



Minutes

Planning Committee

Wednesday, 3 October 2018, 6.00pm

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PLANNING COMMITTEE

Minutes of the Planning Committee
held in the North Fremantle Community Hall
on **3 October 2018** at 6.00 pm.

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

The Presiding Member declared the meeting open at 6.00 pm.

2.1. ATTENDANCE

Dr Brad Pettitt	Mayor
Cr Jon Strachan	Presiding Member / South Ward
Cr Bryn Jones	North Ward / Deputy Presiding Member
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Adin Lang	City Ward
Cr Jeff McDonald	Hilton Ward
Cr Dave Hume	Beaconsfield Ward
Mr Philip St John	Chief Executive Officer
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Mr Joshua Loveridge	Planning Officer
Ms Kayla Beall	Senior Administration Officer

There were approximately 10 members of the public in attendance.

2.2. APOLOGIES

Nil

2.3. LEAVE OF ABSENCE

Nil

3. DISCLOSURES OF INTERESTS

Nil

4. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

The following member of the public spoke in favour of the Officer's Recommendation for item PC1810-1:

Warren Phillips

The following member of the public spoke in favour of the Officer's Recommendation for item PC1810 -2:

Andrew McBride

The following member of the public spoke in favour of the Officer's Recommendation for item PC1810 - 5:

Tony Watson

The following member of the public spoke against the Officer's Recommendation for item PC1810 -5:

Luke Dujmovic

The following member of the public spoke against the Officer's Recommendation for item PC1810 - 6:

David Tucker

The following member of the public spoke in favour of the Officer's Recommendation for item PC1810 - 8:

Christina Drage

6. PETITIONS

Nil

7. DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES

COMMITTEE DECISION

Moved: Cr Jon Strachan

Seconded: Mayor, Brad Pettitt

That the minutes of the Planning Committee dated 5 September 2018 as listed in the Council agenda dated 26 September 2018 be confirmed as a true and accurate record.

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

9. ELECTED MEMBER COMMUNICATION

Nil

10. REPORTS AND RECOMMENDATIONS

10.1 DEFERRED ITEMS

Nil

10.2 COMMITTEE DELEGATION

PC1810 -1 RESERVE NO. 23558 (LOT 1819) MONTREAL STREET, FREMANTLE - THIRTY SIX (36) TWO STOREY GROUPED DWELLINGS - (NB DAP004/18)

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: JDAP
Attachments: 1: Development Plans
2: Site Photos

OFFICER'S RECOMMENDATION

Moved: Cr Ingrid Waltham

Seconded: Cr Jeff McDonald

Planning committee acting under delegation 2.1:

SUPPORT the Officers Recommendation contained in the Responsible Authority Report as follows:

That the Metro South-West JDAP resolves to:

1. Approve DAP Application reference DAP/18/01474 and accompanying plans DA000, DA100 – DA105, DA200, DA201, and Landscaping Plans DA-01 – DA-03 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions as follows:

Conditions

1. This approval relates only to the development as indicated on the approved plans dated 13 September 2018. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.
2. Notwithstanding condition 1, the development of house type B on proposed lots 2, 12, 13, 24, 26 and 36 do not form part of this application for approval. Prior to the issue of a Building Permit, for these lots, revised plans are to be submitted and approved that include the following design modifications:
 - a) A ground level room located closer to the Knutsford Street / Blinco Street property boundary so to be visible and directly accessible by pedestrians from the street;
 - b) An increased ground level floor to ceiling height to improve its capability to be converted to non-residential uses

