement of a Building Permit for the development hereby approved, 16 Class 3 bicycle racks shall be included on the plan, to the satisfaction of the City of Fremantle.**

The required bicycle racks must be installed in accordance with the approved plan prior to occupation of the development and thereafter be maintained, to the satisfaction of the City of Fremantle.



- 20. Prior to the occupation of the development hereby approved:**
- a. Any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
 - b. Proposed verge car bays as shown on the approved plans shall be constructed to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
 - c. Vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.**
- 21. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.**
- 22. Prior to occupation of the development, a Delivery Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle. The management plan is to include specific details as to how deliveries, for the development will be managed, including timing, access and frequency of deliveries. The approved management plan is to be implemented, thereafter to the satisfaction of the City of Fremantle.**
- 23. The Waste Management Plan, prepared by Talis Consultants, dated 23 October 2024 (WMP24011) must be implemented at all times to the satisfaction of the City of Fremantle.**
- 24. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.**
- 25. The development, including the carparking, main building and driving range shall at all times comply with the Light Impact Assessment (Rubidium Light date stamped 15 November 2024), and maintain compliance with AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting to the satisfaction of the City of Fremantle.**



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

Advice note(s):

- i. For clarity, any reference to the applicant in the Conditions and Advice, is the lessee.**
- ii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- iii. The applicant is advised by DWER that the site management plan prepared for the site 'Booyeembara Park, Site Management Plan' (2014) is required to be implemented during proposed works for management of any contaminated materials which may be encountered.**

An unexpected finds protocol should be prepared to address the risks associated with the former land use of the site.

- iv. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.**

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

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



- a) mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;**
- b) vehicles;**
- c) amplified acoustic systems; and**
- d) patron noise.**

It is advised to continue to use the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

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

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

- a minimum of 2.0 metres in the case of verge trees**
- a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and**
- a minimum of 1.0 metre in the case of power poles, road name and directional signs.**

Queries relating to these works should be directed to the City's Engineering Team via Engineering-DA@fremantle.wa.gov.au or 9432 9999.

- vii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf> The Infrastructure Business Services department can be contacted via Engineering-DA@fremantle.wa.gov.au or 9432 9999.**



- viii. 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 via an application to notify/register a food business. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.**
- ix. The applicant is advised that any additional signage may be subject to a separate application for planning approval.**
- x. In addition to general species selection, materials and layout of landscaping, the Landscaping Plan within the lease boundary shall include:**

 - a. Details of the relocation of the first tee box**
 - b. Reference to, and compliance with, the Fremantle Public Golf Course Site Management Plan (GHD 27 January 2022)**
 - c. Topographical information**
 - d. Tree protection measures**
 - e. Replanting requirements**
 - f. Stormwater information, inclusive of permeable paving**
 - g. Consideration of SPP 7 Bushfire where relevant**
- xi. Any works to the verge, including any car parking shown on this plan, must receive approval from the City of Fremantle prior to any work commencing. Detailed design shall include:**

 - a. Maintained access to the maintenance road into Booyeembara Park from Montreal Street.**
 - b. Protection of existing street trees.**
 - c. Detailed plans for new trees and appropriately sized tree pits (minimum of 4sqm).**
- xii. Where proposing aboriginal artwork, it is recommended that the applicant seek the guidance of the City of Fremantle's Public Art Coordinator to ensure proper engagement with the Whadjuk Nyoongar community and approved artists to ensure respect for cultural protocols, knowledge and intellectual property rights.**



- xiii. The existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.**
- xiv. Class 3 bicycle rack is low security level, and is typically rails or racks to which both the bicycle frame and wheels can be locked.**
- xv. Prior to detailed design drawings being prepared, the applicant should commence detailed design work with the City for the in-kind landscaping contribution outside of the lease boundary in Booyeembara Park. All works will be required to be to the City's specification and at the cost of the applicant. Considerations will include:
 - a. Seamless integration with Booyeembara Park and the Olive Grove**
 - b. Detailed plans for pedestrian pathways, signage, art, lighting, material and landscaping that provided a unified experience across the Launchpad site and park.**
 - c. Details of the footings for the netting in the adjoining lease area and any impact on trees.**
 - d. Reference to, and compliance with, the Fremantle Public Golf Course Site Management Plan (GHD 27 January 2022).****
- xvi. The applicant should engage early with the Department of Water and Environmental Regulation and Water Corporation in relation to sewer requirements.**



C2502-2 MCCOMBE AVENUE, NO. 40 (LOT 303) SAMSON - CHILDCARE PREMISES

Meeting date:	12 February 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans 2. Bushfire Attack Level Assessment 3. Amended Bushfire Management Plan 4. Acoustics (August 2024) 5. Amended Landscaping Plan 6. Amended WMP
Additional Information: <i>(viewed electronically)</i>	7. DFES Response (Amended Plans and Amended BMP) 8. Schedule of Submissions (Rev 1) 9. Traffic Impact Statement 10. Site Photos

SUMMARY

Approval is sought for a Child Care Premises at No. 40 (Lot 303), McCombe Avenue, Samson.

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 relevant planning conditions. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- **Land use**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a Child care premises at No. 40 (Lot 303) McCombe Avenue, Samson (subject site).

The Child care premises is proposed to:



- Provide child care services for up to 104 children. This figure consists of the following breakdown:
 - 0 to 2 years – 24 children
 - 2 to 3 years - 40 children
 - 3 to 5 years - 40 children
- Operate from 6:30am to 6:00pm Monday to Friday excluding public holidays (the outdoor play will not be used before 7am); and
- Operate with 18 staff members at any given time.

The works component of the development includes:

- Construction of a new single storey building comprising a total floor area of 852.11m²;
- Construction of 29 on-site car parking bays (including one disabled bay);
- Relocation and modifications of the crossovers on McCombe and Petterson Avenue to reflect similar locations to the existing vehicular access point for the subject site;
- Construction of a bin storage area to service the development. The bin store will be located to the rear of the site and screened from the street; and
- Associated landscaping and fencing.

In December 2024, amended plans and amended bushfire management plan were lodged to address non-compliances with SPP 3.7 Bushfire. The proposed amendments have resulted in the layout of the development being modified including:

- Relocating the main outdoor play area to the southern side of site,
- Adding 1 additional onsite car bay, and
- Moving the carpark area from the eastern portion of site to the south western corner of the property.

The amended development plans are included as Attachment 1.

Site/application information

Date received:	19 April 2024
Owner name:	Mw Investments No 4 Unit Trust
Submitted by:	Germano Designs
Scheme:	Local Centre Zone (R60)
Heritage listing:	Not Listed
Existing land use:	Vacant Lot
Use class:	Child Care Premises
Use permissibility:	A



CONSULTATION

External referrals

Department of Fire and Emergency Service (DFES)

As the subject site is located within a bushfire prone area, the applicant is required to demonstrate that the development can reasonably avoid or mitigate bushfire risk, and ensure the safety of its occupants.

As the proposal is deemed to be a 'vulnerable land use' as per SPP 3.7 Bushfire, the applicant was required to provide a Bushfire Management Plan (BMP). The site is located adjacent to two significant fire sources, being the Samson Recreation Centre site and Samson Park. The Department of Fire and Emergency Services (DFES), has reviewed a series of Bushfire Attack Level (BAL) assessments and BMP's provided by the applicant, and provided feedback. Initial issues included errors in the calculation of the bushfire risk by classifying vegetation incorrectly, and requiring adjoining landowners (the City), to be party to an agreed level of maintenance to reduce the risk of bushfire. Subsequently, after numerous reviews and discussions with DFES, the applicant has amended the design of the development, namely increasing the setback to one of the fire sources (Samson Recreation Centre), to ensure the safety of the vulnerable occupants of the



development and that risk can be entirely managed on site and with appropriate emergency evacuation measures.

