



Minutes

Ordinary Meeting of Council

Wednesday 9 October 2024 6pm



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Official opening, welcome and acknowledgement

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

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

Attendance, apologies and leave of absence

Attendance

Ms Hannah Fitzhardinge	Mayor/Presiding Member
Cr Jenny Archibald	Deputy Mayor/Central Ward
Cr Geoff Graham	Central Ward
Cr Adin Lang	Coastal Ward (<i>arrived 6:13pm</i>)
Cr Andrew Sullivan	Coastal Ward
Cr Jemima Williamson-Wong	Coastal Ward
Cr Fedele Camarda	East Ward
Cr Ben Lawver	East Ward
Cr Frank Mofflin	East Ward
Cr Doug Thompson	North Ward
Cr Ingrid van Dorssen	North Ward
Mr Glen Dougall	Chief Executive Officer
Mr Matt Hammond	Director City Business
Mr Pete Stone	Director Creative Arts and Community
Mr Graham Tattersall	Director Infrastructure
Mr Russell Kingdom	Director Planning, Place and Urban Development
Ms Chloe Johnston	Manager Development Approvals
Mr David Settelmaier	Manager Strategic Communications and Stakeholder Relations
Ms Melody Foster	Manager Governance
Mr Patrick Ford	Manager Strategic Planning and City Design
Ms Marie Vitanza	Meeting Support Officer

There were approximately 8 members of the public and no members of the press in attendance.

Apologies

Nil.



Leave of absence

Nil.

Applications for leave of absence

Nil.

Disclosures of interest by members

Nil.

Responses to previous public questions taken on notice

Nil.

Public question time

The following members of the public spoke against the officer's recommendation for item C2410-1:

Ian Ker
Sergio Noto

The following member of the public spoke against the officer's recommendation for item C2410-5:

Ian Ker

The following members of the public spoke against the officer's recommendation for item C2410-2:

Anthea Fursland

The following members of the public spoke for the officer's recommendation for item C2410-2:

Michael Clare
Steve Quill
Nicole Quill

Petitions

Nil.

Deputations

Nil.



Presentations

Nil.

Confirmation of minutes

COUNCIL DECISION

Moved: Cr Ingrid van Dorssen

Seconded: Cr Frank Mofflin

Council confirm the minutes of the Ordinary Meeting of Council dated 25 September 2024.

Carried: 10/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorssen**

Against:

Nil

Elected member communication

Cr Geoff Graham made a statement in relation to the Fremantle City Soccer Club Awards night. The club has introduced a new award 'Volunteer of the Year' and acknowledged the winner Lolita Elverd for her hard work and appreciation for the club. Cr Geoff Graham also attended the Fremantle Sailing Club Open Day and acknowledged the hard work of all the volunteers that support the club.



Cr Adin Lang arrived at 6:13pm prior to the vote on the following item.

Reports and recommendations from officers

Planning reports

**C2410-1 SOUTH TERRACE, NO. 318-320 (LOT 505), SOUTH FREMANTLE
- UNAUTHORISED PARTIAL CHANGE OF USE FROM SHOP TO
RESTAURANT AND ALTERATIONS AND ADDITIONS - (JD
DA0093/24)**

Meeting date: 9 October 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments:
1. Amended Plans
2. Acoustic Report
3. Site Photos

SUMMARY

Approval is sought for a partial change of use from Shop to Restaurant and proposed alterations and additions at No. 318-320 South Terrace, South Fremantle. The premise is currently operating without authorisation.

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

- **Land Use**
- **Car and bicycle parking**
- **Alterations and additions**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for the current unauthorised partial change of use from Shop to Restaurant and alterations and additions at No. 318-320 South Terrace, South Fremantle (subject site).



The application initially sought approval for a deck addition at the front of the building for additional restaurant floor area. However, upon assessment of the application it became apparent that the internal Shop portion of the site was no longer in operation. The Restaurant, subject of a previous partial change of use approval, had extended to the internal area of the building to occupy floor area previously designated as a Shop. As such, the applicant was advised that the increased floor area of the Restaurant would require retrospective planning approval which could be incorporated into the current development application.

The proposal includes:

- The proposed fit out of a pizza bar and alfresco area in front of the existing building.
- The proposed construction of an upper floor deck over the pizza bar/alfresco area.
- Unauthorised internal conversion from Shop to Restaurant with 88 additional seats
- The applicant submitted an additional floor plan on 11 September 2024 which includes the following:
- Floor area of the Restaurant subject of the retrospective change of use from Shop to Restaurant.

Amended development plans are included as Attachment 1.

Site/application information

Date received:	28 March 2024
Owner name:	A & C Noto Pty Ltd
Submitted by:	Sergio Noto
Scheme:	Mixed Use Zone, R30
Heritage listing:	Not Listed, located within South Fremantle Precinct Heritage Area
Existing land use:	Single House and Restaurant
Use class:	Single House and Restaurant
Use permissibility:	A



- The Report assesses only patron noise with no other noise sources, such as amplified music noise, being considered.
- The Report assesses only internal noise, not noise from the alfresco dining area which comprises a significant proportion of the approved/proposed development. Unless the proponent can demonstrate how the alfresco dining area will be barred from use during the nighttime period (i.e. 10:00pm to 7:00am (9:00am on Sundays and public holidays)), noise from this area is required to be assessed in the acoustic report.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme. The advertising period concluded on 17 June 2024, and one (1) submission was received. The following issues were raised (summarised):

- Late night noise from the venue.
- Increased traffic and parking demand on surrounding streets.

In response to the above, the applicant provided the following response (summarised):

- A toilet block was constructed at the rear of the building inside the restaurant and will potentially block noise emanating from inside the restaurant.
- As it is a restaurant any music played will be background music and the majority of our patrons will be seated at the front of the restaurant.
- Regarding traffic and parking, Inverleith Street is always full, with no spare parking at all on most given days, hence they will not be affected any more than they are already.
- The fact they have 4 off street parking for 4 residences and 5 cars, that's not uncommon where residences have multiple cars, and we shouldn't be penalised because multiple people have multiple cars per residence.
- Most of our patrons are local and walk to our premises. We noticed this when we opened for pizza during some nights.
- Speaking to many customers/locals they are in favour and excited by what we want to do on these premises.

The abovementioned comments are addressed in the officer comment below.



OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of Local Planning Scheme No.4 (LPS4) and relevant Council local planning policies. The relevant assessment criteria are discussed as follows.

- Land use
- Car and bicycle parking
- Alterations and additions

The above matters are discussed below.

Background

The subject site is located on the eastern side of South Terrace. The site has a land area of approximately 675m² and is currently a Single house and Restaurant. The site is zoned Mixed Use and has a density coding of R30. The site is located within the South Fremantle Precinct Heritage Area but is not individually heritage listed.

In 1985 approval was granted for the construction of a dwelling on a second storey and a shop to occupy a ground floor tenancy. The dwelling featured a single car garage and the shop featured six (6) parking bays in front of the building. In 2018 planning approval was granted for the conversion of these six (6) parking bays into Restaurant seating area. The Restaurant use has since extended into the internal floor area of the premises with the shop no longer considered to be operating at any significant level.

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

- DA0392/21 – Retractable shade structure addition to the front of the existing building – Approved 2021
- BP0376/21 – Internal construction of new toilet facilities (shower, UAT, male and female toilets) – Issued 2021
- DA0421/18 - Unauthorised Partial Change of Use to Restaurant and Additions to Existing Building – Approved 2019
- DA0492/15 - External alterations and signage addition to existing shop – Approved 2015
- DA541/85 – Demolition of existing shop (ground floor) and residence (upper floor) – Approved 1986

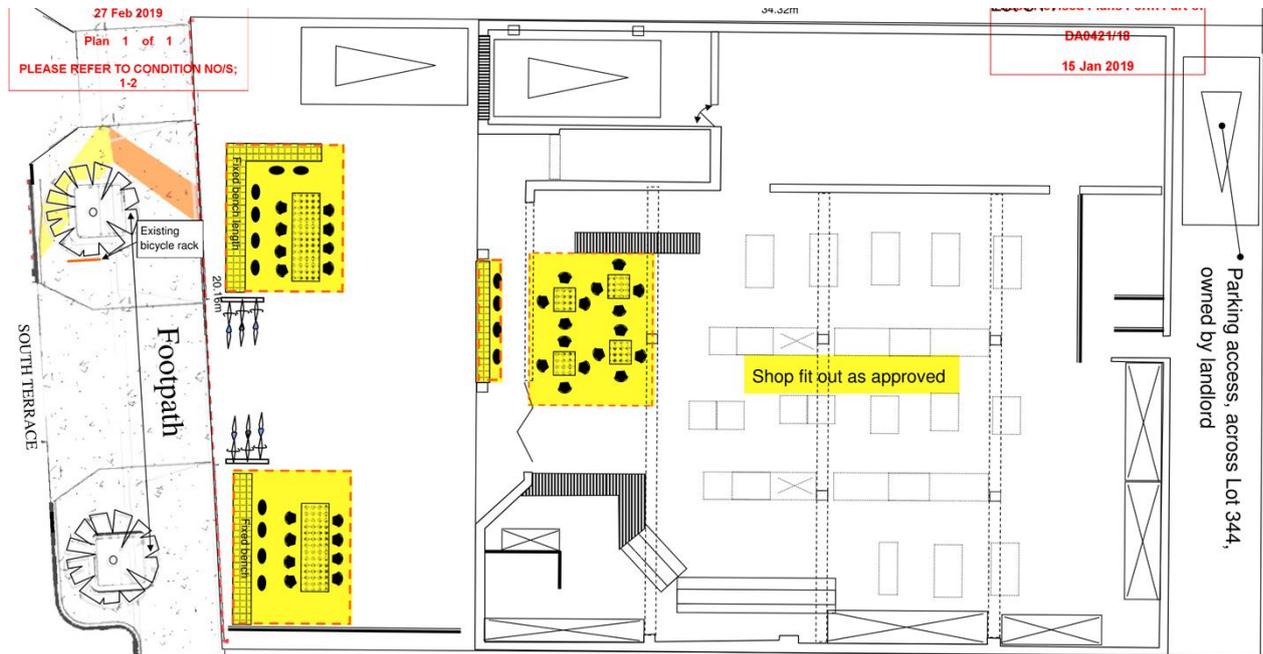


Figure 1 – Restaurant/ Shop floor area subject of the partial change of use in 2018 (DA0421/18). The Restaurant portion now occupies the entire ground floor area.