3. The development shall be wholly located within the cadastral boundaries of Lot 1819 Montreal Street, Fremantle including any footing details of the development
4. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
5. Prior to occupation, the boundary walls located on the boundaries of all proposed lots shall be of a clean finish to the satisfaction of the City of Fremantle.
6. Prior to occupation, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the City of Fremantle, at the expense of the owner.
7. Prior to the occupation of the development hereby approved, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.
8. Prior to issue of a building permit, all walls/fences within 1.5 m of the vehicle access of Units 1-5, 9-16, 20-29, and 33-35 shall be truncated or reduced to 0.75m in height within 1.5 m of streets and laneways in accordance with Clause 6.2.3 of the Residential Design Codes to the satisfaction of the City of Fremantle.
9. Prior to the issue of a building permit, the development shall be required to incorporate noise mitigation 'Quiet House Design Principles Deemed to Comply' package A as set out in the State Planning Policy 5.4 ' Road and Rail Transport Noise and Freight Considerations in land use planning', to the satisfaction of the City of Fremantle.
10. Prior to issue of a building permit, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
11. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;

- l) Measures to manage any potential disturbance of contaminated material within the verge areas;
- m) Traffic management; and
- n) Works affecting pedestrian areas.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

Advice Notes

- i. The paving and landscaping depicted outside the boundaries of the subject property are not part of this approval. All landscaping to verge areas requires prior approval of the City's Infrastructure and Project Delivery Services. Verge landscaping is to be consistent with the overall design principles for landscaping in the precinct.

AMENDMENT 1

Moved: Mayor, Brad Pettitt

Seconded: Cr Bryn Jones

To Amend condition 2 to state the following:

- 2. **Notwithstanding condition 1, the development of house type B on proposed lots ~~2~~, 12, ~~13~~, 24, ~~26~~ and 36 do not form part of this application for approval. Prior to the issue of a Building Permit, for these lots, revised plans are to be submitted and approved that include the following design modifications:**
 - a) **A ground level room located closer to the Knutsford Street ~~Blince Street~~ property boundary so to be visible and directly accessible by pedestrians from the street;**
 - b) **An increased ground level floor to ceiling height to improve its capability to be converted to non-residential uses.**

Amendment 1 carried: 6/1

For

**Mayor, Brad Pettitt, -Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

Against

Cr Jon Strachan

Reason for change:

Knutsford Street is considered to be the priority street in terms of development that provides activation including non-residential uses, in contrast to Blinco Street.

COMMITTEE DECISION ITEM PC1810 -1

Planning committee acting under delegation 2.1:

SUPPORT the Officers Recommendation contained in the Responsible Authority Report as follows:

That the Metro South-West JDAP resolves to:

- 1. Approve DAP Application reference DAP/18/01474 and accompanying plans DA000, DA100 – DA105, DA200, DA201, and Landscaping Plans DA-01 – DA-03 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions as follows:**

Conditions

- 1. This approval relates only to the development as indicated on the approved plans dated 13 September 2018. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. *Notwithstanding condition 1, the development of house type B on proposed lots 12, 24, and 36 do not form part of this application for approval. Prior to the issue of a Building Permit, for these lots, revised plans are to be submitted and approved that include the following design modifications:***
 - a) *A ground level room located closer to the Knutsford Street property boundary so to be visible and directly accessible by pedestrians from the street;***
 - b) *An increased ground level floor to ceiling height to improve its capability to be converted to non-residential uses.***
- 3. The development shall be wholly located within the cadastral boundaries of Lot 1819 Montreal Street, Fremantle including any footing details of the development**
- 4. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 5. Prior to occupation, the boundary walls located on the boundaries of all proposed lots shall be of a clean finish to the satisfaction of the City of Fremantle.**
- 6. Prior to occupation, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the City of Fremantle, at the expense of the owner.**