The amendments and updated BAL and BMP, have now met requirements, with further detail to be provided and reviewed by DFES at building permit stage. Relevant conditions and advice notes have been included to ensure ongoing compliance.

A copy of the BAL assessment and amended BMP are included as attachments 2 and 3. DFES revised comments are included as Additional Information 7.

City of Fremantle Internal Referrals

The application was referred to the relevant internal departments at the City of Fremantle for comment as part of the assessment process. All departments were generally satisfied with the proposed development and relevant conditions and advice notes are included.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The planning application was identified as a standard application as set out in Council's LPP1.3 Community Consultation on Planning Proposals. The application was advertised for a period of 14 days, commencing on 21 May 2024 and concluding on 6 June 2024 by way of;

- Sign notice being placed on the development site.
- Letters to owners and occupiers in the surrounding area.

Following completion of the advertising period a total of 67 submissions were received, with 59 objecting to the proposal and 8 in support. The key concerns raised by submitters were:

- Noise generated from the Child Care Premises;
- Increased traffic volumes and issues surrounding on-street parking and safety;
- The proximity to existing Child Care Premises in the area; and
- Better use of the space.

A summary of the submissions received and the proponent's response is included as Additional Information 8. The main concerns and considerations raised during the advertising period are discussed in further detail in the planning assessment section below. The amended application did not undergo additional consultation as



the amendments were essentially relocation of original development to address DFES concerns meaning all original concerns raised are still relevant to the assessment of this application.

OFFICER COMMENT

Statutory and policy assessment

An assessment of the proposal has been undertaken against the relevant provisions of the City's Local Planning Scheme No.4 (LPS 4), State and local planning policies, as detailed in this report. The following matters have been identified as key considerations in the determination of the application:

- Land use
- Bushfire planning requirements
- Built form

The above matters are discussed below.

Background

The subject site is located on the corner of McCombe and Petterson Avenue, has a land area of approximately 2500m² and is currently a vacant lot. The site is zoned Local Centre under the City's LPS4 and has a density coding of R60. The site is not individually heritage listed nor located within a Heritage Area.

The subject site is bound by a community facility (Samson Recreation Centre) to the south, a public open space (Samson Park) to the west and a retirement village to the east. The surrounding area is an established residential area, with several reserves and educational establishments.

The previous use of the subject site was for a small-scale neighbourhood shopping centre which compromised a single storey commercial building with associated car parking. This structure was demolished in 2017, and the lot has been vacant since then.

Land Use

Provision	Land Use	Zone	Permissibility
Local Planning Scheme 4 clause 3.3 - Zoning Table	Child Care Premises	Local Centre Zone	A – Refer assessment below



A Child Care Premises is defined under Schedule 1 of LPS4 as –

- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

A childcare premise is classified as an 'A' use in the Local Centre zone of LPS4, which means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ("The Regulations"), Schedule 2.

In considering an 'A' land use, the Council will have regard to the matters set out in clause 67 of The Regulations, Schedule 2. In this regard, the following matters have been considered relevant to this development proposal:

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State Planning policy;*
- (m) *the compatibility of the development with its setting, including-*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*



- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and probably effect on traffic flow and safety;*
- (y) *any submissions received on the application;*

The proposed development is considered to address the objectives of the zone and the above matters for the following reasons:

- LPS4 allows for a Child Care Premise subject to the granting of development approval and special notice being given in accordance with the Regulations. It is considered that Child Care Premises are common within Local Centre areas and serve an important community purpose.
- Childcare premises are generally considered complimentary to the character of a Local Centre zone, providing a service for the community at a reasonable scale.
- The proposed single storey building is also considered appropriate in the surrounding context of the area which largely consists of single storey dwellings.
- It is not expected that the building bulk or scale from the single storey building will result in any significantly detrimental impact to the amenity of adjoining landowners or the greater McCombe or Petterson Avenue streetscapes.
- The new building is orientated parallel to Petterson Avenue which will provide a uniform and legible appearance.
- The building will consist of a variety of materials which will complement the streetscape and surrounding built environment via the proposed non-reflective colour palette and the use of natural materials and tones.
- Any environmental impact will be minimal as the lot does not feature any significant vegetation. The environment will be enhanced by the proposed landscaping both within the lot and on the road verge which does not currently feature any vegetation other than low grass.
- The proposed amended layout of the development and amended BMP have demonstrated that bushfire risk can be reasonably managed.
- No significantly detrimental social impacts are expected to arise from a building primarily responsible for the care of children below the age of 5.

Bushfire Planning Requirements

The development site is located within a bushfire prone area, therefore the proposed development for a Child Care Premises is subject to an assessment against the State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and associated Guidelines. As part of the development application package, the proponent provided a Bushfire Attack Level Assessment (BAL) which determined the bushfire rating as BAL 29.



In accordance SPP 3.7 and its associated guidelines, the proposed land use being a Child Care Premises, the development is classified as a vulnerable land use as it accommodates children between the age of 0 to 5 who are physically less capable and present evacuation challenges. As such, the requirement to prepare a Bushfire Management Plan (BMP) was triggered. During the course of the assessment process, the proponent provided a BMP which was then referred to DFES for assessment and comments.

The BMP, prepared by Bushfire Smart, dated August 2024 (and amended January 2025) has been undertaken by a Bushfire Planning and Design (BPAD) Accredited Practitioner. The BMP includes assessment against the Bushfire Protection Criteria in accordance with the 4 elements of Location, Siting of Development, Vehicular Access and Water as identified in SPP 3.7.

The amended BMP and design confirms that all four elements satisfy bushfire protection requirements within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring properties. It is considered that the siting and design solutions, in addition to the Bushfire Emergency Plan, are able to manage or mitigate the bushfire risk to people and property without unnecessary clearing of vegetation on adjoining lots. The site's location in a predominantly urban area, with two street frontages, also supports sufficient vehicle access and egress for evacuation and fire fighting where necessary.

The amended proposal and amended BMP were referred to DFES who provided the following final advice;

- *The main issue identified in DFES' assessment of the previous versions of BMPs relate to the classification of and separation from the vegetation on neighbouring Lot 304 (Plot 2). DFES notes that the revised BMP has classified Plot 2 as Class A Forest and that the development plans have been amended to provide a 21 metre separation between the proposed childcare centre building and Plot 2 in order to achieve BAL-29.*
- *DFES considers that the revised BMP used incorrect separation distance for Plots 1 and 3 in the BAL analysis calculation in Table 1. DFES acknowledges that this BAL assessment input error is unlikely to impact the BAL-29 rating of the childcare centre building however the BMP should be updated for accuracy.*
- *As the proposed childcare centre is to be a Class 9b building, the previous advice from DFES' Built Environment Branch (quoted below) is still applicable:*

'As the proposed building is to be Class 9b and used for childcare, at the building permit application stage plans will need to be provided to DFES Built Environment Branch for assessment as required by Regulation 18B of the



Building Regulations 2012 (as amended). It is noted that as the total floor area appears to exceed 500m², fire hydrant hose coverage will be required and designed in accordance with the FES Commissioner's Operational Requirements and as per BCA E1.3 and AS2419.'

The proponent has since amended the BMP to reflect the first two points, updating the new separation distances into Table 1 of the BMP. They have also acknowledged the obligations in bullet point 3 and that these will be capable of being met at Building Permit stage of the development. Accordingly, an appropriate advice note has also been included alerting the applicant of these requirements at BP stage. A condition of approval also is recommended to ensure ongoing compliance with the BMP.

