



# Minutes

## Planning Committee

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Wednesday, 5 December 2018, 6.00pm

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## **PLANNING COMMITTEE**

Minutes of the Planning Committee  
held in the North Fremantle Community Hall  
on **5 December 2018** at 6.00 pm.

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### **1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT**

The Presiding Member declared the meeting open at 6.00 pm.

#### **2.1. ATTENDANCE**

Dr Brad Pettitt	Mayor (arrived 6:06)
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
Cr Jenny Archibald	Observing
Mr Philip St John	Chief Executive Officer
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Ms Phillida Rodic	Manager Strategic Planning
Mr Sam Moss	Strategic Planning Officer
Ms Kayla Beall	Senior Administration Officer

*There were approximately 30 members of the public in attendance.*

#### **2.2. APOLOGIES**

Nil

#### **2.3. LEAVE OF ABSENCE**

Nil

### **3. DISCLOSURES OF INTERESTS**

Cr Dave Hume -declared an impartiality interest in item number PC1812 -6. Has a family friend that lives on the same site as the proposed development but didn't believe that will affect his ability to make an impartial decision.

### **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 PC1812 -1:**

Vince Radford

**The following members of the public spoke against the Officer's Recommendation for item PC1812 -2:**

William Power  
Amelia Tay

**The following members of the public spoke against the Officer's Recommendation for item PC1812 -4:**

Roland Smith  
Stephen Van Der Hoorn  
Nayeem Satar  
Jamie Arnold-Satar

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1812 -5:**

Renee Gerloff

**The following members of the public spoke against the Officer's Recommendation for item PC1812 -6:**

Daniel Hollingworth  
Michael Jordon

**The following members of the public spoke against the Officer's Recommendation for item PC1812 -7:**

Carly West  
Michael West

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1812 -9:**

A representative from Arcadia Design

**The following member of the public spoke against the Officer's Recommendation for item PC1812 -9:**

Gillian Bathgate

**The following member of the public spoke in against of the Officer's Recommendation for item PC1812 -11:**

David Tucker

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1812 -16:**

Phillip Gnech

**6. PETITIONS**

Nil

**7. DEPUTATIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**COMMITTEE DECISION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Ingrid Waltham**

**That the minutes of the Planning Committee dated 7 November 2018 as listed in the Council agenda dated 28 November 2018 be confirmed as a true and accurate record.**

**Carried: 6/0**

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

**9. ELECTED MEMBER COMMUNICATION**

Cr Jeff McDonald made a presentation relating to fences in Hilton, showing photographs of examples which do not comply with the current local planning policy for the area.

## 10. REPORTS AND RECOMMENDATIONS

### 10.1 DEFERRED ITEMS

**PC1812 -1 DEFERRED ITEM - MOUQUET VISTA, NO. 3 (LOT 11), WHITE GUM VALLEY - SIX (6) TWO STOREY GROUPED DWELLINGS - (JL DA0208/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachment:** Revised Development Plans (lots 2, 4 and 5 only)

### COMMITTEE DECISION ITEM PC1812-1

**Moved:** Cr Ingrid Waltham

**Seconded:** Cr Dave Hume

**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, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 9 November 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.**



- 6. Prior to the issue of a building permit, the development is to comply with the applicable construction requirements as prescribed in Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas, to the satisfaction of the City of Fremantle. Specifically, the requirements set out under Section 5 – Construction for Bushfire Attack Level 12.5 are to be met accordingly.**

**There is also a requirement to provide a Bushfire Attack Level (BAL) assessment by an appropriately accredited professional.**

**The BAL will determine the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, and is also the basis for determining the requirements for construction to improve protection of building elements from attack by bushfire.**

**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.**
- iv. With regards to condition No. 6, more information on Planning in Bushfire Prone Areas and where to find an accredited assessor, can be found on the Department of Planning's website -<http://www.planning.wa.gov.au>.**

**Carried: 7/0**

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

**PC1812 -2 DEFERRED ITEM - HARBOUR ROAD, NO. 9 (LOT 57), SOUTH  
FREMANTLE- APPROVAL FOR UNAUTHORISED PRIMARY STREET  
FENCE - (CJ DA0341/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development plans  
2: Site photographs

**OFFICER'S RECOMMENDATION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised primary street fence at No. 9 (Lot 57) Harbour Road, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 30 July 2018. It does not relate to any other development on this lot.