- 7. Prior to the occupation of the development hereby approved, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.**
- 8. Prior to issue of a building permit, all walls/fences within 1.5 m of the vehicle access of Units 1-5, 9-16, 20-29, and 33-35 shall be truncated or reduced to 0.75m in height within 1.5 m of streets and laneways in accordance with Clause 6.2.3 of the Residential Design Codes to the satisfaction of the City of Fremantle.**
- 9. Prior to the issue of a building permit, the development shall be required to incorporate noise mitigation 'Quiet House Design Principles Deemed to Comply' package A as set out in the State Planning Policy 5.4 ' Road and Rail Transport Noise and Freight Considerations in land use planning', to the satisfaction of the City of Fremantle.**
- 10. Prior to issue of a building permit, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.**
- 11. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**
 - e) Access to site by construction vehicles;**
 - f) Contact details;**
 - g) Site offices;**
 - h) Noise - Construction work and deliveries;**
 - i) Sand drift and dust management;**
 - j) Waste management;**
 - k) Dewatering management plan;**
 - l) Measures to manage any potential disturbance of contaminated material within the verge areas;**
 - m) Traffic management; and**
 - n) Works affecting pedestrian areas.**

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

Advice Notes

- i. The paving and landscaping depicted outside the boundaries of the subject property are not part of this approval. All landscaping to verge areas requires prior approval of the City's Infrastructure and Project Delivery Services. Verge landscaping is to be consistent with the overall design principles for landscaping in the precinct.

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

**PC1810 -3 MOUQUET VISTA, NO. 3 (LOT 11), WHITE GUM VALLEY - SIX (6)
TWO STOREY GROUPED DWELLINGS- (JL DA0208/18)**

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1. Development Plans

OFFICER'S RECOMMENDATION

Moved: Cr Ingrid Waltham

Seconded: Mayor, Brad Pettitt

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, six, two storey Grouped dwellings at No. 3 (Lot 11) Mouquet Vista, White Gum Valley, as detailed on plans dated 11 September 2018, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 11 September 2018. 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. This development approval does not relate to any works within the road reserve of Mouquet Vista or Karak Lane.
3. All storm water discharge shall be contained and disposed of on-site or otherwise approved by the City of Fremantle.
4. Prior to occupation/ use of the development hereby approved, all internal boundary walls shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,

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

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

Advice Notes:

- i. The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.

- ii. 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.
- iii. No building work is permitted to encroach onto the adjoining properties. All building work must be contained within the lot boundaries, including any footing details of the development.

COMMITTEE DECISION ITEM PC1810 -3

ALTERNATIVE RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr, Jon Strachan

Advise the applicant that the Planning Committee is not prepared to grant planning approval to the application for six (6) two storey grouped dwellings at No. 3 (Lot 11) Mouquet Vista, White Gum Valley based on the current submitted plans, and invite the applicant, prior to the next Planning Committee meeting, to consider amending the proposal to more effectively address the design vision and objectives set out in the approved former Kim Beazley school site local structure plan with regard to variety in housing typology and quality of urban realm and built form. In particular, the applicant is requested to consider a redesign of the detached garages on proposed lots 2, 4 and 5 to incorporate activated space (e.g. habitable room above garage, rooftop garden terrace) providing greater passive surveillance and interaction with the public realm in Karak Lane.

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

PC1810 -5 HIGH STREET, NO. 85-87 (LOT 6), FREMANTLE - PARTIAL CHANGE OF USE TO TWO (2) MULTIPLE DWELLINGS AND ADDITION OF THREE (3) MULTIPLE DWELLINGS - (CJ DA0324/18)

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos

OFFICERS RECOMMENDATION

Moved: Cr Adin Lang

Seconded: Cr Bryn Jones

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, partial change of use of the existing building to two (2) Multiple dwellings and the construction of a three storey addition including three (3) Multiple dwellings at No. 85-87 (Lot 2) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 11 September 2018. 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 shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. This development approval does not relate to any works within the road reserve of High Street or the rear Right of Way.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of City of Fremantle.
5. Prior to issue of a demolition permit, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:
 - a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
 - b) Digital photographs taken of the building (once vacated) to include:
 - i) a general/overall photo of the building to be demolished;
 - ii) photos of each of the four elevations;
 - iii) internal photos of all rooms; and photos of any special architectural features.