Built Form

Clause 9.3.3 of the City's Local Planning Policy 3.9 - Local Planning Area 9 Samson (LPP 3.9), sets out Buildings requirements within the Local Centre under the City's LPS 4. The proposed Child Care Premises has been assessed against the building requirements of clause 9.3.3 of the LPP 3.9 as follows;

9.3.3 Buildings requirements			
Zone (Within LPA Only) - Local Centre	Requirement	Proposed	Compliance
	Site coverage 50% (1,250sqm)	34.1% building footprint (776sqm)	Complies
	Wall Height (maximum):5m	4.3m	Complies
	Setbacks: Front: Nil Side: 1.5m Rear: Nil	Front (McCombe Ave): Min 4.2m Front (Pettersen Ave): Min 5.1m Side (Southern boundary): 21m Rear (eastern boundary): 1.5m	Complies

The proposed development meets the applicable development and building requirements under LPP 3.9.

Officer response to Submissions

The following section of the report responds to the main concerns raised as part of the submissions received during the City's neighbour consultation process.



Traffic

A number of submissions raised concerns regarding the traffic volumes that the proposed Child Care Premises would bring to the area and the perceived impact on surrounding streets.

In accordance with Planning Bulletin 72/2009 Child Care Centres, the proposed childcare premises is supported with the inclusion of a Traffic Impact Statement (TIS) prepared by KCTT dated March 2024, demonstrating that the traffic impact of the proposed development will be readily absorbed into the existing road network. The TIS concluded that the Child Care Premises is estimated to generate 452 vehicle trips per day, with 83 vehicle trips during the AM peak and 73 vehicle trips during the PM peak. The increase in traffic volume is not considered to be significant on the surrounding road network in accordance with the WAPC TIA Guidelines as the increase is less than 100 vehicles in the peak hour.

In accordance with the submitted TIS, it is considered that the proposed childcare premise is suitably located in the context of the surrounding road network. Any increased traffic generation should therefore not result in a significantly detrimental impact on the amenity and safety of the area.

A copy of the TIS is provided as Additional Information 9.

Parking

A number of submissions raised concerns over the impact that the Child Care Premises will have on the use of informal on-street parking.

The following table includes a car parking assessment against the City's LPS 4 parking requirements;

Provision	Requirement	Proposal	Assessment
Local Planning Scheme No. 4 cl. 4.7 – Vehicle Parking	Car parking bays 1: Employee plus 1: 10 children allowed under maximum capacity 18 employee – 18 bays required	29 Bays Including 1 ACROD bay	Complies



	104 children – 10.4 (11) bays required		
	Delivery Bays – N/A	N/A	N/A
	Bicycle Racks – N/A	N/A	N/A

As the proposed development meets the LPS4 parking requirements the development is acceptable.

Access

A number of submissions raised concerns over the proposed vehicle accessway on Petterson Avenue, and the need to relocate this to McCombe Avenue.

The amended development includes a relocation of the main car parking area and access to now enter off McCombe Avenue for access and egress. This matter was raised with the proponent to utilise and or modify the existing crossover on McCombe who obliged with the request. This is a positive change which will assist with reducing access and egress concerns.

Noise

A number of submissions raised concerns regarding the impact that noise generated by the Child Care Premises and its impact on surrounding residents.

The applicant has provided an amended Environmental Acoustic Assessment prepared by Herring Storer Acoustics, dated March 2024 and amended 9 December 2024 (with amended plans) in support of the application which is included as Attachment 4.

The premises is proposed to operate between 6:30am and 6pm Monday to Friday (closed on public holidays), with the outdoor play area being used after 7am. The outdoor play area has been sensitively located to the southern side of the site so that it is as far as practical from the existing residential development



surrounding where it will be mostly screened by the proposed building. The southern boundary abuts the existing Samson Recreation Centre. The Noise Assessment concludes in Part 7 that the noise received at the neighbouring residences from the Child Care Premises would meet the permitted exposure levels of the *Environmental Protection (Noise) Regulations 1997* subject to the development implementing certain measures. These measures include the use of the outdoor play area only occurring after 7:00am and associated fencing.

In light of the above, potential noise impacts associated with the proposed development can be sufficiently managed through compliance with the *Environmental Protection (Noise) Regulations 1997* and through the imposition of specific conditions of development approval.

CONCLUSION

In accordance with the above considerations, the proposed Childcare Premises are considered appropriate and as such it is recommended for approval subject to appropriate conditions.

The applicant has demonstrated that the amended development can operate without unduly impacting the surrounding residences with respect to noise emanating from the premises and that the traffic impact of the use will be limited and accommodated within the existing road network. The built form will be complimentary to the existing streetscape and will likely enhance the amenity of the area while providing an essential service to residents.

STRATEGIC IMPLICATIONS

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

Liveable City - Sustainably designed and optimised urban and natural environments

- Urban development and public realm enhancement is coordinated, design-led, and sympathetic to surrounding natural environments.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Child Care Premise at No. 40 (Lot 303) McCombe Avenue, Samson, as detailed on plans dated 20 December 2024, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 20 December 2024. 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. The development shall at all times comply with the requirements, recommendations and implementations of the Bushfire Management Plan, and Bushfire Emergency Plan prepared by Nathan Peart and dated 16 January 2025 to the satisfaction of the City of Fremantle.**
- 3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.**
- 4. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 5. Prior to lodging an application for a Building Permit for the development hereby approved, details of how the recommendations contained in the Acoustic Report (Ref: 32408-2-24095), prepared by Herring Storer Acoustics, dated 15 March 2024 (Updated 9 December 2024) are to be implemented are to be submitted to the satisfaction of the City of Fremantle.**
- 6. Prior to lodging an application for a Building Permit for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.**



- 7. Prior to lodging an application for a Building Permit for the development hereby approved, a detailed landscaping plan that demonstrates compliance with State Planning Policy 3.7 – Bushfire Prone Areas policy, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.**
- 8. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.**
- 9. The Waste Management Plan, dated 13 December 2024, prepared by CF Town Planning and Development must be implemented at all times to the satisfaction of the City of Fremantle.**
- 10. Prior to lodging an application for a Building for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**
 - e) Access to site by construction vehicles;**
 - f) Contact details;**
 - g) Site offices;**
 - h) Noise - Construction work and deliveries;**
 - i) Sand drift and dust management;**
 - j) Waste management;**
 - k) Dewatering management plan;**
 - l) Traffic management; and**
 - m) Works affecting pedestrian areas.**
- 11. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 12. Prior to lodging an application for a Building Permit for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any**



increase in light spill onto the adjoining properties and shall be implemented for the life of the development.

- 13. Prior to lodging an application for a Building Permit for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428, including 29 parking bay/s (comprising 28 visitor bays and , 1 disabled bay, , aisle widths, circulation areas, driveway/s and points of ingress and egress.**
- 14. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.**
- 15. The maximum number children in childcare at the site shall not exceed 104 at any one time.**
- 16. For the duration of the development, the opening hours of the Child Care Premises are limited to Monday to Fridays from 6:30am to 6:00pm.**
- 17. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice Notes

- i. The applicant is advised that, as the proposed building is to be Class 9b and used for childcare, at the building permit application stage plans will need to be provided to DFES Built Environment Branch for assessment as required by Regulation 18B of the Building Regulations 2012 (as amended). It is noted that as the total floor area appears to exceed 500m², fire hydrant hose coverage will be required and designed in accordance with the FES Commissioner's Operational Requirements and as per BCA E1.3 and AS2419.**
- ii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**



