



# Minutes

## Planning Committee

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Wednesday, 5 September 2018, 6.00pm



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## **PLANNING COMMITTEE**

Minutes of the Planning Committee  
held in the Council Chambers, Fremantle City Council  
on **5 September 2018** at 6.00 pm.

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

The Presiding Member declared the meeting open at 6.02 pm.

#### **2.1. ATTENDANCE**

Dr Brad Pettitt	Mayor
Cr Jon Strachan	Presiding Member / South Ward
Cr Doug Thompson	North Ward
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Adin Lang	City Ward
Cr Jeff McDonald	Hilton Ward
Cr Dave Hume	Beaconsfield Ward
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Ms Michelle Gibson	Administration Officer

*There were approximately 25 members of the public and approximately 30 Curtin University students in attendance.*

#### **2.2. APOLOGIES**

Nil

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

Cr Bryn Jones      North Ward

### **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 PC1809-9:**

Kate Hillyar

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1809-1:**

Gerard O'Brien

**The following member of the public spoke against the Officer's Recommendation for item PC1809-2:**

Laura Michelmore

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1809-3:**

Daniel Lees

**The following member of the public spoke against the Officer's Recommendation for item PC1809-3:**

Kate Pearson

**The following members of the public spoke in favour of the Officer's Recommendation for item PC1809-4:**

Blair Tamblyn  
Bill Power

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1809-5:**

Azar B-Nejad

**The following member of the public spoke against the Officer's Recommendation for item PC1809-5:**

Peter Smart

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1809-7:**

Aloysius Fernandez

**The following member of the public spoke against the Officer's Recommendation for item PC1809-7:**

Peter Keyes

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1809-8:**

Kate Thrussell

**The following member of the public spoke against the Officer's Recommendation for item PC1809-8:**

Anna Buchan

**The following member/s of the public spoke in favour of the Officer's Recommendation for item PC1809-10:**

Tania Spencer

## **6. PETITIONS**

Nil

## **7. DEPUTATIONS**

Nil

## **8. CONFIRMATION OF MINUTES**

### **COMMITTEE DECISION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

**That the minutes of the Planning Committee dated 1 August 2018 as listed in the Council agenda dated 22 August 2018 be confirmed as a true and accurate record.**

**Carried: 7/0**

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

### **ITEMS APPROVED "EN BLOC"**

**The following items were adopted unopposed and without discussion "En Bloc" as recommended.**

### **COUNCIL DECISION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

**Council adopted en bloc the committee recommendations for the following items:**

- PC1809-12 UPDATE ON METRO SOUTH-WEST JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW**
- PC1809-13 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

**Carried: 7/0**

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

**9. ELECTED MEMBER COMMUNICATION**

Nil

**10. QUESTIONS OR PERSONAL EXPLANATIONS BY MEMBERS**

Nil

**11. REPORTS AND RECOMMENDATIONS**

Deferred items

Nil

**11. REPORTS AND RECOMMENDATIONS**



**Committee delegation**

**PC1809 -9      PENSIONER GUARD ROAD, NO. 7A (LOT 2), NORTH FREMANTLE -  
RETROSPECTIVE OUTBUILDING (CUBBYHOUSE) ADDITION TO AN  
EXISTING GROUPED DWELLING - (CJ DA0275/18)**

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

**COMMITTEE DECISION ITEM PC1809-9**

**(Officers recommendation)**

**Moved: Cr Doug Thompson**

**Seconded: Cr Dave Hume**

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

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, retrospective outbuilding (cubbyhouse) addition to an existing Grouped dwelling at No. 7A (Lot 2) Pensioner Guard Road, North Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 22 June 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.**

**Advice note:**

- i. A BA13 – Building Approval Certificate application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.**

**Carried: 7/0**

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

**PC1809 -1 CANTONMENT STREET NO.28 (LOT1), FREMANTLE ? PARTIAL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A SIX (6) STOREY WITH BASEMENT MIXED USE DEVELOPMENT AND REFURBISHMENT OF EXISTING SHOP AND PUBLIC CARPARK (JL DAP003/18)**

**Meeting Date:** 5 September 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee Comment to JDAP  
**Attachments:** 1: Amended Development plans  
2: Site photos  
3: Schedule of submissions