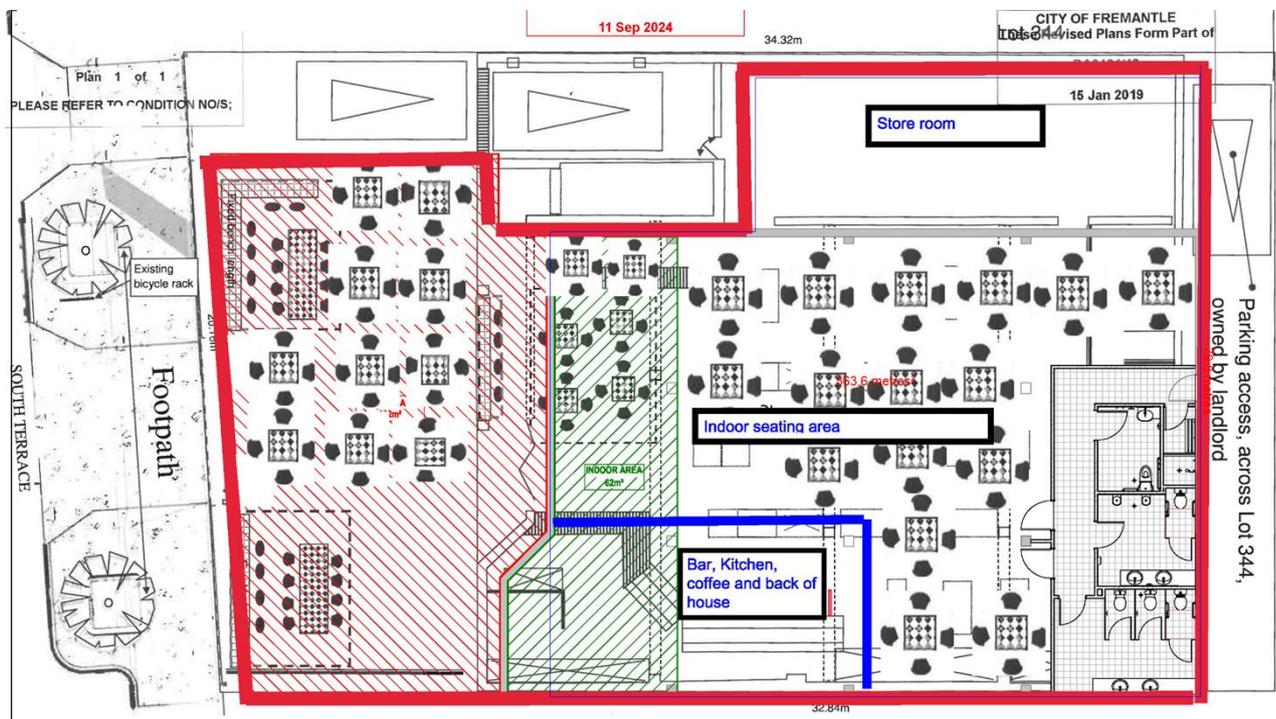


Figure 2 – The unauthorised increase in Restaurant floor area (Shop portion removed). An upper floor deck is also proposed.



Land Use

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

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

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

Development within the mixed use zone shall —

- (i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;*
- (ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;*
- (iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;*
- (iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (v) conserve places of heritage significance the subject of or affected by the development.*

The proposed development is not considered to address the above matters for the following reasons:



- The proposal will be inconsistent with the following objective of the Mixed Use zone, "development within the mixed use zone shall — ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality".
- The previous Shop land use was considered a small local business and required less parking (1 bay per 20m² of NLA).
- The proposal will be detrimental to the amenity of occupants of the upper floor dwelling on the subject site due to an increase in noise. The acoustic report provided to address this matter has failed to assess the compliance of the proposal with the *Environmental Protection (Noise) Regulations 1997*.
- The proposal will be detrimental to the amenity of the surrounding area due to the substantial car parking shortfall resulting in parking and traffic issues in the surrounding area.
- A submission was received objecting to the proposal on the grounds of parking and amenity impacts. The objection is considered a valid planning consideration.

Should the proposal be supported, it is recommended that appropriate conditions of approval be included that require an updated acoustic management plan be submitted and any recommended works to ensure minimising of noise for surrounding sensitive uses be implemented.

Car Parking

The car parking requirements for the existing and proposed land uses are identified in the table below.

Element	Requirement	Proposed	Extent of Variation
Restaurant	1: 5 seats or 1: 5m ² dining area, whichever is greater Approx. 310m ² of total dining area Required: 62 bays	Nil	62 bays
	Delivery bays 1: service/ storage area	Nil	1 bay
Dwelling	2	2	Complies
Total	64 parking bays +1 delivery bay	2 parking bays	62 car bay + 1 delivery bay shortfall



In accordance with clause 4.7.3.1 of the City's LPS4, Council may waive or reduce the standard parking requirements specified in Table 2 of LPS4 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—

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

The reduction in on-site car parking is not considered to meet the requirements of Clause 4.7.3.1 of the LPS4 for the following reasons:

- Public transport is provided through the Route 532 bus service which operates along South Terrace between Fremantle Station and Cockburn Central with buses departing every 15 minutes. The bus stop is located approximately 120m from the subject site. Although this bus offers a relatively frequent public transport option it may not be sufficient to offset the substantial shortfall in parking.
- The partial change of use to Restaurant in 2018 required 14 bays and provided two (2) bays, resulting in a 12 bay shortfall. This was based on the number of seats provided which were confined to a relatively small area. The current change of use of the internal Shop area to Restaurant will increase this to a 63 bay shortfall. This is based on the total floor area inclusive of the existing approved portion of Restaurant which has also expanded its floor area.
- The proposed expansion of the Restaurant land use will be detrimental to the amenity of the surrounding area due to the substantial car parking shortfall resulting in parking and traffic issues in the surrounding area.



- There is a high demand for street parking along Little Lefroy Lane, Jenkin Street, Sydney Street and this area of South Fremantle generally. The capacity for the surrounding streets to accommodate the parking shortfall is minimal.
- The minimal on-site parking featured on numerous sites in the surrounding area increases demand for street parking resulting in a lack of parking for residents and visitors. Managing parking and traffic in the area surrounding the subject site is critical in minimising any detrimental impact to the amenity of residents that may occur.
- In this instance, it is considered that the significant expansion of the Restaurant land use on the subject site, combined with a reduction in the required on-site parking, is likely to result in a detrimental impact to the amenity of the area.

Bicycle racks

Element	Required	Provided	Variation
Class 1 or 2	Class 1 or 2: 1 per 100m ² public area Required: 2 racks	Nil	2 racks
Class 3	Required: 2 racks	Nil	2 racks

In accordance with clause 4.7.3.3 of the City’s LPS4 –

Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where, in the opinion of the Council, the development application is for a minor change of use.

The reduction in the required class 1 or 2 bicycle racks is not considered to meet the requirements of Clause 4.7.3.3 of the LPS4 for the following reasons:

- It is not considered that the proposal is for a minor change of use (the increase in Restaurant floor area is substantial). The requirement of clause 4.7.3.3 to waive the required class 1 or 2 racks is therefore not met.

In accordance with clause 4.7.3.4 of the City’s LPS4 –

Council may waive the class 3 bicycle rack requirements of Table 2, where:

- (i) *the provision of such bicycle racks would be incompatible with the overall design of the development; and*



- (ii) the required number of class 3 racks to be provided can adequately be provided on public land in the immediate vicinity of the development; and*
- (iii) a cash contribution, equivalent to the cost of installation of the required class 3 bicycle racks is negotiated and made to the City of Fremantle for provision of bicycle racks in the immediate vicinity of the development.*

The reduction in the required class 3 bicycle racks is not considered to meet the requirements of Clause 4.7.3.4 of the LPS4 for the following reasons:

- While the required class 3 racks could potentially be provided on public land, there is capacity for the required racks to be incorporated into the development. The requirement of clause 4.7.3.4 to waive the required class 3 racks is therefore not met.

Alterations and additions

City Heritage Officers have deemed that the subject site is not considered to be a contributory place. Regardless of this, the alterations and additions are considered minor in nature and will not result in any significant detracting from the amenity of the streetscape or the heritage value of the South Fremantle Precinct Heritage Area. The proposed change of use is consistent with the commercial uses which front South Terrace and will contribute to the vitality of the streetscape.

CONCLUSION

In accordance with the above assessment, it is considered that the expansion of the Restaurant land use will result in a detrimental impact on the amenity of the area by way of car parking shortfall. The accumulation of land uses, and the removal of previously existing car parking bays has resulted in a significant parking shortfall on the site of which the surrounding streets will have limited capacity to accommodate.

STRATEGIC IMPLICATIONS

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

Thriving City - A resilient seven-day economy

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



FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme no. 4, unauthorised change of use from shop to Restaurant and alterations & Additions at No. 318-320 (Lot 505) South Terrace, South Fremantle, as detailed on plans dated 11 September 2024, for the following reasons:

- 1. The proposal has inadequate car parking for the proposed land use under schedule 2, Part 9 Clause 67 (s) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.**
- 2. The proposal does not meet the parking requirements of clause 4.7.3 of Local Planning Scheme No. 4.**
- 3. The proposal will result in a detrimental impact on the amenity of adjoining residents from an increase in noise under schedule 2, part 9 clause 67 (n) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.**



In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Ben Lawver moved the following alternative motion, including an amendment to part 5 proposed by Cr Sullivan, as provided in the additional documents, with a minor amendment:

COUNCIL DECISION ITEM C2410-1
(Alternative motion)

Moved: Cr Ben Lawver

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme no. 4, unauthorised change of use from shop to restaurant and alterations and additions at no. 318-320 (Lot 505) South Terrace, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 11 September 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. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to lodgement of a building permit application for the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:**
 - Estimated waste generation**
 - Proposed storage of receptacles**
 - Collection methodology for waste**
 - Additional management requirements to be implemented and maintained for the life of the development.**

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

- 4. Prior to lodgement of a building permit application for the development hereby approved, an amended environmental acoustic report which states that the design of the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, is to be submitted and approved, to the satisfaction of the City of Fremantle.**



- 5. Prior to lodgement of a building permit application for the development hereby approved, a plan detailing the provision of two (2) class 1 or class 2 and two (2) class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided *on site*, and *five Class 3 bicycle racks on the verge adjacent to or nearby the development* to the satisfaction of the City of Fremantle.**
- 6. Prior to occupation of the development hereby approved, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.**
- 7. Prior to occupation/use of the development hereby approved, the boundary wall located on the south side boundary shall be of a clean finish in any of the following materials:**
 - coloured sand render,
 - face brick,
 - painted surface,
 - other approved finish

and be thereafter maintained to the satisfaction of the City of Fremantle.
- 8. 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. 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.**
- ii. On advice from the City's Environmental Health Services, the proponent is required to submit an amended acoustic report, that demonstrates how environmental noise from the proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997 (as amended)*.**

Specifically, additional details are to be provided on how noise generated from the alfresco area as well as any proposed amplified music or the like, will achieve compliance with the above mentioned requirements. Due consideration is to be given to the upper floor residential dwelling on the subject site.