**AMENDMENT 1**

**Moved: Cr Dave Hume**

**Seconded: Cr Jeff McDonald**

**To add the following Condition 2:**

2. Notwithstanding condition 1, within 60 days the solid brick component of the wall is to be rendered to the satisfaction of the City of Fremantle.

**Amendment lost: 2/5**  
**For**  
Cr Jeff McDonald, Cr Dave Hume  
**Against**  
Mayor, Brad Pettitt, Cr Jon Strachan,  
Cr Ingrid Waltham, Cr Bryn Jones, Cr Adin Lang

## OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised primary street fence at No. 9 (Lot 57) Harbour Road, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 30 July 2018. It does not relate to any other development on this lot.

Lost: 3/4

For

Cr Jon Strachan, Cr Jeff McDonald, Cr Dave Hume,

Against

Cr Ingrid Waltham,

Cr Bryn Jones, Cr Adin Lang, Mayor, Brad Pettitt,

### COMMITTEE DECISION ITEM PC1812-2 (Alternative officer's recommendation)

Moved: Cr Adin Lang

Seconded: Cr Bryn Jones

*The Planning committee acting under delegation 1.2:*

**A) REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the unauthorised primary street fence at No. 9 (Lot 57) Harbour Road, South Fremantle, for the following reasons:**

1. *The proposal is inconsistent with the City of Fremantle Planning Policy LPP 2.8: Fences Policy in regards to maximum height of the solid component of the fence.*

**B) REFER the matter to the City's Compliance Department and instruct that the unauthorised fence be removed or modified to comply with LPP 2.8 by reducing the maximum height of the solid component**

Carried: 6/1

For

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,

Cr Bryn Jones, Cr Adin Lang, Cr Dave Hume

Against

Cr Jeff McDonald

### Reason for change

The existing fence should be brought into compliance with Council Policy in order to reduce its impact on the streetscape.

**PC1812 -4 DEFERRED ITEM - OLDHAM CRESCENT, NO. 30 (LOT 1313)  
HILTON - APPROVAL FOR UNAUTHORISED PRIMARY STREET  
FENCE - (NB DA0312/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development Plans  
2: Site Photo

**OFFICER'S RECOMMENDATION**

Planning Committee acting under delegation 1.2:

- A) REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the unauthorised primary street fence at No. 30 (Lot 1313) Oldham Crescent, Hilton, for the following reasons:
1. The proposal is inconsistent with the City of Fremantle Planning Policy LPP 3.7: Hilton Garden Suburb Precinct Heritage Area in regards to maximum height and visual permeability.
- B) REFER the matter to the City's Compliance Department and instruct that the unauthorised fence be removed or modified to comply with LPP 3.7 by reducing the maximum height to 1.2 m and increasing the visual permeability to be in line with the R-Codes definition within 60 days.

**COMMITTEE DECISION ITEM PC1812 -3**  
**(Alternative officer's recommendation)**

**Moved: Cr Jeff McDonald      Seconded: Cr Dave Hume**

***APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the unauthorised primary street fence at No. 30 (Lot 1313) Oldham Crescent, Hilton, subject to the following condition(s):***

1. ***This approval relates only to the development as indicated on the approved plans, dated 13 July 2018. It does not relate to any other development on this lot.***

**Carried: 4/3**  
**For**  
Cr Dave Hume, Cr Jeff McDonald, Cr Adin Lang, Cr Jon Strachan  
**Against**  
Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones

**The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.**

## 10.2 COMMITTEE DELEGATION

### PC1812 -5 SOUTH TERRACE, NO. 193 (LOT 1) SOUTH FREMANTLE - THREE STOREY MIXED USE DEVELOPMENT - (NB DAP002/18)

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1: Development Plans  
2: Applicant's Justification  
3: Applicant's Heritage Impact Statement  
4: Schedule of Submissions  
5: Site Photos