- iii. **A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- iv. **It is recommended that the applicant liaise with the adjoining property owner (s) regarding the replacement of the existing dividing fence(s) along the common lot boundary. Please refer to the *Dividing Fences Act 1961* for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:
http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx**
- v. **The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.**
- vi. **The applicant is advised that the new/ modified vehicle crossovers shall be separated from any verge infrastructure by:**
 - a) **a minimum of 2.0 metres in the case of verge trees**
 - b) **a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and**
 - c) **a minimum of 1.0 metre in the case of power poles, road name and directional signs.**
- vii. **With regards to landscaping plan the City provides the following advice:**
 - **Verge trees should be identified in the plan, showing tree protection zones and distance from the proposed crossover or any other works within the verge. Ensure each tree has an adequate soil volume to grow from footpaths, crossovers and retaining walls.**
 - **Specify soft landscaping treatments within the lot, and the percentage of soft to hard landscaping within the lot.**
 - **Asphalt and hardscaping areas to be reduced as much as possible to reduce water run-off.**
 - **The triangular shaped tree pits will not allow the proposed trees to thrive. Revision of these locations and design of pits will be required as introduction of shade trees to these location may result in non compliance with SPP3.7 separation requirements.**
 - **Ensure that trees planted within the verge are not directly under above-ground power lines as this will result in regular pruning of the tree reducing its canopy potential.**



- viii. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards.
- ix. The applicant is advised that additional information in relation to the City's waste management requirements can be found here: <https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- x. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
- xi. Any removal of asbestos is to comply with the following –
- Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];
- Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce.
<https://www.commerce.wa.gov.au/worksafe>
- xii. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.
- Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.
- xiii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.



- xiv. 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.**
- xv. The applicant is advised that any signage may be subject to a separate application for planning approval.**



C2502-3 PLANNING INFORMATION REPORT - FEBRUARY 2025

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date:	12 February 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
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 DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date:	12 February 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
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
DA0130/24
Site Address and Proposal
No. 90 Rennie Crescent Hilton – Unauthorised additions to existing Single house
Council Consideration/Decision
At its meeting held on 10 July 2024, the Council resolved to refuse the application.
Current Status
- On 31 July 2024, an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Directions Hearing was held on 5 September 2024. - Mediation was held on 10 October 2024. - Council reconsidered the proposal at its meeting on 11 December 2024, where it was approved. - At a Directions Hearing to finalise the matter on 17 January 2025, the applicant applied for costs. This matter will be determined on the documents by the Tribunal.



2. Application Reference
DAP002/24
Site Address and Proposal
19 Essex Street, Fremantle – Four storey Tourist development
Council Consideration/Decision
• Application for development was received on 14 June 2024. • At its meeting on 11 September 2024, Council resolved to not support the Officers Recommendation for approval. • A Development Assessment Panel meeting was held on 1 October 2024, where the matter was deferred for a period of 120 days to allow the applicant to consider addressing waste management and building bulk and scale. • Council considered revised plans on 13 November 2024, and resolved to not support the Officers Recommendation for approval. • A DAP meeting was held on 3 December 2024, where the item was approved.

3. Application Reference
DAP004/24
Site Address and Proposal
234-238 South Terrace, South Fremantle - Motor Vehicle Wash
Council Consideration/Decision
• Application for development was received on 5 December 2024. • Advertising for the application closes on 14 February 2025. • A DAP meeting has not yet been scheduled for the item.

4. Application Reference
DAP005/24
Site Address and Proposal
1 Goldsborough and 48-68 Cantonment Street, Fremantle (Elders Woolstores) – Multiple Dwellings Office, Restaurant/Café, Shop and Tavern
Council Consideration/Decision
• Application for development was accepted on 8 January 2025. • Advertising for the application closes on 19 February 2025. • A DAP meeting has not yet been scheduled for the item.

5. Application Reference
DAP001/25
Site Address and Proposal
47 Pakenham Street, Fremantle – Mixed use residential development (13 Multiple Dwellings and Restaurant/Café)
Council Consideration/Decision
• Application for development was accepted on 14 January 2025. • A DAP meeting has not yet been scheduled for the item.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the following information reports for February 2025:

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



Strategic and general reports

C2502-4 SCHEME AMENDMENT 88 - SHORT TERM RENTAL ACCOMMODATION

Meeting date:	12 February 2025
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	1. Scheme Amendment Report Short Term Accommodation Amendment 88

SUMMARY

The purpose of this amendment is to amend the City's local planning scheme to implement the State Government's planning reforms for short-term rental accommodation (STRA). The scheme amendment involves deleting several land uses and introducing new definitions and associated use class permissibility that aligns with the position statement put out by the Western Australian Planning Commission (WAPC) and the amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

This report recommends that Council:

- i. Proceeds to seek approval from the WAPC and the Minister for Planning to advertise the proposed standard amendment;**
- ii. Determines that referral to the Environmental Protection Authority for review is not necessary; and**
- iii. Notes that, upon approval from the Minister for Planning, the amendment will be advertised for 42 days or another such time as determined by the Minister before being referred back to Council for a final recommendation.**

BACKGROUND

In November 2023, the Western Australian Planning Commission released its Position Statement: Planning for Tourism and Short-Term Rental Accommodation (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry 'Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia'. This included development of a state-wide



registration scheme for STRA implemented through the *Short-Term Rental Accommodation Act 2024*, which supersedes the City's short stay accommodation register.

As of 1 January 2024, the City's Short Stay Accommodation Local Law no longer has effect and is superseded by the new state-wide STRA Register. All hosted and unhosted accommodations (definitions provided in the Officer Comment section of this report) are required to register. Hosted accommodation is exempt from requiring planning approval, while unhosted accommodation is exempt from requiring approval for a period of up to 90 nights within a 12-month period from the date of registration. The STRA Register will track booking events and notify the City when a place approaches the 90-night time limit.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to planning regulations were introduced to create a more consistent treatment of STRA from both a legal and practical standpoint across local governments. The planning changes, which have triggered the need for the City to amend its scheme, aim to provide greater consistency across the state in relation to what approvals are needed for STRA proposals as well as how these uses are defined in local planning schemes. The City is required to amend its scheme to bring it into alignment with the recent changes to the Regulations.

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

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



Thriving City - Vibrant and active city centre

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

CONSULTATION

Under regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a Standard Amendment requires public consultation for a minimum of 42 days unless the WAPC or the Minister for Planning determine otherwise.

OFFICER COMMENT

The amendment deletes all references to the following land uses from the scheme:

- Short stay dwelling;
- bed and breakfast;
- motel; and
- serviced apartment.

The amendment replaces the term, land use permissibility, and definition of 'tourist development' with 'tourist and visitor accommodation'. This new term comes from the model provisions of the Regulations and is unlikely to be allowed to be varied by the WAPC:

- Tourist development (existing term):

means a building, or a group of buildings forming a complex, other than a bed or breakfast, a caravan park or short stay dwelling, used to provide –

- (a) short term accommodation for guests; and*
- (b) onsite facilities for the use of guests; and*
- (c) facilities for the management of the development.*

- Tourist and visitor accommodation (proposed term):

a) means a building, or a group of buildings forming a complex, that –

- i. is wholly managed by a single person or body; and*
- ii. is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and*
- iii. may include on-site services and facilities for use by guests; and*



- iv. *in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and*
- b) *includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but*
- c) *does not include any of the following —*
 - i. *an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);*
 - ii. *a caravan park;*
 - iii. *hosted short-term rental accommodation;*
 - iv. *a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*
 - v. *a park home park;*
 - vi. *a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*
 - vii. *a road house;*
 - viii. *workforce accommodation.*

The Regulations have also introduced new definitions for 'unhosted short-term rental accommodation' and 'hosted short-term rental accommodation'. These definitions have been inserted into the Deemed provisions of the Regulations, meaning they automatically apply to all local government planning schemes and cannot be varied. The definitions are as follows:

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

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

Hosted short-term rental accommodation: means any of the following —

- (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;*
- (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;*
- (c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or*



occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.