**COMMITTEE DECISION ITEM PC1809-1**

**Moved:** Cr Adin Lang

**Seconded:** Cr Dave Hume

**The 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:**

**Approve DAP Application reference DAP/18/01453 and accompanying plans dated 3 August 2018 (Site Plan (DA-00), Basement (DA-01), Ground Floor (DA-02), Level 01 (DA-03), Level 02 (DA-04), Level 03 (DA-05), Level 04 (DA-06), Level 05 (DA-07), Roof Plan (DA-08), Demolition Plan (DA-23), North and South Elevations (DA30), Tower East and West Elevations (DA31), East and West Elevations (DA40), North Elevation Goldsborough (DA42), South Elevation Comparison Without existing brick (DA43), Sections A and B (DA21), Elevations – Materiality (05), Shopfront Concepts (01), Shopfront Concepts (02) and Queen Street Perspective View, 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:**

- 1. This approval relates only to the development as indicated on the approved plans dated 3 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 decision letter.**
- 2. Prior to the issue of a building permit, final details are to be submitted illustrating a minimum setback of 3.65m from the Queen Street boundary, with the exception of the retained and modified ground floor brick piers and glass awning addition, and demonstrating how, in the event of a future widening of Queen Street, these elements of the building could be removed without compromising the structural integrity or satisfactory external appearance of the remainder of the building.**

- 3. This approval does not relate to any works within the road reserves. Any such works will be the subject of a separate agreement between the applicant/owner and the City of Fremantle.**
- 4. Prior to the issue of a building permit, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.**
- 5. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 6. Prior to the issue of a building permit, the following information is to be provided to the satisfaction of the City of Fremantle:**
  - a. A photographic archival record of the place prior to any works occurring, according to the Guide to Preparing an Archival Record.**
  - b. A detailed plan and schedule of remaining building fabric from the 1917 wool stores building which previously existed on the site. The plan and schedule shall identify what elements are to be retained, conserved and inserted into the proposed new development as part of a scheme for appropriately interpreting the 1917 building.**
- 7. Prior to the occupation of the development approved, the approved landscaping shall be completed and 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 the issue of a building permit, an outdoor lighting plan must be submitted and approved, by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.**
- 9. Prior to the issue of a building permit, an external signage strategy shall be submitted to the satisfaction of the City of Fremantle.**
- 10. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the City of Fremantle:**

- a. a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b. a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
11. Prior to the issue of a building permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
  - a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b. Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
  - c. Roof insulation in accordance with the requirements of the Building Codes of Australia.
12. Prior to occupation of the development, 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 in accordance with the Australian Standard for parking facilities and off-street car parking the satisfaction of the City of Fremantle.
13. All car parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
14. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the Chief Executive Officer, City of Fremantle.
15. Prior to the issue of a building permit, the plans hereby approved being modified to include 22 class 1 or class 2, and 14 class 3 bicycle parking bays and associated end-of-trip facilities consisting of:
  - a. 2 male and 2 female showers, OR
  - b. 4 unisex showers, AND
  - c. 22 Lockersin accordance with clause 4.15.1 and 4.15.2 of Local Planning Scheme No.4. The bays and end-of-trip facilities shall be provided and thereafter maintained to the satisfaction of the City of Fremantle.
16. Prior to issue of a building permit, the owner/developer is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development. The approved

waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.

17. Prior to occupation of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm consistent with the City's LPP 2.19 and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$15 million the contribution to be made is \$150,000.
18. Prior to the issue of a demolition permit and a building permit, a Demolition/Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
  - a. The protective measures for significant fabric during construction
  - b. Use of City car parking bays for construction related activities;
  - c. Protection of infrastructure and street trees within the road reserve;
  - d. Security fencing around construction sites;
  - e. Gantries;
  - f. Access to site by construction vehicles;
  - g. Contact details;
  - h. Site offices;
  - i. Noise - Construction work and deliveries;
  - j. Sand drift and dust management;
  - k. Waste management;
  - l. Dewatering management plan;
  - m. Traffic management; and
  - n. Works affecting pedestrian areas.
19. Prior to the issue of a Building Permit (but not including a Demolition Permit), final details are to be provided to demonstrate how the recommendations contained within the Crime Prevention Assessment Report, prepared by JMG Safety Management dated 20 August 2018, will be implemented to the satisfaction of the City of Fremantle.
20. 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. With regards to condition No.2, the applicant is advised that the 3.65m setback requirement from the Queen Street boundary is to provide for potential future road widening of Queen Street. Whilst the City raises no current objection to the retention of the ground floor brick piers and its modification to provide temporarily weather protection, this structure may be required to be removed in the future.