### COMMITTEE DECISION ITEM PC1812 -5

Moved: Cr Jon Strachan

Seconded: Cr Bryn Jones

The Planning committee acting under delegation 1.2:

SUPPORT the Officer's Recommendation to:

1. Refuse DAP Application reference DAP/18/01446 and accompanying plans dated 1 November 2018 marked Feature Survey, and A0 – A20 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 following reasons:
  - a) The proposal is inconsistent with the requirements of the City of Fremantle Local Planning Scheme No. 4 in respect to the proposed density, the building height requirements of Schedule 8, and the land use.
  - b) The proposal fails to comply with the design principles and deemed to comply standards of the Residential Design Codes in respect to minimum site area per dwelling, street setbacks, lot boundary setbacks, open space provision, visual privacy and overshadowing.
  - c) The proposal is detrimental to the heritage significance of the existing building.

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 Bryn Jones vacated the chamber at 7.23pm.

Cr Bryn Jones returned to the meeting at 7.25pm.

**PC1812 -6      COLLICK STREET, NO. 84 (LOT 214), HILTON - FIVE (5) STOREY  
USE NOT LISTED (ASSISTED LIVING FACILITY) - (CJ DAP005/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1 – Development plans  
2 – Schedule of submissions  
3 – Site photographs  
4 – DAC Minutes

**COMMITTEE DECISION ITEM PC1812 -6**

**Moved: Cr Jeff McDonald**

**Seconded: Cr Dave Hume**

**The Planning committee acting under delegation 1.2:**

**SUPPORT the Officers Recommendation to:**

- 1. Refuse DAP Application reference DAP/18/04505 and accompanying plans dated 9 November 2018 (Revision D - Site Plan DA04, Basement Plan DA05, Ground Floor DA06, Level 1 DA07, Level 2 DA08, Level 3 & 4 DA09, Roof plan DA10 and Elevations DA11) for a five storey use not listed (Independent and Assisted Living Facility) 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 following reasons as follows:**

**Reasons**

- 1. The development does not meet the minimum or average site area requirements of the Residential Design Codes.**

**Carried: 7/0**

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

**PC1812 -7 THOMPSON ROAD NO.89 (LOT 23), NORTH FREMANTLE -  
DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION  
OF TWO STOREY SINGLE HOUSE (JL DA0371/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachment:** 1: Development Plans  
2: Site Photos

**OFFICER'S RECOMMENDATION**

**Moved: Cr Bryn Jones**

**Seconded: Cr Ingrid Waltham**

The Planning committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demotion of existing Single house and construction of a two storey Single house at No.89 (Lot 23) Thompson Road, North Fremantle, as detailed on plans dated 20 August 2018, for the following reasons:

- a) The proposal is inconsistent with the requirements of the Residential Design Codes in respect to solar access for adjoining sites and lot boundary setbacks.
- b) The proposal would be detrimental to the residential amenity of the area under clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015 by reasons of impact of solar access to adjoining sites.

**COMMITTEE DECISION ITEM PC1812 -7**  
**(Alternative officer's recommendation)**

**Moved: Cr Bryn Jones**

**Seconded: Mayor, Brad Pettitt**

***Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for the demotion of existing Single house and construction of a two storey Single house at No.89 (Lot 23) Thompson Road, North Fremantle, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal in order to comply with the Deemed to Comply requirements of the R-Codes relating to overshadowing.***

**Carried: 7/0**

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

**PC1812 -9      LEE AVENUE, NO. 2 (LOT 29), HILTON - TWO STOREY GROUPED DWELLING AND ADDITIONS TO EXISTING SINGLE STOREY GROUPED DWELLING (TG DA0423/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Amended Development Plans  
2: Site Photos