All recommendations of the Report, required to comply with the aforementioned Regulations, must be incorporated into the approved plans and/or operational management controls for the development.

iii. The proponent must:

1. Make application to Environmental Health Services via form 1 - application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*;
2. Once construction has been completed, make application to Environmental Health Services via form 2 - application for a public building certificate;
And
3. Once construction has been completed, complete and submit form 5 - certificate of electrical compliance for a public building to Environmental Health Services.

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

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

- iv. 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.
- v. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997* (as amended), 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.



vi. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.

vii. Any additional signage may require additional approval from the City of Fremantle.

Carried: 11/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorsen**

Against:

Nil

Reason for alternative motion:

The land use is appropriate as it is on the 532 bus route and has ample bike parking out the front.



C2410-2 ATTFIELD, 102 (LOT 3) SOUTH FREMANTLE – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE (DEFERRED ITEM C2409-3)

Meeting date:	9 October 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Amended Plans2. Superseded Development Plans3. Spatial Statement by Applicant4. Submissions Responses by Applicant

SUMMARY

Approval is sought for additions and alterations to an existing Single house at No. 102 (Lot 3) Attfield Street, South Fremantle.

At its meeting on 11 September 2024, Council resolved to defer the decision for this item to allow the applicant to consider submitting an amended proposal to reduce the impact on the southern neighbour, and provide additional detail regarding matters raised by submitters.

The applicant amended the development plans to provide a deemed to comply lot boundary setback to the southern boundary, updated the overshadowing diagram and provided confirmation from a licenced land surveyor regarding the location of lot boundaries.

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

- **Lot boundary setback;**
- **Boundary Wall Length and Height; and**
- **Visual Privacy.**

The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for additions and alterations to an existing Single house at No. 102 (Lot 3) Attfield Street, South Fremantle.

The property is individually listed on the City of Fremantle Heritage List (management category 3), and it is located within the South Fremantle Heritage Area. The proposed works include:

- Removal of timber screen to front verandah and modification of door and window;
- Internal alterations to existing dwelling; and
- Two storey rear addition.

Due to the nature of the proposed variations and their potential impact onto the neighbouring properties, the applicant provided amended plans to address concerns. The amended plans include the following changes:

- Proposed wall height reduced from 6.5m to 5.9m.
- Deletion of second storey eastern boundary wall, now setback 1.2m from eastern (rear) lot boundary.
- Reduced impact of overshadowing as a result of the reduction in building height.
- Provision of an updated site survey to confirm that the tree is located on the subject site.

In response to Council's reasons for deferral, the applicant further amended the plans as follows;

- Increased the upper floor southern lot boundary setback from a minimum 1.3m to a minimum 1.5m to be deemed to comply; and
- Cut back the eaves to reduce the roof area on the southern boundary to further reduce overshadowing.
- An updated overshadowing diagram provided to capture the proposed changes to the southern boundary setback and eaves as well as inclusion of the existing breeze wall on the southern side of the existing dwelling.
- A spatial statement provided by the applicant to depict the exact location of the cadastral boundaries.

Refer to Figures 1 and 2 illustrating the key design change of the second storey addition.

Amended development plans are included as attachment 1.

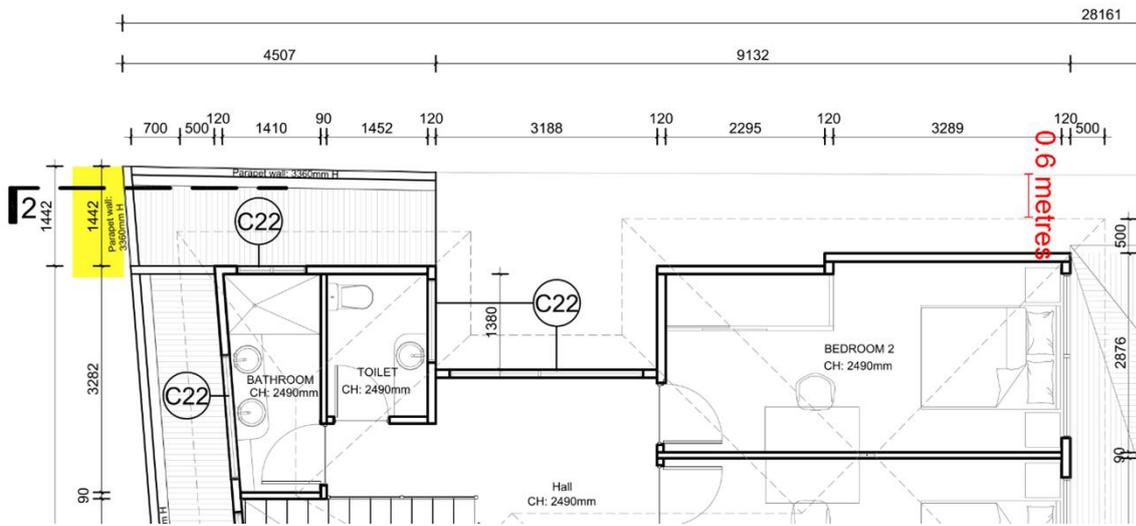
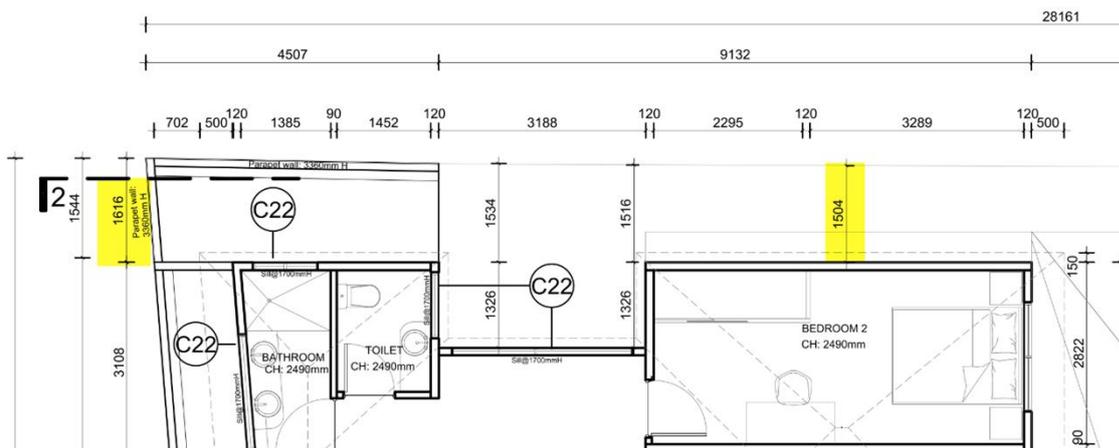


Figure 1 – Original plan extract illustrating second storey addition.



 Reduced roof area

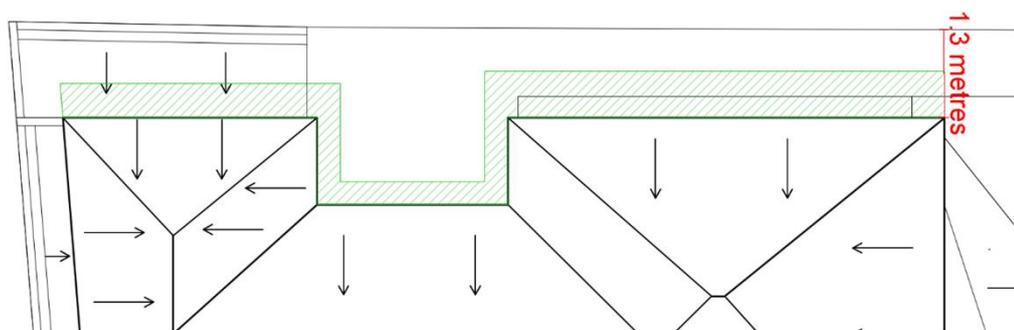


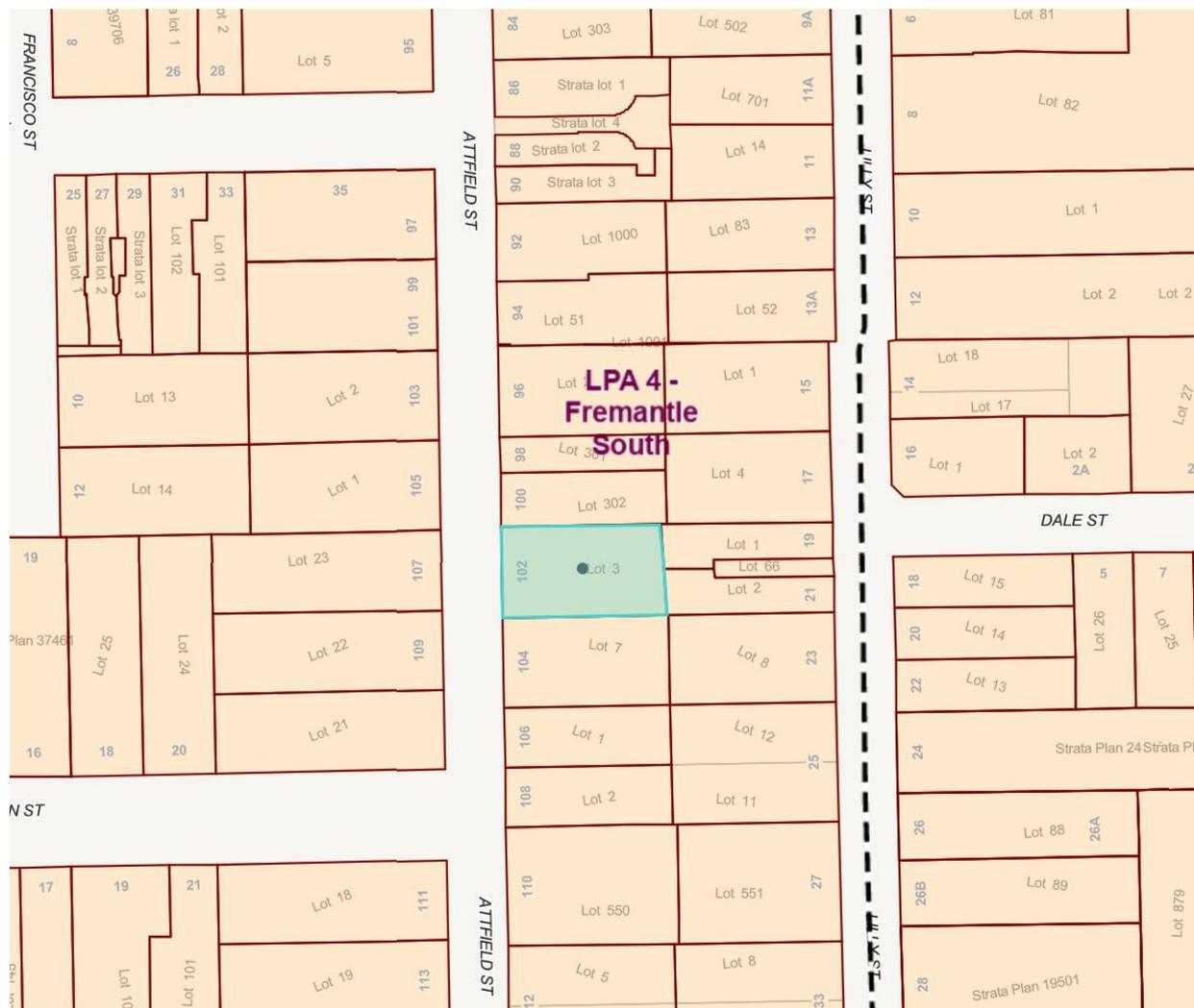
Figure 2 – Amended plan extract illustrating increased setback of second storey addition to the southern lot boundary.