- ii. In relation to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 17 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- iii. New crossover(s) shall 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 [TECHSERVICES@fremantle.wa.gov.au](mailto:TECHSERVICES@fremantle.wa.gov.au).
- 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>. The Infrastructure Engineering department can be contacted via [TECHSERVICES@fremantle.wa.gov.au](mailto:TECHSERVICES@fremantle.wa.gov.au) or 9432 9999.
- v. The paving and landscaping depicted outside the boundaries of the subject property do not form part of this approval. For further queries relating to verge infrastructure modifications please contact the Infrastructure Engineering department via [TECHSERVICES@fremantle.wa.gov.au](mailto:TECHSERVICES@fremantle.wa.gov.au) or 9432 9999.
- vi. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- vii. Any removal of asbestos is to comply with the following –

Less than 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>

- viii. 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.
- ix. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- x. Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- xi. Due to the historical use of the site for a potentially contaminating activity, the development of the site may intercept potentially contaminated soils. If potentially contaminated soils are identified, the site should be reported in accordance with section 11 of the Contaminated Sites Act 2003, and works appropriately managed to ensure that potential risks to human health and the environment are addressed. DWER recommends that the south west basement comer is constructed such that natural ventilation is optimized.

**Carried: 7/0**

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

**PC1809 -2 BELLEVUE TERRACE, NO. 13 (LOT 250) FREMANTLE -  
RETROSPECTIVE APPLICATION FOR SOUTHERN BOUNDARY  
SETBACK OF ADDITION TO EXISTING SINGLE HOUSE (JK  
DA0157/18)**

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

**COMMITTEE DECISION ITEM PC1809-2**

**(Officers recommendation)**

**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 southern boundary setback of the addition to an existing Single house and ancillary dwelling at No. 13 (Lot 250) Bellevue Terrace, Fremantle, as detailed on plans dated 11 June 2018, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 11 June 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. Notwithstanding condition 1, the approval relates to the southern boundary setbacks of the addition as depicted on the Licensed Survey Plan, dated 11 June 2018.**
- 3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 4. Within thirty (30) days of the date of approval, the development hereby approved shall be modified to include the following works, as indicated on the approved plans:**
  - The south-facing Master Bedroom window (W03) shall be obscure-glazed to a minimum height of 1.60 metres above internal floor level;**
  - The southern side awning projection over the Ensuite shall be removed.**

**The above-listed modifications shall be noted on the plans submitted for approval at the Building Permit application stage (BA18), 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. A BA13 – Building Approval Certificate application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.**
- ii. Fire separation for the constructed building works, including proposed modifications as detailed on the approved plans, must comply with Part 3.7.1 of the Building Code of Australia.**

**Carried: 7/0**

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

**PC1809 -3      PAKENHAM STREET, NO. 47 (LOT 116), FREMANTLE - APPROVAL FOR UNAUTHORISED SIGNAGE AND CHANGE OF USE TO PUBLIC CAR PARK - (NB DA0241/18)**

**Meeting Date:** 5 September 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development Plans  
2: Schedule of Submissions  
3: Site Photos

**OFFICER'S RECOMMENDATION**

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Signage, And Change of Use to Public Car Park at No. 47 (Lot 116) Pakenham Street, Fremantle, subject to the following condition(s):

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. Notwithstanding Condition 1, the approved Public car park use must cease operation from the site five (5) years from the date of this decision letter, to the satisfaction of the City of Fremantle.
3. One (1) vehicle bay is to be reserved for exclusive use of the Fast Food Outlet on-site to the satisfaction of the City of Fremantle.
4. Within 30 days of the date of approval, all signs on the exterior of the building on the Pakenham Street elevation relating to the Public Car Park are to be removed except for the sign shown as "Sign 3" on the approved plans, to the satisfaction of the City of Fremantle.
5. Within 30 days of the date of approval, the remaining parking sign on the front elevation is to be moved upwards to provide visual separation between the new and the existing W.A. Bait Supply sign to the satisfaction of the City of Fremantle on the advice of the Department for Planning, Lands and Heritage.
6. Within 30 days of the date approval, the car parking area, and vehicle access and circulation areas shown on the approved site plan, 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.
7. Within 60 days of the date of approval, written confirmation to be submitted to the City by a qualified building surveyor or building certifier that the

existing building is structurally sound for use as a Public Car Park, to the satisfaction of the City of Fremantle.

**ADVICE NOTE:**

- i. In relation to condition 2 above, the applicant may apply to extend the development approval for the Public car park use prior to the expiration date. The extension proposal will be evaluated in the context of any changes that have occurred within the City Centre in context of the City's Integrated Transport Strategy.
- ii. In relation to condition 7, any works to the building required to be implemented as a result of the findings may require a separate planning approval.