**OFFICER'S RECOMMENDATION**

**Moved: Cr Dave Hume**

**Seconded: Cr Bryn Jones**

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, two storey Grouped dwelling and additions to existing single storey Grouped dwelling at No. 2 (Lot 29) Lee Avenue, Hilton, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 9 November 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 wall located on the indicative western boundary of 2A Lee Avenue shall be of a clean finish in any of the following materials:
  - coloured sand render,
  - face brick,
  - painted surface,
  - other approved finishand be thereafter maintained to the satisfaction of the City of Fremantle.
4. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.
5. Prior to the occupation of the development hereby approved, the redundant crossover and kerb shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.
6. 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. The applicant is advised that modifications to the approved decking may be required.
- iii. Applicant is advised that this approved development shall be wholly located within the cadastral boundaries 2 Lee Avenue including any footing details of the development.
- iv. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:  
[http://buildingcommission.wa.gov.au/bid/Dividing\\_Fences.aspx](http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx).

**AMENDMENT 1**

**Moved: Cr Dave Hume**

**Seconded: Cr Jeff McDonald**

**Add the following addition condition 7:**

- 7. *Notwithstanding condition 1, prior to the issue of a Building Permit, the southern window of the stairwell is to be fixed obscured or fixed translucent glass. Prior to occupation, this screening method shall be installed and maintained to the satisfaction of the City of Fremantle.***

**Amendment carried: 5/2**

**For**

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

**Against**

**Cr Jon Strachan, Cr Ingrid Waltham**

**COMMITTEE DECISION ITEM PC1812 -9**

Moved: Cr Dave Hume

Seconded: Cr Bryn Jones

The Planning committee acting under delegation 1.2:

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, two storey Grouped dwelling and additions to existing single storey Grouped dwelling at No. 2 (Lot 29) Lee Avenue, Hilton, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 9 November 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 wall located on the indicative western boundary of 2A Lee Avenue shall be of a clean finish in any of the following materials:
  - coloured sand render,
  - face brick,
  - painted surface,
  - other approved finishand be thereafter maintained to the satisfaction of the City of Fremantle.**
- 4. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.**
- 5. Prior to the occupation of the development hereby approved, the redundant crossover and kerb shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 6. 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.**
- 7. *Notwithstanding condition 1, prior to the issue of a Building Permit, the southern window of the stairwell is to be fixed obscured or fixed translucent glass. Prior to occupation, this screening method shall be installed and maintained to the satisfaction of the City of Fremantle.***

**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. The applicant is advised that modifications to the approved decking may be required.
- iii. Applicant is advised that this approved development shall be wholly located within the cadastral boundaries 2 Lee Avenue including any footing details of the development.
- iv. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:  
[http://buildingcommission.wa.gov.au/bid/Dividing\\_Fences.aspx](http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx).

**Carried: 5/2**

**For**

Mayor, Brad Pettitt, Cr Bryn Jones, Cr Adin Lang  
Cr Jon Strachan, Cr Ingrid Waltham

**Against**

Cr Jeff McDonald, Cr Dave Hume

Cr Ingrid Waltham vacated the chamber at 8.24 pm.  
Cr Ingrid Waltham returned to the meeting at 8.26 pm.

**PC1812 -11 SOUTH TERRACE, NO. 318-320 (LOT 505), SOUTH FREMANTLE -  
UNAUTHORISED PARTIAL CHANGE OF USE TO RESTAURANT  
AND ADDITIONS TO EXISTING BUILDING - (CJ DA0421/18)**

**Meeting Date:** 5 December 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 Bryn Jones**

The Planning committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and additions to existing building at No. 318 - 320 (Lot 505) South Terrace, South Fremantle, as detailed on plans dated 5 November 2018 for the following reasons:

1. The proposal is inconsistent with Local Planning Scheme No. 4 in respect to vehicle parking.

**COMMITTEE DECISION ITEM 1812 -11**  
**(Alternative officer's recommendation)**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

***Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for the unauthorised partial change of use to Restaurant and addition to existing building at No. 318-320 (Lot 505) South Terrace, South Fremantle, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal to reconfigure the parking within the front setback area to comply with the relevant Australian Standard for off-street car parking.***