Permissibility

The land use permissibility table within the scheme will also be amended to insert the above new land uses.

The WAPC's Planning Bulletin 115/2024 sets out that 'hosted short-term rental accommodation' is to be a 'P' use in any zone where dwellings can be considered, as it is exempted statewide from requiring development approval. Unhosted short-term accommodation should be either a 'D' (Discretionary) or 'A' (Advertised) use where dwellings can be considered.

'Tourist and visitor accommodation' now includes serviced apartments in the definition and, therefore, the permissibility has been expanded to be able to consider such a use in high density residential areas.

Amendment 88 introduces the following land use permissibility:

Land Use	Residential	City Centre	Neighbourhood Centre	Local Centre	Mixed Use	Commercial	Industrial	Special Use	Development Zone
<i>Hosted short-term rental accommodation</i>	P	P	P	P	P	P	X	Note 1	Note 2
<i>Tourist and visitor accommodation</i>	A	D	A	A	A	X	X		
<i>Unhosted short-term rental accommodation</i>	D	A	D	D	D	D	X		

'P' means that the use is permitted by the Scheme. 'D' means that development approval from the City is required. 'A' means that development approval is required and that an application must be advertised to adjoining residents and landowners in accordance with the City's local planning policy.

It is noted that City Officers have discretion to advertise a 'D' use where they think it is appropriate.



Car parking

This new definition requires a corresponding parking and bicycle criteria inclusion within Table 2 – Parking. The City does not want to encourage high and unreasonable levels of parking, particularly within the City Centre. Noting that the parking criteria within the scheme may be varied upon an assessment, the amendment introduces the following parking criteria within Table 2:

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Tourist and visitor accommodation	1: 5 units within the City Centre 1: 2 bedrooms outside the City Centre	1: Reception	Class 2: 1 per 2 units within the City Centre Class 2: 1 per 4 units outside the City Centre

The parking criteria allows for families renting two-bedroom facilities outside the City Centre to have a single car. The City Centre is well-served by various forms of public transportation and therefore should have reduced parking requirements and more bike racks to discourage car use.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Determines that Amendment 88 to the City of Fremantle Local Planning Scheme No. 4 as shown in Attachment 1 does not require referral to the Environmental Protection Authority (EPA) under clause 81(2) of the Planning and Development Act 2005.**
- 2. Authorises the Mayor and CEO to sign and affix the City seal on behalf of Council on all necessary documentation relating to the advertising of Amendment 88 to the City of Fremantle Local Planning Scheme No. 4.**



- 3. Proceeds to seek approval from the WAPC and the Minister for Planning to advertise Amendment 88 to the City of Fremantle Local Planning Scheme No. 4 as shown in Attachment 1 in accordance with regulation 46A(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 4. Resolves that the amendment is a Standard Amendment in accordance with regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the amendment is:**
 - a. Any other amendment that is not a complex or basic amendment because, in accordance with Planning Bulletin 115/2024, any amendment that introduces new land use permissibility is treated as a standard amendment.**
- 5. Notes that, upon receiving approval to advertise, Amendment 88 will be advertised for 42 days, unless otherwise approved by the WAPC, and then be referred back to Council for a final recommendation.**



C2502-5 LOCAL PLANNING POLICIES REVIEW AND CONSOLIDATION

Meeting date:	12 February 2025
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	1. LPP Review Timeline 2025 26 2. Draft LPP 1.1 Planning Refunds Amendments and Community Engagement 3. LPP 1.1 Amendment and Extension Track Changes 2025 4. LPP 1.2 Refunding and Waiving Track Changes 2025 5. LPP 1.3 Public Notification Planning Proposals Track Changes 2025 6. LPP 1.4 Review of Decisions Track Changes 7. Draft LPP 1.4 Review of Decisions

SUMMARY

The purpose of this report is to introduce the program of reviewing the entire suite of the City's 83 existing local planning policies over the next 18 months and to present the first tranche of policy changes.

This report focuses on the local planning policies relating to planning administration and procedures. It recommends that 7 policies be revoked, 3 policies be updated, condensed, and combined, and 1 be amended but remain as a standalone policy.

BACKGROUND

The City currently has 83 local planning policies, some of which have not been reviewed since their inception and some of which are over 30 years old. The current suite of policies contains a number of overlapping criteria making these elements of them confusing and possibly not fit for purpose. In many instances they may be contradictory to the Local Planning Scheme No. 4 and contemporary state legislation such as the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). A considerable number of the policies and criteria within were useful in their time but are no longer necessary due to the improvements in recent years to State Planning Policy 7.0: Design of the Built Environment, the Residential Design Codes (R-Codes) Volumes 1 and 2, and other contemporary planning instruments. In a preliminary review, it is obvious that a number of policies are not currently referenced by City Officers, either because they are outdated or simply do not provide meaningful planning criteria with which to assess against.



Furthermore, draft local planning reforms at the state level are seeking to implement a five-year sunset clause for all local planning policies to ensure that they are regularly reviewed. As part of these proposed reforms, the Department of Planning, Lands, and Heritage released draft local planning policy templates and advice on policy wording. These state reforms align well with the proposed program of reviews.

The aim of this local planning policy (LPP) review program is to simplify the local planning framework by reverting to the R-Codes wherever possible and vastly slimming down the City's existing suite of policies while ensuring the local planning framework remains consistent with the City's strategic direction and urban form. The program includes a thorough review of the criteria within every policy for utility, currency, and compliance with the existing legislative framework. Only those criteria that are necessary to maintain the urban feel of an area or provide clarification on City procedures/interpretation, the R-Codes or Scheme criteria will be retained. Anything more sufficiently or simply covered by the R-Codes, scheme or other in-force planning instrument will be deleted.

It is anticipated that the program will recommend that:

- a considerable number of policies be revoked in their entirety;
- many policies be condensed, with any remaining criteria consolidated into single policies based on suburb or category (i.e.: administration, heritage, etc.); and
- those policies set to remain as standalone be updated to reflect contemporary legislation and be amended for readability and clarity.

This review will be carried out over the course of the next 18 months, with policies presented to Council in groups roughly categorised by suburb or planning issue (i.e.: environment, heritage, etc.). An indicative timeline of review is included as Attachment 1. Note that these timelines may shift should other priorities overtake the program, or where review of existing policies would better align with related strategic planning proposals referred to Council concurrently. The recommendations therein are also only preliminary at this point and may change as a result of the review.

Once the program is completed, the policies can be renumbered and grouped on the website as appropriate in accordance with the draft planning reforms and as part of an administrative change.

The remainder of this report covers the first group of policy reviews relating to planning administration and procedures.



FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

- 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.

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.

CONSULTATION

Regulations 5 and 6 of Schedule 2 of the Regulations allow a local government to revoke policies without advertising, and amend policies without advertising where those amendments are considered minor. The amendments to LPP 1.4 do not substantially change the policy and are considered minor. Therefore, they will not be advertised.

LPP 1.1 is technically a new policy which requires advertising in accordance with Regulation 4 of Schedule 2 of the Regulations. It will be advertised for a minimum of 21 days. Afterwards, it will be referred back to Council. If adopted, the three existing policies that form part of the new LPP 1.1 will be revoked at that time.