The development plans that were considered by Council in September are included as attachment 2. A spatial statement is provided by the applicant to depict the accurate cadastral boundaries of the subject site. This is included as attachment 3.

Site/application information

Date received: 6 June 2024
 Owner name: Nicole Loueza Quill
 Submitted by: Developed Planning Spatial Delivery
 Scheme: Residential Zone R30
 Heritage listing: Individually Listed Category 3 and South Fremantle Heritage Area
 Existing land use: Single House
 Use class: Single House
 Use permissibility: P





CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Heritage

The amendments to the plans are proposed only to the rear additions. They do not alter the previous assessment provided below.

The development plans were referred internally to the City's Heritage team for comments. The heritage team confirmed that the proposed changes to the house will have only a minor impact on original fabric and the contribution that the place makes to the South Fremantle Precinct Heritage Area for the following reasons:

- The lattice screen to the front verandah will be removed so the original limestone and brick quoined façade will be visible from the street and improve the contribution that the place makes to the surrounding streetscape.
- The projecting bay window to the original front door opening in the façade will be removed and replaced with a window that interprets the original door. This will also improve the presentation of the place.
- The demolition of the bedroom and store in the rear yard will have little impact on the place as it dates from the 1980s and has little heritage significance
- The new upper floor addition at the rear of the house complies with LPP3.6 as it is set back behind the original three-room house. The upper floor addition will have only a minimal impact on the streetscape of Attfield Street because it is largely concealed by the original house and the existing 1980s side addition. The existing topography of the site assists in concealing the additions from the street.

Considering the above, the works proposed in this application are acceptable as they will have only a minor impact on the heritage values of 102 Attfield Street and the South Fremantle Precinct Heritage Area.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes. The advertising period concluded on 31 July 2024, and three (3) submissions were received in objection to the proposal. The following main issues were raised (summarised):



Submitter Comment	Officer Comment
Concerns the development will be afforded overlooking of adjoining southern site and compromise the privacy of these dwellings	A relevant condition of approval is recommended to ensure adequate screening is installed to the upper floor major openings to restrict views within the cone of vision.
Concerns over the impact of overshadowing and light reduction to adjoining properties	Overshadowing has been assessed by officers in accordance with the R-Codes Volume 1 methodology and meets the Deemed-to-comply requirements. An overshadowing diagram to depict the percentage of shadow cast onto the adjoining lots to the south is also provided by the applicant.
Double storey boundary wall and potential bulk impact.	The proposed variation to height of the boundary wall is discussed in detail in the officer assessment section below

In response to the above, the applicant submitted revised plans on 19 August 2024 which included the following summary of amendments:

- Reduced the overall height of the development from 6.5m to 5.9m.
- Provided 1.2m lot boundary setback to the proposed upper floor on the eastern side of the subject site to avoid a double storey boundary wall.
- Reduced impact of overshadowing as a result of the reduction in building height.
- Provision of an updated site survey to confirm that the tree is located on the subject site.

A detailed copy of the submissions and the applicant’s response to these concerns is included as attachment 4.

Prior to presenting this item to Council at its meeting on 11 September 2024, the City received further comments against the amended plans raising the following concerns (summarised):

Submitter Comment	Officer Comment
There are no dimensions for the upper floor additions to the south.	The plans as presented to the City, include appropriate level of information, dimensions and accurate scaling for assessment purposes.
There is no AHD feature survey provided to show the ground and upper floor levels of the site and the neighbouring properties.	The development application is accompanied by a survey plan depicting the relative levels internal to the subject site and on the common boundary. The



Hence, the overshadowing diagram cannot be calculated correctly.	level of information provided as part of the application is in accordance with the City's standard and is considered sufficient for assessment of this proposal.
The boundary wall of the proposed storeroom located on the southern boundary of the development site is not depicted on the plans.	The sections provided in the development plans do illustrate the proposed storeroom and associated boundary wall is clearly identified on the site and floor plans.

To respond to the above concerns, and the reasons for deferral raised by Council, the applicant further modified the plans which are included as attachment 1.

OFFICER COMMENT

Statutory and policy assessment

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

- Lot Boundary Setback
- Boundary Wall Length and Height
- Visual Privacy

The above matters are discussed below.

Background

The subject site is located on the eastern side of Attfield Street. The site has a land area of approximately 412m² and is currently occupied by a Single house. The site is zoned Residential and has a density coding of R30.

The site is located within the South Fremantle Precinct Heritage Area and individually listed (Level 3). The surrounding development characterised by one and two storey single houses and grouped dwellings. There is no relevant planning history for the subject site.

At an Ordinary Council Meeting in September, Council considered the item and referred it back to the administration to allow the applicant to make changes to the plans. The applicant further modified plans to ensure the lot boundary setbacks to both ground and upper floors are comply with the deemed to comply provisions of clause 5.1.3 of the R-Codes.



Land Use

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

Lot Boundary Setback

Element	Requirement	Proposed	Extent of Variation
Eastern (rear) lot boundary setback	Upper Floor: Bedroom 1 - Staircase - Bathroom: 1.5m (no major opening)	1.2m	0.3m

The proposed reduced lot boundary setback variation to the eastern boundary is considered to meet the Design principles of the R-Codes in the following ways:

- The development allows for sufficient access to direct sunlight and ventilation to both the subject site and the adjoining dwellings to the east, as the remainder of the development is generally setback sufficiently from other common boundaries. The proposed boundary wall abuts the backyard of the adjoining neighbours' to the east of the subject site. Both neighbouring properties to the east have their main outdoor habitable space and major openings setback generously from the common boundary and therefore access to direct sunlight and ventilation is not considered to be impacted by the proposed boundary wall.
- It is noted that one of the neighbouring properties to the east, at 21 Lilly Street is impacted slightly more than the other neighbouring property at 19 Lilly Street as the upper floor addition is setback approximately 4m from the northern boundary of the subject site which allows for additional corridor of light and ventilation to the existing outdoor living space of the dwelling at 19 Lilly Street. Notwithstanding, the existing dwelling at 21 Lilly Street has an existing shed structure which abuts the common boundary already. As such, a portion of the proposed boundary wall will not be visible to the neighbours at 21 Lily Street as it will be concealed from views by the existing shed.
- There is no potential overlooking as the eastern elevation does not contain any major openings to a habitable room.
- The neighbouring properties to the east are slightly higher in the natural ground level (being, RL 12.6) in comparison to the subject site (RL 12.1). This is considered to further reduce the impact on bulk from the proposed boundary wall.



Element	Requirement	Proposed	Extent of Variation
Southern lot boundary setback - original development plans	Upper Floor: Bedroom 1 - Staircase - Bathroom: 1.5m (no major opening)	1.2m	0.3m
Southern lot boundary setback - amended development plans	Upper Floor: Bedroom 1 - Staircase - Bathroom: 1.5m (no major opening)	1.5m - 1.6m	Nil

The amended development plans achieve a deemed to comply setback to the southern lot boundary of the subject site.

Boundary Wall Height and Length

The amended development plans do not include any changes to this element of the proposal.

Element	Requirement	Proposed	Extent of Variation
Boundary wall (ground floor east)	Height no greater than 3.5m	3.6m in height	0.1m
	Max length of 10.1m	15.2m boundary wall length	5.1m
Lot boundary setback	Where meets above criteria can be built to boundary (otherwise a setback of 1.5m required)	Nil setback	1.5m

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

- The proposed height does not result in a perception of adverse building bulk when viewed from the adjoining eastern property which slightly is greater in relative levels.
- The development allows for sufficient access to direct sunlight and ventilation to both the subject site and the adjoining dwellings to the east, as the remainder of the development is generally setback sufficiently from the common boundary. In addition, the adjoining dwellings to the east are setback sufficiently from the existing common boundary which allows for sufficient access to ventilation and direct access to northern sunlight.



- The height and length of the proposed boundary wall does not result in any new merit-based decision relating to visual privacy given it does not contain any major openings.
- The proposed length of the boundary wall does not result in a perception of adverse building bulk when viewed from the adjoining southern properties as the height of the wall is compliant.
- The boundary wall will allow for more effective use of the outdoor living area on the subject site.
- As the wall is on the eastern boundary, it will not affect the neighbouring property’s access to winter sun.

Visual Privacy

The amended development plans do not include any changes to this element of the proposal.

Element	Requirement	Proposed	Extent of Variation
Cone of vision setback to Major openings to bedrooms and studies	Bedroom 4: 4.5m setback to eastern boundary	2.1m	2.4m

The proposed bedroom 4 window on the upper floor northern elevation results in direct overlooking over the adjoining neighbour's existing outdoor living areas to the east. As such, a condition is recommended to ensure the proposed windows are obscured or altered in accordance with clause 5.4.1 of the R-Codes for visual privacy.

It should be noted that all visual privacy assessments from other habitable spaces in the proposed additions greater than 500mm above natural ground level are fully compliant with the deemed-to-comply requirements of the R-Codes, either achieving the require cone-of-vision setback or have an appropriate design solution such as hi-lite windows or screening to ensure compliance.

Local Planning Policy 2.9 - Residential Streetscape

In accordance with section 5.1 of LPP 2.9, where the property is included on the City’s Heritage List and is not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy:

- i) Second storey additions to an existing single storey dwelling are to be setback behind the main roof ridge of the existing dwelling a minimum distance of four (4.0) metres; and



- ii) Shall be designed and setback so as to retain the impression of a single storey house when viewed from the street.

Additions and Extensions for heritage listed properties

The amended development plans do not include any changes to this element of the proposal.