**ALTERNATIVE RECOMMENDATION**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Adin Lang**

**A. REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Signage and Change of Use to Public Car Park at No. 47 (Lot 116) Pakenham Street, Fremantle, for the following reasons:**

- 1. The proposal is inconsistent with the objectives of the City Centre zone and the matters set out in clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015 as the use is inappropriate at street level in the city centre and is inconsistent with the policy position identified in the City of Fremantle Integrated Transport Strategy 2015.**

**B. Advise the applicant that, in the event that they fail to voluntarily cease the use of the building as a public car park and fail to remove all signage associated with the use within 6 (six) months from the date of this decision, the City will commence legal action to rectify the unauthorised use of the building.**

**Alternative carried: 5/2**

**For**

**Mayor, Brad Pettitt,**

**Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

**Against**

**Cr Jon Strachan, Cr Ingrid Waltham**

**REASON FOR CHANGE**

The location of the site makes the public car park use an undesirable use of at grade city centre land. In addition, as the site is not located on the periphery of the city centre the public car park use is inconsistent with the City of Fremantle Integrated Transport Strategy 2015.

**COMMITTEE DECISION ITEM PC1809-3**

**A. REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Signage and Change of Use to Public Car Park at No. 47 (Lot 116) Pakenham Street, Fremantle, for the following reasons:**

- 1. The proposal is inconsistent with the objectives of the City Centre zone and the matters set out in clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015 as the use is inappropriate at street level in the city centre and is inconsistent with the policy position identified in the City of Fremantle Integrated Transport Strategy 2015.**

**B. Advise the applicant that, in the event that they fail to voluntarily cease the use of the building as a public car park and fail to remove all signage associated with the use within 6 (six) months from the date of this decision, the City will commence legal action to rectify the unauthorised use of the building.**

**PC1809 -4 FREEMAN LOOP, NO. 19 (LOT 1) NORTH FREMANTLE- CHANGE OF USE TO LIQUOR STORE - (CJ DA0248/18)**

**Meeting Date:** 5 September 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development plans  
2: Site photos  
3: Schedule of submissions

**OFFICER'S RECOMMENDATION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Ingrid Waltham**

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, change of use to Liquor Store at No. 19 (Lot 1) Freeman Loop, North Fremantle subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 8 June 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.

**AMENDMENT**

To amend as follows:

1. This approval relates only to the development as indicated on the approved plans, dated 8 June 2018. It does not relate to any other development on this lot and must substantially commence within *two* years from the date of this decision letter.

**Moved: Cr Doug Thompson**

**Seconded: Cr Jon Strachan**

**Amendment carried: 7/0**

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,  
Cr Doug Thompson Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

**COMMITTEE DECISION ITEM PC1809-4**

**(Amended officer's recommendation)**

The Planning committee acting under delegation 1.2:

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, change of use to Liquor Store at No. 19 (Lot 1) Freeman Loop, North Fremantle subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 8 June 2018. It does not relate to any other development on this lot and must substantially commence within two years from the date of this decision letter.**

**Carried: 7/0**

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

**Reason for change** To avoid uncertainty over the long term use of the property if the approved development is not implemented

**PC1809 -5 HARWOOD STREET NO. 6A (LOT 22), HILTON - TWO STOREY  
SINGLE HOUSE (SM DA0261/18)**

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

**COMMITTEE DECISION ITEM PC1809-5**

**(Officers recommendation)**

**Moved: Cr Jeff McDonald**

**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. 6A (Lot 22) Harwood Street, Hilton, as detailed on plans dated 25 July 2018, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 25 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. This development approval does not relate to any works within the road reserve of Harwood 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 occupation of the development hereby approved, the boundary wall located on the southern 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.**
- 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.**

**Carried: 7/0**

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



**PC1809 -7 SOUTH STREET, NO. 228 (LOT 3), WHITE GUM VALLEY - CHANGE OF USE TO LUNCH BAR (JL DA0267/18)**

**Meeting Date:** 6 September 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1. Development Plans  
2. Site Photos

**OFFICER'S RECOMMENDATION**

**Moved: Cr Ingrid Waltham**

**Seconded: Cr Dave Hume**

The Planning committee acting under delegation 2.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the change of use to Lunch bar at No. 228 (Lot 3) South Street, White Gum Valley, as detailed on plans dated 20 August 2018, subject to the following condition(s):

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. Prior to the issue of a building permit, details of the size and location of a bin storage area including details of the number of bins and an enclosure/screen to screen the bins from view from the street is to be submitted and approved to the satisfaction of the City of Fremantle.
3. The Lunch Bar use hereby permitted shall be limited to opening hours of 7.00am to 5.00pm Monday to Sunday, unless otherwise approved by the City of Fremantle.
4. Prior to the commencement of the use hereby approved, the car parking areas shown on the approved site plan shall be 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.