OFFICER COMMENT

This report provides review and recommendation for the following LPPs:



Policy	Recommendation
1.1: Amendment and Extension to the Term of Planning Approval	Consolidate into administrative procedures policy
1.2: Refunding and Waving/Reducing of Planning Fees and Building Fees	Consolidate into administrative procedures policy
1.3: Public Notification of Planning Proposals	Consolidate into administrative procedures policy
1.4: Applications for Review of Town Planning Decisions and Written Directions	Minor amendments and keep as standalone policy
1.5: Planning Compliance	Revoke
1.8: Neighbour Mediation	Revoke
1.10: Construction Sites	Revoke
1.11: Planning and Development Act 2005, Part 17 Development Application Submissions	Revoke
DBU8: Outdoor Eating Policy (Tables and Chairs) (Interim Policy)	Revoke
DBM7: Cash-in-lieu of Carparking for the City of Fremantle	Revoke
DBH9: Procedures for the Recording & Assessment of Places of Heritage Value	Revoke

The proposals are further discussed below.

Policies to be revoked

The local planning policies set out below are proposed to be revoked:

- **1.5: Planning Compliance**

This policy was last amended in 2012 and sets out strict procedures for the management of compliance issues. This policy is no longer necessary as the issues are covered by other legislation and more contemporary internal procedures. This policy does not guide decision making, nor does it add value to the compliance process and is not referenced by City Officers. City Officers need flexibility to be able to manage items on a case-by-case basis, which is not provided for under this policy. As it does not add clarity to the process, it is recommended to be revoked.

- **1.8: Neighbour Mediation**

This policy was adopted in 2011 and sets out when the City will offer professional mediation services. The City has not been taken up on professional mediation services for a number of years and does not suggest such a service to development proponents. Further, changes to state legislation have introduced



strict timeframes for assessment and decision-making of development applications and now require that more development applications are determined at officer level rather than through the Council. There is no provision to alter these timeframes for the purposes of neighbour mediation. Additionally, neighbour mediation occurs informally as part of the current development application process, with City Officers working with proponents and neighbours to try to reach a mutually agreeable solution whenever conflict arises. This policy is no longer fit for purpose or necessary.

- 1.10: Construction Sites

This policy was adopted in 2014 and sets out criteria for managing construction sites, including gantries, scaffolding, and other works within the road reserve. As these works are not within a lot, a local planning policy is not the correct instrument for control. The requirement for a construction management plan (CMP) is imposed as a condition of approval for some development applications and may continue to be required without this policy through Regulations. However, the exact specifications and criteria required for CMPs sit within the City's Infrastructure Directorate, who currently manage and review CMPs using existing internal processes and the authority of the Works and Thoroughfares Local Law. The Infrastructure Team is working on formalising a template and a guidebook for developers to make the process more transparent. The LPP is not currently used as a reference LPP1.10 in the approval process.

- 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions

This policy was adopted in 2020 and covered the procedures that were to occur when the City received a notice from the Western Australian Planning Commission (WAPC) that a Part 17 application had been received and forwarded to the City for advice. Part 17 was the state planning regulation development pathway instituted as part of the COVID pandemic response circa 2020. Part 17 is no longer operative, and there are no remaining Part 17 applications sitting with the WAPC and proposed within the City of Fremantle. Therefore, this policy is no longer necessary.

- DBU8: Outdoor Eating Policy (Tables and Chairs) (Interim Policy)

DBU8 was enacted in 1998 as an interim policy while Council Policy Alfresco Dining (Table and Chairs) went through the local government process. As it deals with alfresco works outside the boundary, it is not the correct instrument for control but was a stopgap measure at the time. The Council policy has now been



in place for a number of years, rendering this local planning policy superfluous. Revoking the local planning policy will not impact the Council policy.

- DBM7: Cash in Lieu of Carparking Policy

This policy was last amended in 2000 and sets out the collection of cash in lieu of car parking in the city centre where there are car parking shortfalls in a proposed development. It is noted that these contributions may only be used for parking infrastructure near the area where it was collected. In 2013 Council resolved to suspend it for several land uses to try to stimulate development. In 2015, Regulations were introduced which require the City to have a parking plan in place (which the City does not have) before cash-in-lieu of parking bays can be collected. The parking plan would set out where and how any contributions would be spent and must demonstrate a link to the development that contributed the funds.

Further complicating this policy is that the parking ratios in the Scheme are outdated and require review. Parking ratios are used to defend conditions for contributions should it be challenged. Additionally, the cash-in-lieu policy as currently constructed would have the adverse effect of encouraging developers to include the maximum amount of car parking bays required by the scheme in order to avoid paying a contribution, which may be in contradiction to the City's current intent of promoting alternate modes of transportation.

City Officers are investigating a design response for the entirety of the city centre through the current City Plan project, and such a response may include a recommendation that a parking plan be created. The City may revisit whether cash-in-lieu contributions are desirable once that work has been completed. Should a cash-in-lieu contribution be desirable at that time, a new and contemporary policy would be proposed.

- DBH9: Procedures for the Recording & Assessment of Places of Heritage Value

This policy was last amended in 1999 and sets out the criteria against which heritage places are assessed, and the documentation required to accompany an application. At the time of the creation and modification of this policy, the City was on the leading edge of heritage preservation within WA and this policy was essential. Since then, contemporary heritage assessment criteria and procedures have been introduced through State Planning Policy 3.5: Historic Heritage Conservation, guidance documents from the Heritage Council, and the City's LPP 1.6: Heritage Assessment and Protection, and LPP 3.6: Heritage Places. Additionally, Regulations give City Officers the ability to request a range of



documentation to help assess applications. Heritage preservation procedures are also much more commonplace and widely known. This policy is therefore no longer necessary.

Policies to be consolidated

The following LPPs are proposed to be amended, updated, condensed and consolidated into a single policy covering administrative and procedural aspects of development applications. This consolidated policy is titled Local Planning Policy 1.1: Planning Refunds, Amendments, and Community Engagement and is included as Attachment 2:

- 1.1: Amendment and Extension to the Term of Planning Approval

This policy covers processes and considerations for officers when assessing an application for an amendment or extension of term of planning approval. The policy is proposed to be amended for language clarity and to update references to contemporary legislation. A tracked changes version is in Attachment 3.

The bulk of the amendments do not materially change the existing policy, only simplify and condense the policy. The sole substantive change is to clause 3, which details items to consider when assessing an application for an extension to the term of approval. The items to be considered have been amended to be consistent with the three considerations set forth by the State Administrative Tribunal (SAT) in *Georgiou Property 2 Pty Ltd* and Presiding Member of the Metro West Joint Development Assessment Panel. This case provided a road map for considering whether an extension of term of approval should be granted having regard to the balance of the following factors:

- a) whether the planning framework has changed substantially since the development approval was granted;
- b) whether the development would likely receive approval now; and
- c) whether the proponent has actively and relatively conscientiously pursued the implementation of the development approval.

In addition to the above, the policy retains the existing consideration for substantial changes to the environment that may affect a development or a condition of approval.

This is not to say that an application for an extension of term must meet all four criteria, but that these criteria together should be weighed to inform the assessment. Should an application for an extension to a term be challenged, the



balance of the above factors has been set as a precedent for SAT consideration and should therefore form the basis of Officer consideration.

The policy is otherwise satisfactory and fit for purpose.

- 1.2: Refunding and Waving/Reducing of Planning Fees and Building Fees

This policy sets out the circumstances in which the City will waive or reduce planning fees. The amendments delete the reference to the COVID exemption (which has now expired), deletes any references to building fees (which cannot be waived or varied by local government under current legislation) and updates references to current legislation. The policy is otherwise satisfactory and fit for purpose. A tracked changes version is available in Attachment 4.

- 1.3: Public Notification of Planning Proposals

This policy sets out the procedures and requirements for the advertising of planning applications. The approach and content of the policy has generally been seen as effective and has been replicated by a number of other local governments throughout the Perth metropolitan area.