6. Prior to the issue of a Demolition Permit and/or Building Permit a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
- a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management including management of the ROW; and
 - m) Works affecting pedestrian areas.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

7. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the built form requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2 to the satisfaction of the City of Fremantle.
8. Prior to occupation of the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following:
- a) to all external openings (windows and doors):
 - i) airtight rubber seals to provide acoustic protection; and
 - ii) sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
 - iii) standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
 - iv) standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;
 - b) to all external walls:
 - i) shall achieve a sound rating of Rw 45 dB or greater;
 - c) to all floors and ceilings:
 - i) A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or

- ii) Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or
 - iii) Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.
9. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
10. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
11. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
12. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
13. 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:

- i. Details about the stormwater drainage design intended for the proposed development shall be submitted to the City of Fremantle's Infrastructure Engineering department (Principal Engineer) for review and approval by the City. The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.

Details should include catchment area, drainage calculations and information about the existing drainage connection. The applicant shall use an ARI of 1 in 20 years for 15 minutes, for storm water design purposes.

- ii. The applicant is reminded that the development and operation of the development should adhere to the Waste Management Plan lodged with the City. Any proposed changes to the plan or the bin store layout should be discussed with the City's Infrastructure department.
- iii. In relation to condition No. 5 (archival record) above, should there be any further clarification regarding the requirements of this condition please contact the SHO. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.
- iv. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.

- v. The applicant is advised that alternative built form treatments in response to the requirements of LPP 2.3 and LPP 2.18 may be considered subject to the submission of professionally prepared and certified reports by acoustic consultants.

In the instance of conflicts between LPP 2.3 and LPP 2.18, the more onerous of the two requirements must apply.

PROCEDURAL MOTION

At 6:50pm the following procedural motion was moved:

COMMITTEE DECISION ITEM PC1810- 5

Moved: Cr Jeff McDonald

Seconded: Cr Adin Lang

To refer the Item to the Ordinary Council meeting on 24 October 2018 to allow for Officer's to provide additional information regarding the fire stair encroachment of the adjoining property and details of any agreement between the affected property owners to resolve the matter prior the construction of the proposed development.

Lost: 1/6

For
Cr Jeff McDonald
Against
Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Jon Strachan,
Cr Adin Lang, Cr Dave Hume

COMMITTEE RECOMMENDATION ITEM PC1810 - 5

Moved: Cr Adin Lang

Seconded: Cr Bryn Jones

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, partial change of use of the existing building to two (2) Multiple dwellings and the construction of a three storey addition including three (3) Multiple dwellings at No. 85-87 (Lot 2) High Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 11 September 2018. 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 shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 3. This development approval does not relate to any works within the road reserve of High Street or the rear Right of Way.**
- 4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of City of Fremantle.**
- 5. Prior to issue of a demolition permit, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:**
 - a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.**
 - b) Digital photographs taken of the building (once vacated) to include:**
 - i) a general/overall photo of the building to be demolished;**
 - ii) photos of each of the four elevations;**
 - iii) internal photos of all rooms; and photos of any special architectural features.**
- 6. Prior to the issue of a Demolition Permit and/or Building Permit a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:**

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management including management of the ROW; and
- m) Works affecting pedestrian areas.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

7. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the built form requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2 to the satisfaction of the City of Fremantle.

8. Prior to occupation of the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following:

a) to all external openings (windows and doors):

- i) airtight rubber seals to provide acoustic protection; and
- ii) sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
- iii) standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
- iv) standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;

b) to all external walls:

- i) shall achieve a sound rating of Rw 45 dB or greater;

c) to all floors and ceilings:

- i) A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
- ii) Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or

iii) Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.

- 9. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.**
- 10. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.**
- 11. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.**
- 12. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.**
- 13. 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:

- i. Details about the stormwater drainage design intended for the proposed development shall be submitted to the City of Fremantle's Infrastructure Engineering department (Principal Engineer) for review and approval by the City. The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.**

Details should include catchment area, drainage calculations and information about the existing drainage connection. The applicant shall use an ARI of 1 in 20 years for 15 minutes, for storm water design purposes.