**Carried: 5/2**  
**For**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Bryn Jones  
Cr Jeff McDonald, Cr Dave Hume**

**Against**  
**Cr Adin Lang, Cr Ingrid Waltham**

### 10.3 COUNCIL DECISION

#### PC1812 -16 PROPOSED SCHEME AMENDMENT NO. 75 - NEW LOCAL PLANNING SUB-AREA FOR LOT 200 (NO. 119) HOPE STREET, WHITE GUM VALLEY - OUTCOMES OF ADVERTISING AND FINAL ADOPTION

Meeting Date: 5 December 2018  
 Responsible Officer: Manager Strategic Planning  
 Decision Making Authority: Council  
 Agenda Attachments: 1. Schedule of submissions

#### COMMITTEE RECOMMENDATION ITEM PC1812 -16 (Officer’s recommendation)

Moved: Cr Ingrid Waltham

Seconded: Cr Jon Strachan

**Council:**

1. Note the submissions received on Amendment 75 to Local Planning Scheme No.4 as detailed in the Officer’s report and the attached Schedule of Submissions.
2. Resolve pursuant to regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to adopt Amendment 75 to the City of Fremantle Local Planning Scheme No. 4 in a modified form as follows:
  - a. Insert the following in Schedule 8 – Local Planning Areas (Development Requirements) after Sub Area 6.3.1.

6.3	<b>SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS</b>	
Sub Area	[Insert map of 119 Hope Street WGV]	
6.3.2		
	<b>LOCAL PLANNING AREA 6 – WHITE GUM VALLEY</b>	<b>Local Planning</b>
	<b>Sub-Area 6.3.2</b>	
	<b>Additional development standards</b>	
	In applying Additional Development Standards within sub area 6.3.2, clause 6.2 ‘Matters to be considered in applying general and specific height requirements’ of Local Planning Area 6 does not apply. Additional development standards shall be in accordance with the criteria and standards set out in the table below.	
	<b>Requirements (criteria) to be met in order for additional development standards to apply</b>	<b>Additional development standards</b>
	<b>Housing Diversity</b>	<b>Density</b>
	a) Diversity of housing typologies is to be demonstrated with: <ol style="list-style-type: none"> <li>i. a minimum of 30% of proposed dwellings</li> </ol>	a) Residential density code R60. b) Notwithstanding

	<p>having a floor area less than 120m<sup>2</sup>; and</p> <p>ii. a maximum of 40% of proposed dwellings having a floor area more than 140m<sup>2</sup>.</p> <p><b>Sustainability</b></p> <p>b) The proposed development provides 1+ star in excess of the current energy efficiency requirement of the National Construction Code.</p> <p>c) Each dwelling provides a minimum 1.5Kw photovoltaic solar panel system.</p> <p><b>Open Space</b></p> <p>d) A minimum of 60% open space being provided within the development site and supported by a detailed Waterwise landscaping plan.</p> <p><b>Trees and Landscaping</b></p> <p>e) At least 25% of the development site shall be landscaped with Waterwise plantings and permeable surfaces.</p> <p>f) A deep planting zone minimum 3m dimension and 9m<sup>2</sup> in area shall be provided for each single house or grouped dwelling with a minimum 400L approved tree planted in the deep planting zone prior to occupancy of the development.</p> <p><b>Community</b></p> <p>g) Landscaping treatment of street verges, including the creation of communal use recreation spaces and the provision of vehicle parking for visitor and public use.</p> <p>h) Communal open space that is accessible to all residents of the development site and with a minimum dimension of 3m of usable and effective open space shall be provided.</p> <p><b>Built Form</b></p> <p>i) Dwellings adjacent to the street shall be provided with direct access from the street, and shall include major openings to habitable rooms overlooking the street.</p> <p><b>Car Movement and Parking</b></p> <p>j) Consolidated site access points being provided to encourage coordination of access and minimise the number and width of crossovers with a maximum of:</p> <p>i. Two reduced width one-way access points per development site; or</p> <p>ii. One consolidated two-way access point per development site.</p>	<p>the minimum site area requirements of clause 5.1.1 and Table 1 of the Residential Design Codes, development approval may be granted for the development of grouped dwellings with a reduced minimum site area.</p> <p>c) Multiple dwellings will only be permitted in the sub area consistent with the Category B height requirements of the R-Codes.</p>
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- k) Parking area surface treatments to be water permeable.
- l) No garages will be permitted fronting the street.