The amendments update legislative references, delete sections that have been superseded by or are identical to state legislation, simplify wording to condense the policy, and update the policy to reflect the current template. Tracked changes have been included as Attachment 5. The only substantive change is the deletion of the requirement to post an ad in a newspaper, instead leaving it up to officer discretion.

Officers have discussed the relative benefit of advertising in a local newspaper, as this has not been required since the introduction of the current Regulations in 2015. The requirement to advertise planning proposals by placing a notice in a local newspaper (noting that the previous Regulations dated from 1967) was superseded by a requirement to advertise by placing a notice on the City's website, which is reflective of modern practices. Given the prevalence of digital communications, this begs the question of how many more members of the public are made aware of planning proposals via a newspaper advert.

A small notice in a local newspaper also adds cost to the planning process – typically in excess of \$400 per application / proposal. This cost is then passed on to the applicant when their proposal requires public advertising, or is borne by the City when it has prepared a Local Planning Policy, Local Planning Scheme amendment or Structure Plan.



The Regulations do leave latitude for the local government to advertise a proposal in a local newspaper where it considers it appropriate to do so. Therefore, it is considered that LPP1.3 should retain a provision giving officers the discretion to advertise a proposal in a local newspaper but not make it mandatory.

The policy is otherwise satisfactory and fit for purpose.

Policy to be amended

LPP 1.4: Applications for Review of Town Planning Decisions sets out the procedures the City undertakes for State Administrative Tribunal reviews and is still current. This policy is useful as a document to advise the public of the procedures in the limited instances where the City is challenged on a decision. The policy has been lightly amended to make it consistent with the draft format of the state reforms and the City's local planning policy template. There are no substantive changes. A tracked changes version is available in Attachment 6 with the final version in the current format included as Attachment 7.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Notes the ongoing policy review program as indicatively set out in Attachment 1 and the general principle of simplifying and contemporising the local planning framework to make it fit for purpose.**
- 2. Revokes the following local planning policies in accordance with regulation 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - a. 1.5: Planning Compliance**
 - b. 1.8: Neighbour Mediation**
 - c. 1.10: Construction Sites**
 - d. 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions**
 - e. DBU8: Outdoor Eating Policy (Tables and Chairs) (Interim Policy)**



- f. DBM7: Cash in Lieu of Carparking Policy**
 - g. DBH9: Procedures for the Recording & Assessment of Places of Heritage Value**
- 3. Amends local planning policy 1.4: Applications for Review of Planning Decisions and Written Directions as set out in Attachment 7 and determines that advertising is not required in accordance with regulation 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 4. Endorses for advertising new Local Planning Policy 1.1: Planning Refunds, Amendments, and Community Engagement as set out in Attachment 2 in accordance with regulation 3 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



C2502-6 SOLE SOURCE SUPPLY - COLLIE AND MARKET STREET TOILET

Meeting date: 12 February 2025
Responsible officer: Manager Building, Facilities and Sustainable Services
Voting requirements: Simple Majority Required
Attachments: Nil

SUMMARY

The purpose of this report is to seek approval from Council to enter a sole source of supply contract with the suitable supplier, namely W.C. Convenience Management Pty Ltd (trading as WC Innovations), to complete the Project P-12221 Buildings - Market/Collie St - Toilets works for the delivery of the project.

BACKGROUND

A review of current facilities reveals a critical need for a centralised public toilet facility within the inner city. Analysis of the existing infrastructure indicates that a significant number of public toilets are situated on the outskirts or periphery of the city centre.

The proposed project aims to establish safe, inclusive, and strategically located public toilet facilities in Fremantle's CBD. These facilities will adhere to best practices in design and operation, ensuring they are accessible to all members of the community, easy to find, and seamlessly integrated into the urban fabric of Fremantle.

FINANCIAL IMPLICATIONS

Project P-12221 Buildings - Market/Collie St – Toilets has been approved by Council in the 2024/25 Annual Budget with a budget of \$160,000 and an additional \$1,100,000 included in the 2025/26 Forward Budget. Market research has determined the 2024/25 and 2025/26 budgets are sufficient to proceed with the proposed supply and installation of this unit.

The total estimated project budget is \$1,260,000 including the Exeloo unit purchase. This includes design fees, services and sewer connection, civil works, fencing, sliding gate, lighting, Exeloo installation and landscaping.



LEGAL IMPLICATIONS

The ability for Council to enter into sole source of supply agreements is in accordance with Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996:

"Tenders do not have to be publicly invited according to the requirements of this Division if —

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier"

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

- Infrastructure, services and facilities meet the needs of a growing residential population and contribute to making the city centre a safe and desirable place to live.

Liveable City - Sustainably designed and optimised urban and natural environments

- Urban development and public realm enhancement is coordinated, design-led, and sympathetic to surrounding natural environments.

Thriving City - A resilient seven-day economy

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

Thriving City - Vibrant and active city centre

- The amenity and infrastructure that services our inner-city neighborhoods reflect that of a modern and global city.

Resilient City – A future-proofed asset base that remains functional and accessible to the community

- The City's facilities are functional and fit for purpose and contribute to improving community well-being.



Resilient City – Availability of services and support for the most vulnerable members of the community

- A caring community supports, protects, and accepts those who are most vulnerable.

Inclusive City – A safe and accessible community for all abilities

- Public places and spaces are accessible for all.
- Accessibility is prioritised in planning and design.

CONSULTATION

An engagement plan has been developed and is being implemented for the project, and includes local consultation with:

- Local businesses
- Residents

Consultation has occurred with nearby businesses, and they have indicated a high level of support for the project.

OFFICER COMMENT

Project P-12221 Buildings - Market/Collie St – Toilets has been approved by Council in the 2024/25 Annual Budget with a budget of \$160,000. Based on forecasted expenditure for 2024/25 for the procurement of the Exoloo unit, forward works and design fees this is sufficient. The remaining project costs of \$1,100,000 will be incurred in financial year 2025/26.

The following project objectives have been developed by the project team in consultation with nearby businesses and outreach services:

- A place for everyone: When we design for all, we create more inclusive spaces that cater to the diverse needs of our community. Our toilets should serve as everyday amenities that enhance public life.
- Safety and Care: Ensuring the safety and security of all users by maintaining a clean, well-monitored environment. Providing facilities that are highly visible, easy to access, and navigable.
- Convenience: Placing facilities in high-traffic areas to meet the needs of residents, tourists, and patrons of local businesses.

To achieve the project objectives, officers have determined the following specification requirements for the toilet:



- 24-Hour Operation: Facility to be accessible 24/7 to serve public needs consistently.
- Vandal Resistance: All fixtures to be recessed where feasible, preventing removal or damage. Exterior and interior surfaces are constructed with durable, vandal-resistant materials, including stainless steel exterior walls and graffiti-resistant grout on wall tiles.
- Automated Cleaning System: The facility to include a fully automated floor and seat wash, deodorising, and drying system to maintain a high level of cleanliness and hygiene, supporting uninterrupted 24-hour operation.
- Automated Door Functions: The facility to have an automated door with programmable locking/unlocking and emergency release ensures safety and prevents anyone from locking themselves in overnight.
- Automated Fixtures: For enhanced public health, all main fixtures are "Touch Free," including toilet flushing, toilet paper dispenser, hand soap, washing, and drying station, reducing contact points and promoting hygiene.
- Timed Use Control: Maximum occupancy time is set to 10 minutes per user, aiming to reduce misuse, loitering, and potential for anti-social behaviour.
- Universal Accessibility: Facility to meet AS1428.1 standards for universal access, equipped with an accessible layout, a backrest behind the toilet seat, a hearing-impaired indicator light, and motion detection for seamless usability.