- ii. The applicant is reminded that the development and operation of the development should adhere to the Waste Management Plan lodged with the City. Any proposed changes to the plan or the bin store layout should be discussed with the City's Infrastructure department.
- iii. In relation to condition No. 5 (archival record) above, should there be any further clarification regarding the requirements of this condition please contact the SHO. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.
- iv. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.
- v. The applicant is advised that alternative built form treatments in response to the requirements of LPP 2.3 and LPP 2.18 may be considered subject to the submission of professionally prepared and certified reports by acoustic consultants.

In the instance of conflicts between LPP 2.3 and LPP 2.18, the more onerous of the two requirements must apply.

Carried: 7/0

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

Cr Dave Hume requested the item be referred to the Ordinary Meeting of Council.
Seconded by Cr Jeff McDonald.

**PC1810 -6 SOUTH TERRACE, NO. 322B (LOT 2), SOUTH FREMANTLE -
PARTIAL CHANGE OF USE TO SHOP - (CJ DA0313/18)**

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos

OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Adin Lang

The Planning committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, partial change of use to Shop at No. 322b (Lot 2) South Terrace, South Fremantle, on plans dated 16 July 2018, for the following reasons:

1. The proposal is inconsistent with the Residential Design Codes and Local Planning Scheme No. 4 in respect to vehicle parking.

**Lost: 0/7
Against**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

COMMITTEE DECISION ITEM PC1810 - 6

ALTERNATIVE RECOMMENDATION

Moved: Cr Adin Lang

Seconded: Cr Dave Hume

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the partial change of use to Shop at No. 322b (Lot 2) 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 16 July 2018. 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. Prior to occupation, one Class 1 bicycle rack is to be provided on site to the satisfaction of the City of Fremantle.**

3. Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the owner/applicant to the City's specifications to the satisfaction of the City of Fremantle.

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

Reason for change

The proposed Shop use is considered appropriate in this location and the lack of car parking is not considered to sufficiently impact on the locality to warrant the refusal of the application.

PC1810 -8 COLLIE STREET, NO. 25 (LOT 10), FREMANTLE - CHANGE OF USE TO TAVERN FROM AN EXISTING RESTAURANT - (NB DA0374/18)

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development Plans
2: Site photos

COMMITTEE DECISION ITEM PC1810- 8

Moved: Cr Adin Lang

Seconded: Cr Dave Hume

The Planning committee acting under delegation 1.2:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the change of use to tavern from an existing restaurant at No. 25 (Lot 10) Collie Street, Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 20 August 2018. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The premise is to comply with the Environmental Protection (Noise) Regulations 1997 (as amended) to the satisfaction of the City of Fremantle.**

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

PROCEDURAL MOTION

At 7.10pm the following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

The following items be adopted en bloc as recommended:

PC1810 – 2

PC1810 – 4

PC1810 – 7

PC1810 – 9

PC1810 – 10.

Carried: 7/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Jon Strachan,
Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

**PC1810 -2 HENDERSON STREET, NOS. 31-41 AND 45 (LOTS 2073 AND 535),
FREMANTLE - VARIATIONS TO DAP007/17 (FIVE (5) STOREY
HOTEL, CHANGE OF USE TO TAVERN AND RESTAURANT, AND
ADDITIONS AND ALTERATIONS TO EXISTING BUILDINGS) - (NB
DAPV003/18)**

Meeting Date: 3 October 2018

Responsible Officer: Manager Development Approvals

Decision Making Authority: JDAP

Attachments:
1: Amended Development Plans
2: Previous Decision Notice and Approved Plans
3: Original RAR

COMMITTEE DECISION ITEM PC1810 - 2

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

Planning committee acting under delegation 2.1:

SUPPORT the Officers Recommendation contained in the Responsible Authority Report as follows:

That the Metro South-West JDAP resolves to:

