



# Additional documents

## Ordinary Meeting of Council

Wednesday 9 October 2024 6:00 pm



## Table of Contents

<b>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)</b>	
Proposed Alternative Motion by Cr Adin Lang .....	3
Proposed Amendment by Cr Andrew Sullivan .....	7
<b>C2410-5 FREMANTLE OVAL REDEVELOPMENT MASTERPLAN</b>	
Proposed Amendment by Cr Ben Lawver.....	8
Proposed Amendment by Cr Jenny Archibald .....	9



**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)**

**Proposed Alternative Motion by Cr Adin Lang**

**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, 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 abovementioned 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](mailto: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](mailto: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](mailto:info@fremantle.wa.gov.au) or 9432 9999.**
- vii. Any additional signage may require additional approval from the City of Fremantle.**

**Reasons for alternative motion:**

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



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DA0093/24)**

**Proposed Amendment by Cr Andrew Sullivan**

Amend condition 5 of the alternation motion (to approve the development application), as follows:

- 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.**

**Reasons for amendment:**

Additional bicycle racks are required to compensate for the shortfall in parking.



## **C2410-5 FREMANTLE OVAL REDEVELOPMENT MASTERPLAN**

### **Proposed Amendment by Cr Ben Lawver**

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.***

### **Reasons 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.





## **C2410-5 FREMANTLE OVAL REDEVELOPMENT MASTERPLAN**

### **Proposed Amendment by Cr Jenny Archibald**

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

- 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, *and***
- 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 assessment***
  - Adjust plans in response to DA feedback***
  - Obtain final approvals, based on above process***

### **Reasons 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.