**Local Development Plan**

- m) A local development plan is required to be prepared prior to the approval of any proposed development, addressing the following specific built form considerations:
  - i. Vehicle and pedestrian access and egress.
  - ii. Building setbacks, including boundary walls and rear setbacks.
  - iii. Solar access.
  - iv. On-site car parking locations.
  - v. On-street parking provision.
  - vi. Landscaping and communal open space provision.
  - vii. Fencing and retaining walls.
  - viii. Private open space location and treatments.
  - ix. The interface with existing development on adjoining lots.

**Note: Where the above criteria are not met:  
The residential density code as shown on the Scheme Map applies.  
The height requirements in 6.1 of Local Planning Area 6 above apply.**

- 3. Authorise the Mayor and the Chief Executive Officer to execute and affix the common seal of the City of Fremantle to the Amendment No. 75 to Local Planning Scheme No. 4 documentation as referred to in (2) above.**
- 4. Refer the executed Amendment No. 75 to Local Planning Scheme No. 4 documentation to the Western Australian Planning Commission with a request that the Minister for Planning grant it final approval.**

**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 8.45pm the following procedural motion was moved:

**COMMITTEE DECISION ITEM**

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

The following items be adopted en bloc as recommended:

PC1812 -8

PC1812 -10

PC1812 -12

PC1812 -13

PC1812 -14

**Carried: 7/0**

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



## 10.2 COMMITTEE DELEGATION

**PC1812 -8 WRAY AVENUE, 67 (LOT 67 STRATA PLAN 75068) FREMANTLE -  
CHANGE OF USE FROM OFFICE TO SHOP (JCL DA0474/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1. Development Plans  
2. Site Photos

### **COMMITTEE DECISION ITEM PC1812 -8**

**Moved: Cr Jon Strachan**

**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 of the existing Office to Shop at No. 67 (Strata Lot 6) Wray Avenue, Fremantle, subject to the following condition:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 25 October 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.**

**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**

**PC1812 -10 PHYLLIS STREET NO.5A (LOT 800), NORTH FREMANTLE - TWO STOREY SINGLE HOUSE (JL DA0393/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachment:** 1: Amended Development Plans  
2: Site Photos

**COMMITTEE DECISION ITEM PC1812 -10**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

**The Planning committee acting under delegation 1.2:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, two storey Single house at No.5A (Lot 800) Phyllis Street, North Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 13 November 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 Phyllis Street.**
- 3. All storm water discharge shall be contained and disposed of on-site or otherwise approved by the City of Fremantle.**
- 4. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.**
- 5. Prior to occupation of the development hereby approved, the boundary wall located on the eastern elevation 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.**
- 6. 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.**
- iv) New crossover(s) shall be approved by the City of Fremantle and comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via [ibs@fremantle.wa.gov.au](mailto:ibs@fremantle.wa.gov.au). A link on the City's website for crossover specifications, FAQ's, permits etc. refer to <https://www.fremantle.wa.gov.au/crossovers>.**

**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**

**PC1812 -12 INVERLEITH STREET, NO 2 (LOTS 87 AND 400), SOUTH  
FREMANTLE - DEMOLITION OF EXISTING SINGLE HOUSE - (JCL  
DA0358/18)**

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1. Development Plans  
2. Site Photos  
3. Heritage Report

**COMMITTEE DECISION ITEM PC1812 -12**

**Moved: Cr Jon Strachan**

**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 demolition of the existing Single house and associated structures at No. 2 (Lots 87 and 400) Inverleith Street, South Fremantle, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 13 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. Prior to the issue of a Demolition Permit, No.2 (Lots 87 and 400) Inverleith Street, South Fremantle are to be legally amalgamated to the satisfaction of the City of Fremantle.**
- 3. 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;**
    - i) photos of each of the four elevations;**
    - iii) internal photos of all rooms; and photos of any special architectural features.**