- 1. ACCEPT that the DAP Application reference DAP/17/01316 as detailed on the DAP Form 2 dated 24 August 2018 is appropriate for consideration in**

accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. **APPROVE** the DAP Application reference DAP/17/01316 as detailed on the DAP Form 2 date 24 August 2018 and accompanying plans DA8 – DA14, DA17 – DA24, DA26, DA27, DA29, DA30 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Fremantle Local Planning Scheme No. 4, for the proposed minor amendment to the approved Five (5) storey Hotel, change of use to Tavern and Restaurant, and additions and alterations to existing buildings at Nos. 31-45 (Lots 2073 and 535) Henderson Street, Fremantle, subject to the following conditions:

Amended Conditions

1. This approval relates only to the development as indicated on the approved plans dated 24 August 2018. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the original decision letter, being 19 March 2018. If the subject development is not substantially commenced within a 4 year period of the original decision letter, the approval shall lapse and be of no further effect.

Additional Conditions:

33. Prior to the issue of a Building Permit, final details of the construction of the partition walls within Blocks D and E that demonstrate a method that is free standing and not fixed to the walls, is to be submitted and approved, to the satisfaction of the City of Fremantle on the advice of the State Heritage Office.
34. Prior to the issue of a Building Permit, final details of an interpretation plan that incorporates the history and significance of the convict ramp and landscaped area located adjacent to the Hotel entrance be submitted and approved, to the satisfaction of the City of Fremantle.

Advice Notes

- i. All other conditions and requirements detailed on the previous approval dated 19 March 2018 along with the modified conditions from the State Administrative Tribunal reconsideration dated 21 June 2018 shall remain unless altered by this application.**

Carried en bloc: 7/0
Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

**PC1810 -4 INSTONE STREET, NO. 20A (LOT 2), HILTON - SINGLE STOREY
GROUPED DWELLING - (CJ DA0329/18)**

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos

COMMITTEE DECISION ITEM PC1810 - 4

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Grouped dwelling at No. 20a (Lot 2) Instone Street, Hilton, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 7 September 2018. 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 shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 3. Prior to occupation/ use of the development hereby approved, the boundary wall located on the west 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.**
- 4. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice notes:

- i. The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.**

Carried en block: 7/0
Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

PC1810 -7 STIRLING HIGHWAY, NO. 1/87 (LOT 1), NORTH FREMANTLE - CHANGE OF USE TO SINGLE HOUSE AND HOME BUSINESS AND ADDITIONS AND ALTERATIONS TO EXISTING BUILDING - (CJ DA0189/18)

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos
3: Heritage comment

COMMITTEE DECISION ITEM PC1810 – 7

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

The Planning committee acting under delegation 1.2:

REFUSE, under the Local Planning Scheme No. 4 and Metropolitan Region Scheme, change of use to Single house and Home business and additions and alterations to existing building at No. 1/87 (Lot 1) Stirling Highway, North Fremantle, as detailed on plans dated 30 August 2018, for the following reasons:

- 1. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to lot boundary setbacks and visual privacy.**
- 2. The proposal would be detrimental to the heritage significance of the place under clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015 by reasons of building bulk and design.**
- 3. The proposal is inconsistent with the requirements of the Metropolitan Region Scheme, having regard to the primary regional road reservation.**

Carried en bloc: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

PC1810 -9 UPDATE ON METRO SOUTH-WEST JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Applications that have been determined by the Metro South-West JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included in the attachment.

COMMITTEE DECISION ITEM PC1810 - 9

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

That the information is noted.

Carried en bloc: 7/0
Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

PC1810 -10 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Under delegation, Development Approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

COMMITTEE DECISION ITEM PC1810 - 10

Moved: Cr Jon Strachan _____ Seconded: Cr Jeff McDonald

That the information is noted.

Carried en bloc: 7/0
Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

10.3 COUNCIL DECISION

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS

Nil

13. LATE ITEMS

Nil

14. CONFIDENTIAL BUSINESS

Nil

15. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7.13 pm.



MINUTES ATTACHMENTS

Planning Committee

Wednesday, 3 October 2018, 6.00 pm