Element	Requirement	Proposed	Extent of Variation
Second floor addition	Setback >4m behind roof ridgeline	2.2m	1.8m

In accordance with section 5.2 of LPP 2.9, variations to the requirements of clause 5.1 above may be considered, at Council’s discretion subject to an assessment of the proposed development’s compatibility with and impact on the heritage significance of the property. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6: Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

The second storey addition setback behind the roof ridgeline is supported under clause 5.2 above for the following reasons:

- The new upper floor addition at the rear of the house complies with the City’s Local Planning Policy 3.6 for Heritage Areas, as it is set back behind the original three-room house. The upper floor addition will have only a minimal impact on the streetscape of Attfield Street because it is largely concealed by the original house and the existing 1980s side addition.
- The existing topography of the site assists in concealing the additions from the street.
- The proposed changes to the house will have only a minor impact on original fabric and the contribution that the place makes to the South Fremantle Precinct Heritage Area.



Local Planning Policy 3.6 – Heritage Areas

3.4 Demolition	
<p>The proposed development does not result in demolition of the existing dwelling, only non-original additions are to be demolished or altered at the rear of the property. The proposed changes to the existing Single house will have only a minor impact on original fabric and the contribution that the place makes to the South Fremantle Precinct Heritage Area.</p> <ul style="list-style-type: none"> • The lattice screen to the front verandah will be removed so the original limestone and brick quoned façade will be visible from the street and improve the contribution that the place makes to the surrounding streetscape • The projecting bay window to the original front door opening in the façade will be removed and replaced with a window that interprets the original door. This will also improve the presentation of the place • The demolition of the bedroom and store in the rear yard will have little impact on the place as it dates from the 1980s and has little heritage significance. <p>The development proposal including the demolition of non-original heritage fabric was assessed by the City’s heritage team and confirmed that the works proposed in this application are acceptable as they will have only a minor impact on the heritage values of 102 Attfield Street and the South Fremantle Precinct Heritage Area.</p>	
3.5 Additions and Alterations (to existing buildings)	
3.5.1 Intent	
<p>When altering or adding to a place with heritage protection, the goal is for an outcome that does not reduce the cultural heritage significance of the place (whether this significance is individual to the site, or part of the broader significance of the area) and ideally, enhances it. This generally involves changing as little as possible but as much as necessary in order to retain the cultural heritage significance of the place and maintain its utility. Because the significance of each place and its context is different, assessment of the suitability of proposals requires that each proposal should be assessed on its own merits</p>	<p>Officer Comments</p> <p>The new upper floor addition at the rear of the house complies with LPP3.6 as it is set back behind the original house. The upper floor addition will have only a minimal impact on the streetscape of Attfield Street because it is largely concealed by the original house and the existing 1980s side addition. The existing topography of the site assists in concealing the additions from the street.</p>



3.5.2 Design guidance	
<p><i>Siting and Scale</i></p> <p>i. Additions in front of contributory buildings or within the established building setback in the prevailing streetscape will generally not be supported unless restoring an original feature in the original architectural style (e.g. a verandah) spas (also see 'Garages and Carports' 'Ancillary Structures' and 'Street Fencing' sections below).</p> <p>ii. Generally single storey additions that are less in height to the original building, located to the rear of the original building and constructed so that the roof of the new addition is independent from the original building's roof form can be supported from a heritage perspective.</p> <p>iii. In order to allow a contributory building to retain its original form, if a single storey rear addition is attached to the original building, then this is to:</p> <ul style="list-style-type: none"> • Be via a linked pavilion, or • Have side external walls of the extension set in from the side walls of the original building, or • Be supported by a material change at the junction of the old and new. <p>v. Double storey additions to a contributory building may be considered where:</p> <ul style="list-style-type: none"> • They are located to the rear of the original building; • They do not alter the original building roof line; • They are constructed so that the roof of the new addition is independent from the original building's roof form; • The roof form of the addition is not visible from the street (a minor variation to this may be permitted 	<p><i>Officer Comments</i></p> <p>The proposed addition is at the rear side of an existing single house. As such, it remains consistent with properties in the surrounding area.</p>



<p>based on a proposal’s impact on the streetscape); and</p> <ul style="list-style-type: none"> • If the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to: <ul style="list-style-type: none"> • Be via a linked pavilion, or • Have side external walls of the extension set in from the side walls of the original building, or • Be supported by a material change at the junction of the old and new. 	
<p>Building Form</p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p> <p>i. Additions to places within a heritage area must respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape and existing building, without falsely mimicking heritage detailing.</p> <p>ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p> <p>iii. The treatment of additions in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. of an addition should relate to the existing contributory building and to its neighbours.</p> <p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p> <p>v. Contemporary addition designs should respond to, and interpret, the scale, articulation and detail of the</p>	<p>Officer Comments</p> <p>The proposed addition is at the rear side of an existing single house. As such, the form of the building and its overall shape, size will not be overly visible from the street.</p>



<p>existing and nearby buildings in a modern, innovative and sympathetic way.</p> <p>vi. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new additions should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.</p>	
<p>Other Elements</p> <p>Roofs</p> <p>i. Traditionally roof lines are a predominant element of the streetscape. Additions should respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs. ii. Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.</p> <p>v. New materials, finishes and colours to non-contributory buildings and additions should enhance the character of the existing heritage fabric without visually dominating the streetscape or adjacent heritage buildings/ heritage fabric.</p>	<p>Officer Comments</p> <p>The proposed colours materials and finishes are considered to be complementary to the existing dwelling. As mentioned above, the proposed addition will not be visible from the street, therefore the non-traditional roof form does not impact on the existing streetscape.</p>

CONCLUSION

As discussed above, the proposed variations address the relevant design principles of the R-Codes and policy provisions with limited adverse impact upon the amenity of the adjoining neighbours. The applicant has not sought to redesign the proposal, rather has made minor amendments to ensure that the elements that affect the southern neighbour are now deemed to comply.



As such, the proposed development is recommended for conditional approval.

STRATEGIC IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2410-2 **(Officer's recommendation)**

Moved: Cr Ben Lawver

Seconded: Cr Fedele Camarda

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the additions and alterations to an existing Single house at No. 102(Lot 3) Attfield Street, South Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 24 September 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. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**



- 3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**

- 4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the eastern boundary shall be of a clean finish in any of the following materials:**
 - a. Coloured sand render,**
 - b. Face brick,**
 - c. Painted surface,**
 - d. Other approved finish**

and be thereafter maintained to the satisfaction of the City of Fremantle.

- 5. Prior to lodgement of a Building Permit for the development hereby approved, a detailed drawing showing how the (bedroom 4) located on the (northern) elevation, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:**
 - a) Fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b) Fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c) A minimum sill height of 1.60 metres above the internal floor level, Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.**

- 6. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**

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



Advice note(s):

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

- iii. 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.**
- iv. With regards to Condition 5, the screening to bedroom 4 is required to restrict any potential overlooking onto any major openings or outdoor living areas of the property to the east of the subject site.**

Carried: 7/4

For:

**Mayor Hannah Fitzhardinge, Cr Geoff Graham,
Cr Jemima Williamson-Wong, Cr Fedele Camarda,
Cr Frank Mofflin, Cr Doug Thompson and Cr Ingrid van Dorssen**

Against:

**Cr Jenny Archibald, Cr Adin Lang,
Cr Andrew Sullivan and Cr Ben Lawver**



C2410-3 PLANNING INFORMATION REPORT - OCTOBER 2024

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 9 October 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: 1. Items determined under delegation

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: 9 October 2024
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
<ul style="list-style-type: none"> At its meeting held on 10 July 2024, the Council resolved to refuse the application.
Current Status
<ul style="list-style-type: none"> 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 is scheduled for 10 October 2024.

2. Application Reference
DAP002/24
Site Address and Proposal
19 Essex Street, Fremantle – Four storey Tourist development



Council Consideration/Decision
<ul style="list-style-type: none"> • 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 is scheduled for 1 October 2024.

3. Application Reference
DAP003/24
Site Address and Proposal
1 Naylor and 2-4 Clontarf Road, Beaconsfield- Multiple dwellings
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was received on 22 July 2024. • At its meeting on 11 September 2024, Council resolved to support the Officers Recommendation for approval. • A Development Assessment Panel meeting is scheduled for 17 October 2024.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2410-3
(Officer's recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council receive the following information reports for October 2024:

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

Carried: 11/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
 Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
 Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
 Cr Doug Thompson and Cr Ingrid van Dorsen**

Against:

Nil



C2410-4 LOCAL PLANNING POLICY UPDATE FOR CONSISTENCY WITH LOCAL PLANNING SCHEME NO. 4 - LOCAL AND NEIGHBOURHOOD CENTRES

Meeting date: 9 October 2024
Responsible officer: Manager Strategic Planning and City Design
Voting requirements: Simple Majority Required
Attachments: Nil

SUMMARY

The purpose of this report is to consider amendments to 10 local planning policies to correct Local and Neighbourhood Centre nomenclature by reversing it to correspond with Local Planning Scheme No. 4 (LPS4) and the categorisation of centres used in State Planning Policy 4.2 – Activity Centres (SPP 4.2).

Previously, the definitions of these two centre types in LPS4 were opposite to those in SPP 4.2, which was creating complexity and confusion when dealing with matters concerning them. To remedy this issue, LPS4 was amended in 2021 to correct this nomenclature. The amendment was purely administrative and had no effect on the objectives or land use permissibility within both types of centres; however, it allowed the City to reference centres within strategic documents, including the updated Local Planning Strategy currently under preparation, and in discussions with applicants without the issues associated with the previous misalignment.

Regrettably, the City's suite of local planning policies was not updated at the same time and several discrepancies have since been discovered.

This report recommends that Council amend the following local planning policies by substituting "Local Centre" for "Neighbourhood Centre" and vice versa, including in titles where necessary:

- LPP 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4
- LPP 3.5 – Local Planning Area 5 – Beaconsfield
- LPP 3.8 – Local Planning Area 8 – O'Connor
- LPP 3.9 – Local Planning Area 9 – Samson
- LPP 3.14 – Wray Avenue Precinct



- **LPP 3.17 – Hilton Local Centre (South Street, Hilton)**
- **LPP 3.18 – Beaconsfield and White Gum Valley Local Centre Areas**
- **D.G.F29 – Suffolk to South Streets Local Area**
- **D.G.N4 – Stirling Highway, Tydeman Road, Jackson and Pearse Streets Local Area**
- **D.G.N6 – Northbank Development Guidelines.**

It is also recommended that the precinct map in LPP 3.14 is updated to reflect the current Mixed Use, Neighbourhood Centre, and Residential zonings under LPS4.

BACKGROUND

In 2019, the City undertook a review of Local Planning Scheme No.4 (LPS4) and in February 2020, Council adopted the recommendations of the review report (SPT2002-4). These recommendations included pursuing some administrative amendments to the scheme and staging a series of issue and area-based reviews to update specific aspects of the scheme. The Western Australian Planning Commission (WAPC) supported the report's conclusions, subject to a modification to require the preparation of a new Local Planning Strategy prior to any further substantive amendments to the planning scheme: this was on the basis that the WAPC does not appear to have formally adopted the existing Local Planning Strategy in its approval of LPS4 in 2007.