Sole Manufacturer

Officers have researched the market and benchmarked against other Local Governments, and Exeloo are recommended as a sole source of supply for the toilet unit. Exeloo is a New Zealand-based company specialising in the design, manufacturing, and installation of automated public toilet systems. Exeloo meet the demand for hygienic, accessible, and vandal-resistant public toilet facilities across urban landscapes where its toilets are commonly found in parks, transportation hubs, and other high-traffic public spaces, often commissioned by local councils and municipalities. Exeloo's toilets incorporate a variety of automated features, including touch-free flushing, hand washing, drying, and door operations, as well as programmable cleaning systems that ensure cleanliness and hygiene. The company focuses on durability, with designs that use vandal-resistant materials and recessed fixtures to discourage damage and maintain safety.

Product Specification

The final product specification will be determined by the project team to align with the City's requirements. The proposed product specification is:



- Triple Cubicle Fully Automated Public Toilet comprised of 1 Unisex Accessible Toilet Cubicle, 1 Unisex Standard Toilet Cubicle and 1 Unisex Ambulant Toilet Cubicle.
- "Touch-Free" Toilet Flushing: Activated when hands are washed, or door is opened.
- "Touch-Free" Stainless Steel Door: Programmable locking and unlocking system.
- "Touch-Free" Toilet Paper Dispenser
- "Touch-Free" Hand Soap, Washing, and Drying Station
- Automated Floor & Seat Wash, Deodorising, and Drying System.
- Motion Detection Sensor (all cubicles)
- Emergency Door Release.
- Hearing Impaired Indicator Light (all cubicles).
- Music and voice messages (all cubicles).
- Non-Slip Flooring: R10 grey ceramic tiles for slip resistance.
- Internal Wall Finish: 600mm x 300mm white ceramic tiles with graffiti-resistant grout.
- Recessed Stainless Steel Sani-Pad Chute and flame-retardant bin (all cubicles).
- Recessed Stainless Steel Needle Disposal Chute and bin (all cubicles).
- Stainless Steel toilet pan with vandal resistant seat (all cubicles).
- Internal Shelf and Coat Hooks: Stainless steel for durability (all cubicles).
- Mirror: Stainless steel for vandal resistance (all cubicles).
- External walls: 2.5mm 316 grade Stainless Steel.
- Roof: 2.5mm 316 grade Stainless Steel.
- Accumulator tank for low flow rate water supply.

Sole Provider

WC Innovations: WC Innovations is the exclusive distributor of Exeloo automated public toilets in Western Australia. In collaboration with the Western Australian installer West Coast Construction & Demolition (WCCD), WC Innovations ensures seamless installation tailored to the unique requirements of each site. Additionally, WC Innovations provides ongoing maintenance services for units.

The lead time for the manufacture and delivery of the Exeloo is estimated at 22 weeks. The procurement and delivery of forward works for the services and sewer connection, civil works, Exeloo installation will be scheduled in advance of unit delivery. The estimated date for the toilet being publicly available is December 2025, pending confirmation of product lead time.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council approves to enter into a contract with W.C. Convenience Management Pty Ltd (trading as WC Innovations), as the suitable sole supplier for the supply and installation of an automated toilet unit inclusive of associated enabling works, in accordance with Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996.



Statutory reports

C2502-7 ELECTED MEMBER SUPERANNUATION CONTRIBUTION PAYMENTS

Meeting date: 12 February 2025
Responsible officer: Manager Governance
Voting requirements: Absolute Majority Required
Attachments: Nil

SUMMARY

On 27 November 2024 the *Local Government Amendment Bill 2024*, which advances a range of major reforms, passed Western Australian Parliament without amendment. Many of the amendments to the *Local Government Act 1995* (the Act), as listed within the Bill, are awaiting proclamation prior to commencement.

On 1 February 2025, section 63 of the *Local Government Amendment Act 2024* commenced, resulting in the insertion of sections 5.99B to 5.99E to the Act. Section 5.99B(2) allows a local government to resolve to pay superannuation to council members in addition to any other fees and allowances.

This report recommends that Council approve to pay superannuation contribution payments for its council members under section 5.99B of the Act.

BACKGROUND

As part of tranche 2 of the Local Government Act 1995 reforms, it was proposed that local governments would be able to resolve to pay superannuation to council members in addition to any other fees and allowances.

Prior to these reforms, if a local government wanted to offer superannuation payments to elected members, it would need to unanimously resolve to be considered an 'Eligible Governing Body' under Division 446 of the *Taxation Administration Act 1953* (Cth). A resolution of this nature had significant implications on a local government and majority did not pursue this course of action.



On 27 November 2024 the *Local Government Amendment Bill 2024*, which advances a range of major reforms including the superannuation contribution payments, passed Western Australian Parliament without amendment.

On 1 February 2025, section 63 of the *Local Government Amendment Act 2024* commenced, resulting in the insertion of sections 5.99B to 5.99E to the Act. Section 5.99B(2) allows a local government to resolve to pay superannuation to council members in addition to any other fees and allowances.

FINANCIAL IMPLICATIONS

Section 5.99B(8) of the *Local Government Act 1995* prescribes that: *the amount of the superannuation contribution payment is the amount that the local government would have been required to contribute under the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) as superannuation if –*

- (a) *the council member were an employee of the local government for the purposes of that Act; and*
- (b) *the remuneration were salary or wages of the council member for the purposes of that Act.*

The 2024-25 Adopted Budget includes an allocation for the payment of superannuation to elected members in anticipation of this change.

LEGAL IMPLICATIONS

Section 5.99D of the *Local Government Act 1995* prescribes that a local government cannot make a superannuation contribution payment under section 5.99B if the local government has already resolved to make superannuation payments under the *Taxation Administration Act 1953* (Cth).

The City of Fremantle has not resolved to make payments under the *Taxation Administration Act 1953* (Cth).

Section 5.99B of the Act provides main provisions for superannuation for council members. Subsection (2) allows for local governments to decide, by absolute majority, to pay superannuation contribution payments for its council members. Subsection (7) requires these payments to be made at the same time as any remuneration of the council member paid by the local government.

Subsection (8) prescribes the superannuation contribution payment amount to be the amount that the local government would have been required to contribute



under the *Super Guarantee (Administration) Act 1992* (Commonwealth) as superannuation if the council member were an employee of the local government for the purposes of that Act; and the remuneration were salary or wages of the council member for the purposes of that Act.

The local government cannot pay a superannuation contribution payment for a council member if the council member has not, before the time at which the superannuation contribution payment must be paid, nominated an account to the local government. If this proposed officer's recommendation is approved, officer's will request the required information from councillors.

Section 5.99C allows for a council member to opt out of the superannuation contribution payments, by written notice to the Chief Executive Officer.

STRATEGIC IMPLICATIONS

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

The reform changes are intended to encourage greater diversity across local governments, as well as assisting local government to attract and retain council members. Additionally, superannuation payments acknowledge the significant commitment and investment of time a council member commits to their role.

With the new provisions relating to superannuation payments to council members commencing on 1 February 2025, local governments may resolve by absolute majority to make superannuation contributions to its council members. However, from 19 October 2025, it will become mandatory for class 1 and 2 local governments to make superannuation contributions to its council members.

In anticipation of the legislative changes coming into effect, a provision was made in the 2024/25 annual budget to account for superannuation payments for council members, with the intention to bring an item to Council to resolve to approve these payments following commencement of the new provisions.



VOTING AND OTHER REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council approve to pay superannuation contribution payments to its council members under section 5.99B(2) of the *Local Government Act 1995*, at the minimum amount payable under the *Superannuation Guarantee (Administration) Act 1992 (Commonwealth)*.



Committee reports

Nil.



Motion of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO in accordance with the Meeting Procedures Policy.

Nil.

Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Confidential business

Nil.

Closure