**ADVICE NOTE**

- i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**
- ii. Any removal of asbestos is to comply with the following –**

**Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];**

**Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>**

**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**

**PC1812 -13 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 PC1812 -13**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

**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**

**PC1812 -14 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 PC1812 -14**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

**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**

## 10.1 DEFERRED ITEMS

### PC1812 -3 DEFERRED ITEM - OLDHAM CRESCENT, NO. 32 (LOT 1312) HILTON - APPROVAL FOR UNAUTHORISED PRIMARY STREET FENCE - (NB DA0366/18)

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development Plans  
 2: Site Photos

### OFFICER'S RECOMMENDATION

The Planning committee acting under delegation 1.2:

- A) REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the unauthorised primary street fence at No. 32 (Lot 1312) Oldham Crescent, Hilton, for the following reasons:
1. The proposal is inconsistent with the City of Fremantle Planning Policy LPP 3.7: Hilton Garden Suburb Precinct Heritage Area in regards to maximum height and visual permeability.
- B) REFER the matter to the City's Compliance Department and instruct that the unauthorised fence be removed or modified to be no greater than 1.2 m in height as per LPP 3.7 within 60 days.

### COMMITTEE DECISION ITEM PC1812 -2 (ALTERNATIVE OFFICER'S RECOMMENDATION)

Moved: Cr Jeff McDonald      Seconded: Cr Dave Hume

***APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the unauthorised primary street fence at No. 32 (Lot 1312) Oldham Crescent, Hilton, subject to the following condition(s):***

- 1. This approval relates only to the development as indicated on the approved plans, dated 15 August 2018. It does not relate to any other development on this lot.***

**Carried: 4/3**  
**For**  
 Cr Dave Hume, Cr Jeff McDonald, Cr Adin Lang, Cr Jon Strachan  
**Against**  
 Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones

The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.



### 10.3 COUNCIL DECISION

#### PC1812 -15 POTENTIAL SCHEME AMENDMENT - NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - OUTCOMES OF PRELIMINARY ENGAGEMENT & OPTIONS FORWARD

**Meeting Date:** 5 December 2018  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Schedule of Submissions  
2. Site Photos

#### OFFICER'S RECOMMENDATION

**Moved: Cr Adin Lang**

**Seconded: Cr Bryn Jones**

Council:

- . Note the submissions received during preliminary engagement on the potential amendment to Local Planning Scheme No. 4 to amend the zoning of 7 & 9-15 Quarry Street, Fremantle.
2. Resolve to not proceed with the initiation of a scheme amendment for 7 & 9-15 Quarry Street, Fremantle at this time.
3. Request preparation of a separate report to the next appropriate meeting of the Finance, Operations, Policy and Legislation Committee regarding disposal of 7 & 9-15 Quarry Street, Fremantle under the current zoning.

#### **COMMITTEE DECISION ITEM PC1812-15** **(Alternative officer's recommendation)**

**Moved: Cr Jon Strachan**

**Seconded: Cr Bryn Jones**

***Defer to the next appropriate committee meeting to allow Officers to present more information on Option 5 (as described in item PC1812-15). This information is to allow Council to consider agglomeration of the densities across both sites, with an outcome that allows for a similar number, or additional, dwellings to the do-nothing option. The agglomeration zoning/density coding is anticipated to be in the R40-45 to R60 range.***

**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**

*It is reasonable to anticipate that the R-AC zoned site will not be developed to its potential given its limited size and setback requirements. The low density site will be developed by single lot subdivision, probably with individual project homes. A coordinated approach to developing these sites would ensure these small but strategically located sites deliver the best outcome for planning in Fremantle, while respecting the community's wishes for limited building height.*

**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 8:55 pm.**





# MINUTES ATTACHMENTS

## Planning Committee

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Wednesday, 5 December 2018, 6.00 pm