Work on updating the Local Planning Strategy has been progressing, and the City is currently awaiting certification from the Western Australian Planning Commission, which will permit advertisement of the draft document for public comment. Parallel with this work, short-term administrative updates to LPS4, as identified in recommendation 2a of the Review Report, have been progressed to maintain the Scheme's currency and meet legislative requirements. One such update was a "review of and alignment of land use definitions with Model Scheme Text and centre nomenclature".

It had been identified that the definitions of the Local and Neighbourhood Centres in LPS4 were the opposite of those in State Planning Policy 4.2 – Activity Centres (SPP 4.2), which was creating complexity and confusion when dealing with matters concerning them. Consequently, in 2021, the City undertook an amendment to LPS4 to correct that nomenclature. The amendment was purely administrative and had no effect on the objectives or land use permissibility within both types of centres; however, it allowed the City to reference centres within strategic documents, including the updated Local Planning Strategy, and in



discussions with applicants without the issues associated with the previous misalignment.

Regrettably, the City's suite of local planning policies was not updated at the same time and several discrepancies have since been discovered. Ten local planning policies are affected and each simply refers to the Local Centre zone, rather than the Neighbourhood Centre zone, or vice versa. The affected policies are:

- LPP 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4
- LPP 3.5 – Local Planning Area 5 – Beaconsfield
- LPP 3.8 – Local Planning Area 8 – O'Connor
- LPP 3.9 – Local Planning Area 9 – Samson
- LPP 3.14 – Wray Avenue Precinct
- LPP 3.17 – Hilton Local Centre (South Street, Hilton)
- LPP 3.18 – Beaconsfield and White Gum Valley Local Centre Areas
- D.G.F29 – Suffolk to South Streets Local Area
- D.G.N4 – Stirling Highway, Tydeman Road, Jackson and Pearse Streets Local Area
- D.G.N6 – Northbank Development Guidelines.

It is therefore proposed to amend the affected policies by reversing the Local and Neighbourhood Centre nomenclature, and to update the precinct map in LPP 3.14 to reflect the current Mixed Use, Neighbourhood Centre, and Residential zonings under LPS4.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The procedure for amending a local planning policy is provided for under Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



STRATEGIC IMPLICATIONS

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

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

Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that an amendment to a local planning policy is advertised on the City's website, and a copy of the document made available for public inspection at the Walyalup Civic Centre during normal business hours, for a period of not less than 21 days, prior to its final adoption by Council. However, Schedule 2, Part 2, Clause 5, sub-clause (2) states that:

Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

In this instance City officers consider the proposed amendments to be minor in nature, as they deal with an administrative matter and are consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*, SPP4.2, and LPS4. On this basis, it is considered that advertising of the amendments is unnecessary.

OFFICER COMMENT

City officers consider that as LPS4 takes precedence, the inaccurate references to Local and Neighbourhood Centres in the 10 affected local planning policies do not undermine their original intent; however, they are technically incorrect and could be harmful if a determination based on one of these policies is challenged via the State Administrative Tribunal.

The full details of the required amendments to the affected policies are as follows:

- LPP 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4 requires two text references to "Local Centre" to be amended to "Neighbourhood Centre".



- LPP 3.5 – Local Planning Area 5 – Beaconsfield requires one text reference to “Local Centre” to be amended to “Neighbourhood Centre”.
- LPP 3.8 – Local Planning Area 8 – O’Connor requires two text references to “Local Centre” to be amended to “Neighbourhood Centre”.
- LPP 3.9 – Local Planning Area 9 – Samson requires one text reference to “Neighbourhood Centre” to be amended to “Local Centre”.
- LPP 3.14 – Wray Avenue Precinct requires three text references to “Local Centre” to be amended to “Neighbourhood Centre”, and the precinct map updated to reflect the current Mixed Use, Neighbourhood Centre, and Residential zonings under LPS4.
- LPP 3.17 – Hilton Local Centre (South Street, Hilton) requires its title to be amended to “Hilton Neighbourhood Centre (South Street, Hilton)”.
- LPP 3.18 – Beaconsfield and White Gum Valley Local Centre Areas requires its title to be amended to “Beaconsfield and White Gum Valley Neighbourhood Centre Areas”, and two text references, a map title, and two map legends to be amended from “Local Centre” to “Neighbourhood Centre”.
- D.G.F29 – Suffolk to South Street Local Area requires six text references to “Local Centre” to be amended to “Neighbourhood Centre”.
- D.G.N4 – Stirling Highway, Tydeman Road, Jackson and Pearse Streets Local Area requires four text references to “Local Centre” to be amended to “Neighbourhood Centre”.
- D.G.N6 – Northbank Development Guidelines requires one text reference to “Local Centre” to be amended to “Neighbourhood Centre”.

It is recommended that Council adopt these amendments to the affected local planning policies, as this will ensure their consistency with the *Planning and Development (Local Planning Schemes) Regulations 2015*, SPP4.2, LPS4, and other planning instruments.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



COUNCIL DECISION ITEM C2410-4
(Officer's recommendation)

Moved: Cr Andrew Sullivan

Seconded: Cr Geoff Graham

Council:

1. Adopts the following amendments to local planning policies:

- (a) LPP 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4 – two text references to “Local Centre” amended to “Neighbourhood Centre”**
- (b) LPP 3.5 – Local Planning Area 5 – Beaconsfield – one text reference to “Local Centre” amended to “Neighbourhood Centre”**
- (c) LPP 3.8 – Local Planning Area 8 – O'Connor – two text references to “Local Centre” amended to “Neighbourhood Centre”**
- (d) LPP 3.9 – Local Planning Area 9 – Samson – one text reference to “Neighbourhood Centre” amended to “Local Centre”**
- (e) LPP 3.14 – Wray Avenue Precinct – three text references to “Local Centre” amended to “Neighbourhood Centre”, and the precinct map updated to reflect the current Mixed Use, Neighbourhood Centre, and Residential zonings under Local Planning Scheme No. 4**
- (f) LPP 3.17 – Hilton Local Centre (South Street, Hilton) – title amended to “Hilton Neighbourhood Centre (South Street, Hilton)”**
- (g) LPP 3.18 – Beaconsfield and White Gum Valley Local Centre Areas – title amended to “Beaconsfield and White Gum Valley Neighbourhood Centre Areas”, and two text references, a map title, and two map legends amended from “Local Centre” to “Neighbourhood Centre”**
- (h) D.G.F29 – Suffolk to South Street Local Area – six text references to “Local Centre” amended to “Neighbourhood Centre”**
- (i) D.G.N4 – Stirling Highway, Tydeman Road, Jackson and Pearse Streets Local Area – four text references to “Local Centre” amended to “Neighbourhood Centre”**
- (j) D.G.N6 – Northbank Development Guidelines – one text reference to “Local Centre” amended to “Neighbourhood Centre”.**



- 2. Notes that the amendments referred to in part 1 of this resolution are minor in nature, as they deal exclusively with an administrative matter, and that public advertising is not required.**
- 3. Requests that City officers make the necessary amendments to the affected policies referred to in part 1 of this resolution and publish the amended policies on the City's website.**

Carried: 11/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorssen**

Against:

Nil



Strategic and general reports

C2410-5 FREMANTLE OVAL REDEVELOPMENT MASTERPLAN

Meeting date:	9 October 2024
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Masterplan Report2. Project Structure3. Masterplan Engagement Report4. Government Engagement Summary Feb - May 2024

SUMMARY

The City, along with its Project Partners the South Fremantle Football Club, Fremantle Football Club and Western Australian Football Commission, has worked over the past 12 months to prepare a revised masterplan to guide redevelopment of the Fremantle Oval precinct (as provided in Attachment 1). This masterplan has now been completed, along with an accompanying business case outlining project costs. Development is also underway in preparing an extended business case to include revenue opportunities and potential long-term management and operational arrangements.

This report recommends that Council endorse the prepared masterplan for the Fremantle Oval Redevelopment for final public advertising prior to adoption. This masterplan will provide the framework for the project to be developed in more detail and take further steps towards securing funding and eventual delivery.

BACKGROUND

Since April 2023, the City has been working with key partners South Fremantle Football Club (SFFC), Fremantle Football Club (FFC) and the Western Australian Football Commission (WAFC) on preparing a renewed vision for Fremantle Oval's redevelopment. As the vision has developed in scope and complexity a broader association of consultants, stakeholders and City-staff has been brought together to prepare a masterplan and associated project costs (please refer to the project structure outlined in Attachment 2).



Previous Planning Studies

Since 2014, numerous studies have been undertaken to prepare a masterplan for the oval and secure substantial funding for its redevelopment. These studies varied in focus and are summarised below:

2016 Masterplan – driven by the potential co-location of SFFC and East Fremantle Football Club to the site.

2018 Masterplan – led by Development WA (then LandCorp) and driven by an intent to deliver integrated housing and mixed-use development across the Fremantle Hospital and oval sites.

2020 Masterplan – driven by the need for new SFFC facilities, stronger heritage outcomes, an active community space in the City and unlocking a future housing development on free-hold land adjacent to the oval.

Despite their differences, each previous planning study shared consistent attributes and objectives, including:

- Intention to reorientate the playing field to optimise the planning of the site and heritage outcomes.
- Introduction of new uses including community facilities and housing.
- Opening up the oval to more community use and event opportunities.
- Seeking improvement of site/precinct connectivity within the surrounds and CBD.

While these planning studies were unable to attract the required funding and commitments needed to achieve their implementation, they increased the City's, stakeholders and community's understanding of the oval's challenges, and the expectation and anticipation that action is needed to improve the facility.

A Renewed Masterplan

The commitment to a renewed effort from the City and its partners was confirmed in April 2023, driven by:

- Acknowledgement of the poor condition of Fremantle Oval compared to other facilities.
- Expansion of women's sport, particularly women's football and the inadequacy of current facilities compared to contemporary standards.
- Opportunity for a precinct with more diverse uses, better community access and connection to the city centre.
- New funding opportunities at the Federal Government level.
- Learning from previous master planning initiatives.



A Request for Tender was released in June 2023 to seek strategic advisory services in master planning, business case development and advocacy. In August 2023, City Collective was appointed to lead the preparation of a spatial plan for the oval and an advocacy strategy to promote and gain support for the project.

Working with the Project Partners, key aims for the project were identified, including:

- A football facility with a capacity of 10,000 – 15,000 patrons (Consistent with AFL's 'Category 4' and the State Government's 'Tier 2' designation)
- An accessible and inclusive community green space in the city centre, capable of hosting major events
- A visitor experience that is community friendly and encourages a 'day out' in Fremantle
- Upgrades and conservation of significant heritage places such as the Victoria Pavilion
- Support for a revitalised Fremantle Hospital and improved visitor experience for Fremantle Prison
- Recognition of Aboriginal people in their contribution to sport at Fremantle Oval and as Traditional Owners of the site
- Support the oval's current tenants SEDA College and the Stephen Michael Foundation, and attract other education providers
- New, safe pedestrian connections through the precinct
- Development opportunities for new uses that leverage the precinct's city centre location and complement the precinct's heritage, sport, health and tourism functions.

The Fremantle Oval Redevelopment Masterplan ('the Masterplan' – please refer to Attachment 1) has successfully incorporated these aims within holistic vision for the precinct.

Supporting Work

Independent of work to prepare a masterplan, the Fremantle Oval Conservation Management Plan (CMP) was prepared by Griffiths Architects between January 2022 and May 2024, culminating in Council endorsement on 22 May 2024. The CMP describes the major historic and heritage characteristics of the oval and provides guidance regarding how these characteristics can be protected, conserved and interpreted through any future planning and works. The CMP underwent rigorous community and peer review during its preparation. It has since provided important guidance to the preparation of the Masterplan and will continue to be an active document in any further planning and implementation as part of the oval's redevelopment.



Since July 2024, additional financial modelling has been undertaken by the Paatsch Group to investigate the financial implications for the City of Fremantle to operate the redeveloped oval and its facilities and consider the outcome if no redevelopment is undertaken. This will provide additional rigour to the business case process.

FINANCIAL IMPLICATIONS

The business case supporting the Masterplan identifies the total costs of delivery, life cycle (site/facility management and maintenance) and operations for the oval. The structure of the business case and the scope of the Masterplan have been carefully considered to ensure a financially responsible and sustainable facility for the City as well as SFFC, FFC and content provision for the facility.

The business case assumes major contributions from State and Federal Government towards the capital costs of redeveloping the oval. The City will also contribute to the project's capital costs and once significant funding has been achieved further funding partners will also be sought.

Redevelopment of the site will provide new revenue generating opportunities for the City which will allow for the ongoing, sustainable management of the site. Revenue generation is expected from hospitality and commercial tenancies, parking, as well as new content (sports and community) and major event hosting. Housing development opportunities are envisaged to generate a long-term leasing income.

All revenue generated from the site's activities will be re-invested into the site's management and maintenance, consistent with the land management conditions of the site as a Crown Reserve managed by the City.

It is anticipated the full business case will be finalised for presentation with the consideration of final adoption of the Masterplan, post advertising of the Masterplan. This business case will also support the requirements for State funding through State Treasury.

If funding agreements can be reached with State and Federal governments, project funding will be sought from Council to resource the project (e.g. planning, procurement and delivery costs) and commence its delivery.



LEGAL IMPLICATIONS

There are no direct legal implications of the Masterplan and business case, however this work outlines potential site management arrangements that will be pursued in future leasing and commercial agreements with key stakeholders such as South Fremantle Football Club and Fremantle Football Club.

To enable a future housing development opportunity at the oval, the City will work with State Government's Department of Planning, Lands and Heritage to resolve any land tenure and zoning issues.

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

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

Liveable City - Liveable and socially connected neighbourhoods

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

Liveable City - Connected city

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

Liveable City - Functional and inclusive recreational facilities

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

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

- 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

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



Thriving City - A resilient seven-day economy

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

Thriving City - A thriving and supportive ecosystem for start-ups and small businesses

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

Thriving City - Vibrant and active city centre

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

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

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

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

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

CONSULTATION

Consultation has been undertaken across a broad range of stakeholder groups, including:

- Community
- Project Partners
- Precinct stakeholders
- Senior Government representatives
- State and Federal Government agencies
- Internal City staff

Community engagement was undertaken consistent with the City of Fremantle's community engagement policy and the International Association of Public Participation's spectrum of public engagement. The engagement program aimed to 'Consult & Involve' the community throughout the project to this point has been extensive.

The City of Fremantle conducted a series of in-person, local media, and digital community engagement activities to collect submissions and feedback for this program. The City and its Project Partners looked for the community's support in developing the Masterplan. The community's input helped inform the Masterplan's



vision, its guiding principles, and assisted the City in developing partnerships and attracting funding. Community engagement regarding the Masterplan generated more than 2,400 responses through face-to-face conversations and online visits to the City's MySay portal. A summary of engagement with the community was reported to Council on 24 July 2024 and is attached to this report (Attachment 3).

Key learnings from the community engagement process include:

- Future redevelopment opportunities should prioritise the strong community connection to the oval as a place of sports and culture.
- Support for uses and commercial activities that complement the sporting nature of the precinct.
- Both amenity to attract residents to the city, and amenity for events and the night-time economy are important to the community.

Community feedback has provided confidence that the Masterplan's vision is well-directed and responds appropriately to community values and needs. Advertising this draft is the final piece wrapping up the process of consultation.

Consultation has also been undertaken with State and Federal Governments. This has helped shape the project vision as well as demonstrate to government stakeholders the City's commitment and readiness to undertake the project. A summary of engagement with State Government representatives is attached to this report (Attachment 4).

Further consultation is expected to be undertaken with government stakeholders, particularly State Government, to gain support for the project and ensure that the business case aligns with requirements and expectations of key decision makers, including State Treasury. It's also intended to further advertise the Masterplan to enable additional community comment and feedback, noting the high profile of the project and community interest in it.

OFFICER COMMENT

The Fremantle Oval Redevelopment is a complex and ambitious project. The Masterplan for Fremantle Oval proposes new sport and community assets within a cohesive, well-designed precinct for the local community and visitors, while creating the opportunity for approximately 240 new affordable and social dwellings at a future stage, improved access for the precinct, recognition of heritage assets around the oval. The Masterplan has been developed out of considered analysis of the oval's context, particularly its relationship to the city centre and the adjacent Fremantle Prison and Hospital.



The Project Partners have been determined to see that the Masterplan adopts a genuine precinct-based approach sensitive to its location, incorporating appropriate and complementary activities, uses and design strategies. Proposed uses such as childcare, warm water/therapy facilities, gym and commercial space to support education and allied health are intended to complement the precinct's current sports and health facilities.

Opportunities to improve connections to and through the precinct have been thoroughly explored. A variety of new connections into the oval have been proposed from each side, with improvements in the legibility and sense of welcome of major arrival points. The Masterplan proposes improved connections between the oval and the Hospital site, particularly 'the Knowle', and to terrace of the Fremantle Prison which should lead to broader benefits for the precinct. The scope of the Masterplan includes the upgrade of Parry Street to create a high-amenity pedestrian environment connecting the oval with the Fremantle Markets site, as well as stronger links to William Street and Walyalup Koort beyond. Vehicular access and parking strategies make use of Bulldog Lane and access to and from South Terrace to minimise service access to the oval from Parry Street. Additionally, the Masterplan provides for up to 355 bays at the oval, of which a significant number will remain in the City's control for public use.

The Masterplan has been guided closely by the Fremantle Oval Conservation Management Plan. The Masterplan has followed a series of design and planning strategies intended to respond to the site's sensitive heritage environment, including the Fremantle Prison's Outstanding Universal Value and World Heritage Area Buffer zone. These strategies include:

- Enhancing views, vistas and pedestrian connections to the Fremantle Prison
- Incorporating framed views and pedestrian connections towards The Knowle
- Proposing graduated built form located predominantly to the south of the oval, adjacent to the hospital site
- Proposing integration with the Fremantle Prison's Heritage Landscapes Strategy
- Providing opportunities for parking currently located on the Fremantle Prison's terrace to be relocated to facilities on the oval site
- Realigning the oval to be in closer proximity to the Victoria Pavilion
- Responding to the datum of existing buildings and features (e.g. Victoria Pavilion roofline and the limestone escarpment to the east of the oval)
- Enhancing the legibility of the Convict Establishment through a consistent urban design palette (consistent with Fairbairn Ramp and recent interpretation works at the base of the ramp).



The sports facility proposed to replace the current aging SFFC headquarters would provide a new, benchmark facility to support elite and community sport at the oval, particularly women's sports. The new sports facility, together with new spectator seating arrangements, would provide a venue capacity of approximately 12,500 patrons. There is currently a gap in Western Australia of football venues at this size (known as 'Tier 2' facilities). At this capacity Fremantle Oval would be capable of hosting the AFL's Gather Round, WAFLW and AFLW finals, pre-season AFL games, major community events and other significant sporting events. New event hosting capacity would leverage Fremantle's destination and tourism economy and bring people, football, and major events right into the heart of the city.

Great care has been taken in the proposed staging of the site's redevelopment, taking into consideration the priority of needs, continuity of operations, construction management and suitable works packages, as well as the alignment of staging with government funding opportunities at the State and Federal levels. Stage 1 of the Masterplan is well prepared to move into delivery and implementation if funding commitments can be achieved. It's anticipated that Stage 2 has a longer lead time of development and will involve further consultation with community and stakeholders.

The Masterplan has been developed through consultation and engagement with key partners and stakeholders. A three-month community engagement period has been completed on the Masterplan. Evidently, there is broad community and stakeholder support for the Masterplan's key components, including the realignment of the oval, the upgrade of community facilities and the improvement of pedestrian connections to and through the precinct. The provision of new uses on site has received strong support from multiple levels of government as well as the community. The opportunity for a major affordable housing development on the site has received excellent support from government stakeholders, and a qualified response from the community, and is a critical part of the Masterplan's vision.

Funding is being sought to deliver civil and housing enabling infrastructure such as footpaths, drainage, lighting and road upgrades, a realigned sports oval, all-ages play areas and all associated landscaping. These works will support the delivery of new, serviced land as part of Stage 2 (approximately 7,000 sqm) for affordable and social housing dwellings under the ownership of State Government and the City.



The Masterplan has been developed with careful consideration of State and Federal planning priorities. The intent of the project aligns with State Government's Perth and Peel @3.5 Million' (P&P@3.5M) planning strategy, to intensify residential development within the Fremantle city centre. Fremantle Oval itself is Crown Land, vested under a Management Order to the City of Fremantle with the power to lease the land, subject to the approval of the Minister for Lands. Fremantle Oval is a Civic and Cultural Reserve under the Metropolitan Regional Scheme (MRS). The Masterplan is consistent with the existing purpose of the reserve, and will not require changes to the site's tenure at this time. The City has maintained a regular dialogue with the Department of Planning, Lands and Heritage regarding the potential need to change the site's zoning to support future housing development opportunities. Both parties are committed to working towards a shared intent to secure the site for housing, whereby the State continues to own the land, the City continues to manage the site, and future affordable and social housing can be delivered in partnership through a ground-lease model. It is envisioned that this arrangement will provide the City with a high degree of influence over future housing outcomes, and ensure good quality and contextually appropriate development.

Further engagement with the Department of Communities is anticipated in the near future, as well as the community housing sector more generally. This will be aimed at helping to ensure housing outcomes lead to affordable dwellings while contributing to the WA Housing Strategy 2020-2030 target for 6 per cent net growth of social housing.

The State Heritage Office (SHO) and the Fremantle Prison have been participants of the project's Precinct Stakeholder Group over the last 12 months and provided important advice on the precinct masterplan. Further engagement with SHO, Fremantle Prison and the Heritage Council of Western Australia, will continue as components of the Masterplan are developed in further detail. The City will work closely with these stakeholders to ensure ongoing regard is given to the Fremantle Prison's Outstanding Universal Value and the World Heritage Buffer Zone that sits over the site.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Moved: Cr Fedele Camarda

Seconded: Cr Andrew Sullivan

Council:

1. Endorse the Fremantle Oval Masterplan (draft), as per attachment 1 with this agenda, for public advertising for community comment and to conclude the consultation process,
2. Request the Fremantle Oval Masterplan be brought back for final consideration and adoption at the completion of the advertising, and
3. Authorise the use of the Fremantle Oval Masterplan (draft), as per attachment 1 with this agenda, for use in promotion of the project and seeking funding support with State and Federal Government prior to its final adoption.

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

AMENDMENT

Moved: Cr Ben Lawver

Seconded: Cr Andrew Sullivan

To amend part 3 of the officer's recommendation, as follows:

3. Authorise the use of the Fremantle Oval Masterplan (draft), as per attachment 1 with this agenda for use in promotion of the project and seeking funding support with State and Federal Government prior to its final adoption *and note its use in the Community Infrastructure Enabling funding submission with the Federal Department for Infrastructure.*

Amendment Carried: 11/0

For:

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorssen

Against:

Nil



Reason for amendment:

A plan very similar to this has already been used to lobby Federal Government officials and also to seek funding by applying for Federal grant opportunities.

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

AMENDMENT

Moved: Cr Jenny Archibald

Seconded: Cr Andrew Sullivan

To add an additional part (4) to the Officer's Recommendation as follows:

4. Notes the following process that the project will go through before the final built-form and land uses of the development(s) at the southern end of the Oval are finalised:

- ***Seek community input***
- ***Seek funding, then develop detailed plans***
- ***Undertake Heritage Impact Assessment (HIA) for Prison***
- ***Lodge DA and HIA for determination***
- ***Seek community feedback on DA plans***
- ***Refer to State Heritage Office for assessment***
- ***Refer to Federal Government for heritage assessment***
- ***Adjust plans in response to DA feedback***
- ***Obtain final approvals, based on above process***

Amendment Carried: 11/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorssen**

Against:

Nil

Reason for amendment:

To clarify that the current images of buildings in the Masterplan are indicative only and the final building designs have a long process yet to go through.



COUNCIL DECISION ITEM C2410-5
(Amended officer's recommendation)

Moved: Cr Fedele Camarda

Seconded: Cr Andrew Sullivan

Council:

- 1. Endorse the Fremantle Oval Masterplan (draft), as per attachment 1 with this agenda, for public advertising for community comment and to conclude the consultation process.**
- 2. Request the Fremantle Oval Masterplan be brought back for final consideration and adoption at the completion of the advertising.**
- 3. Authorise the use of the Fremantle Oval Masterplan (draft), as per attachment 1 with this agenda, for use in promotion of the project and seeking funding support with State and Federal Government prior to its final adoption *and note its use in the Community Infrastructure Enabling funding submission with the Federal Department for Infrastructure.***
- 4. Notes the following process that the project will go through before the final built-form and land uses of the development(s) at the southern end of the Oval are finalised:**
 - *Seek community input***
 - *Seek funding, then develop detailed plans***
 - *Undertake Heritage Impact Assessment (HIA) for Prison***
 - *Lodge DA and HIA for determination***
 - *Seek community feedback on DA plans***
 - *Refer to State Heritage Office for assessment***
 - *Refer to Federal Government for heritage assessment***
 - *Adjust plans in response to DA feedback***
 - *Obtain final approvals, based on above process***

Carried: 11/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorssen**

Against:

Nil



C2410-6 HUNGERFORD SPONSORSHIP RENEWAL

Meeting date: 9 October 2024
Responsible officer: Manager Customer Experience and Learning
Voting requirements: Simple Majority Required
Attachments: 1. Hungerford Renewal Proposal Final 2024

SUMMARY

Fremantle Press is Western Australia's longest standing independent book publisher charged with giving voice to WA writers and bringing stories about this place to the world.

The City has supported the delivery of the City of Fremantle Hungerford Award as a naming sponsor of Western Australia's longest running and prestigious award for emerging new writers since 2014. Fremantle Press seeks to renew its partnership with the City of Fremantle for a further three cycles in 2026, 2028 and 2030 and has requested an increase in financial support, currently at \$20,000 biennially.

A funding offer of \$25,000 plus the in-kind venue support of the use of Fremantle Arts Centre, for another three Hungerford cycles has been discussed with Fremantle Press. The funding will be used for Prize money for the winner of the award and for the award event costs.

Attached is a report from Fremantle Press outlining the proposed sponsorship over the next three cycles 2026, 2028 and 2030. The report details the benefits and outcomes for the Fremantle community in continuing to support the delivery of this prestigious award.

This report recommends that Council:

- 1. Accepts the invitation from Fremantle Press to continue as naming sponsor or major sponsor of the City of Fremantle Hungerford Award.**
- 2. Approves \$25,000 in sponsorship funding for the Hungerford Awards in the draft budget for the financial years 2025/26, 2027/28 and 2029/30, plus venue support for the use of Fremantle Arts Centre, valued at \$3,500.**



BACKGROUND

Fremantle Press is Western Australia's longest standing independent book publisher, which has nurtured and developed talented writers and artists since it was set up as a not-for-profit organisation in 1976 by the City of Fremantle, charged with giving voice to WA writers and bringing stories about this place to the world.

WA writers and stories remain at the heart of Fremantle Press. Its mission is to publish the works of WA authors, and to nurture and develop their careers. Fremantle Press has been a committed and passionate leader in the arts, with over 100,000 books sold each year nationally and internationally.

The City of Fremantle Hungerford Award is given biennially to a full-length manuscript of fiction or narrative non-fiction by a Western Australian author previously unpublished in book form. It is the only award of its kind offered exclusively to the Western Australian writing community, with the anonymous author chosen for the quality of their writing.

As a naming/major sponsor, the city will provide the cash prize, funds to contribute to event expenses, in kind venue support for the use of Fremantle Arts Centre and contribute to the promotion of the award announcement event. Fremantle Press is responsible for administering, promoting and managing the award, including submissions, judging, general media, event planning and promotion. The winner receives a publishing contract with Fremantle Press, with publication and launch of the winning book in the year following the award.

Throughout its history, the City of Fremantle Hungerford Award has consistently proved it is the early identifier and supporter for writers at the beginning of their careers. Their subsequent recognition around Australia and Internationally demonstrates the importance of this award in identifying and supporting talented Western Australian writers.

FINANCIAL IMPLICATIONS

Currently, the City funds \$20,000 for the sponsorship of the award from within operational budgets. \$15,000 is for the prize for the winner and \$5,000 used for the award ceremony and promotion.



The City's proposed contribution during the award years 2026, 2028 and 2030 for the award ceremony is to increase the sponsorship to \$25,000. This equates to \$15,000 Prize to the winner, \$10,000 for Events costs, and in-kind venue support of the Fremantle Arts Centre (\$3500).

LEGAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Creative City – Events and programming celebrate Fremantle's unique and diverse creative and cultural identity

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

CONSULTATION

Fremantle Press CEO and staff have been in discussion with city officers to progress a renewal of the City's sponsorship of the Hungerford Award.

OFFICER COMMENT

There have been significant benefits to the city and the community in supporting the delivery of this award. The city of Fremantle Hungerford award provides the perfect opportunity to celebrate new and emerging writers, to encourage participation in literature from diverse groups and to involve the wider community in a range of events that strengthen connection to place, celebrate local stories and encourage reading, writing and storytelling.

The award supports local authors, with seven Fremantle creatives shortlisted or winning the award in the last five award rounds. Since 2014, City of Fremantle alumni have gone on to win or be shortlisted for 20 national awards.

In terms of promotion, all award-winning books are shipped throughout Australia, New Zealand, North America, Europe and Asia. Each award winner is accompanied by a national marketing campaign with an average annual online paid reach via Meta of 87,000 with 212,000 impressions and 263,000 impressions organically. The 2022 City of Fremantle Hungerford Award media campaign saw 85 published articles, mentions and reviews with an estimated audience of 5.4 million.



There is a strong theme of supporting other Western Australian writers with eight City of Fremantle alumni providing talks, mentoring and workshops for more than 800 new writers, sitting on writing boards and judging writing awards.

Investment in sponsorship for the Hungerford Award allows Fremantle Press to capture the rich stories of WA and embed literature from WA in the Australian cultural landscape. The Award winners and those shortlisted are promoted and published, including WA writers of all ages, many from diverse and under-represented groups. Fremantle Press can create content for other art forms as stories are adapted for stage, film and TV production, and are available as audio books and podcasts.

The City of Fremantle's Lifelong Learning team partners with Fremantle Press to host the Hungerford Award-winning author. There has been collaboration on other events, including local author talks and writing workshops.

The City's support of this award and building capacity of local writers is an example of an effective relationship delivering outcomes for the community. Continuing this partnership will provide further opportunities to deliver such outcomes.

The City will remain as a naming rights sponsor but agrees to becoming a major sponsor should another entity offer more funding than the City. The City welcomes additional support for this important program to enable it to continue to grow.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



COUNCIL DECISION ITEM C2410-6
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Geoff Graham

Council:

- 1. Accepts the invitation from Fremantle Press to continue as a major sponsor of the City of Fremantle Hungerford Award.**
- 2. Supports the sponsorship amount of:**
 - a. \$25,000 for the Hungerford Awards and this amount be included in the draft annual budget for the 2025/26, 2027/28 and 2029/30 financial years; and**
 - b. In-kind support valued at \$3,500, by way of venue support for the use of Fremantle Arts Centre.**

Carried: 11/0

For:

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin,
Cr Doug Thompson and Cr Ingrid van Dorssen**

Against:

Nil



Committee and working group reports

Nil.

Statutory reports

Nil.

Motion of which previous notice has been given

Nil.

Urgent business

Nil.

Late items

Nil.

Confidential business

Nil.

Closure

The Presiding Member declared the meeting closed at 7:27pm.