Advice Note(s):

- i. The applicant is advised that the design and installation of all mechanical service systems, including air-conditioners, amplified music, kitchen exhaust ducts and refrigeration / cool room motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). It is advised to seek the services of a suitably qualified acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

- ii. The applicant is also advised that the :
  - The minimum dimensions for a bin enclosure is 0.7m width x 1.6m depth per bin;
  - The location of the bin enclosure shall be within the allotment on the front boundary or on the right of way boundary if available;
  - No window opening or door of a habitable room to be within 3m of the enclosure;
  - Access gates shall not open onto the footpath or right of way and require a minimum of 1m clear access;
  - Car bays are not to be used for access;
  - No ramp or steps to the bin enclosure.
- iii. Any signage shall be the subject of a separate planning application.
- iv. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- v. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au)

## **AMENDMENT**

**Moved: Cr Dave Hume**

**Seconded: Cr Ingrid Walyham**

**Condition 4 to read:**

- 4. Prior to the commencement of the use hereby approved, the car parking areas shown on the approved site plan shall be line marked *including providing protection to the boundary wall adjacent to parking bay number 1* 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.**

**Amendment carried: 7/0**  
**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,**  
**Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

**COMMITTEE DECISION ITEM PC1809-7**

(Amended officer's recommendation)

The Planning committee acting under delegation 2.1:

**APPROVE**, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the change of use to Lunch bar at No. 228 (Lot 3) South Street, White Gum Valley, as detailed on plans dated 20 August 2018, subject to the following condition(s):

- 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. Prior to the issue of a building permit, details of the size and location of a bin storage area including details of the number of bins and an enclosure/screen to screen the bins from view from the street is to be submitted and approved to the satisfaction of the City of Fremantle.**
- 3. The Lunch Bar use hereby permitted shall be limited to opening hours of 7.00am to 5.00pm Monday to Sunday, unless otherwise approved by the City of Fremantle.**
- 4. Prior to the commencement of the use hereby approved, the car parking areas shown on the approved site plan shall be line marked *including providing protection to the boundary wall adjacent to parking bay number 1* 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.**

**Advice Note(s):**

- i. The applicant is advised that the design and installation of all mechanical service systems, including air-conditioners, amplified music, kitchen exhaust ducts and refrigeration / cool room motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). It is advised to seek the services of a suitably qualified acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.**
- ii. The applicant is also advised that the :**
  - The minimum dimensions for a bin enclosure is 0.7m width x 1.6m depth per bin;**
  - The location of the bin enclosure shall be within the allotment on the front boundary or on the right of way boundary if available;**
  - No window opening or door of a habitable room to be within 3m of the enclosure;**

- Access gates shall not open onto the footpath or right of way and require a minimum of 1m clear access;
- Car bays are not to be used for access;
- No ramp or steps to the bin enclosure.

iii. Any signage shall be the subject of a separate planning application.

iv. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.

v. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au)

**Carried: 7/0**  
**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,  
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

**PC1809 -8 TONKIN ROAD, NO. 16 (LOT 52) HILTON - OUTBUILDING ADDITION TO EXISTING SINGLE HOUSE - (SM DA0242/18)**

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

**COMMITTEE DECISION ITEM PC1809-8**

**(Officers recommendation)**

**Moved: Cr Jeff McDonald**

**Seconded: Cr Jon Strachan**

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

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the outbuilding addition to an existing Single house at No. 16 (Lot 52) Tonkin Road, Hilton, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 6 June 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.**

**Advice Notes:**

- i. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site, including any footing details of the development.**
- 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. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,  
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hum**

**PC1809 -10 PEEL ROAD, NO. 1/30 (LOT 1), O'CONNOR - CHANGE OF USE TO SHOWROOM - (CJ DA0309/18)**

**Meeting Date:** 5 September 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development plans

**OFFICER'S RECOMMENDATION**

**Moved: Cr Jeff McDonald**

**Seconded: Cr Dave Hume**

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

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, change of use to Showroom at No. 1/30 (Lot 1) Peel Road, O'Connor, subject to the following condition(s) :**

- 1.This approval relates only to the development as indicated on the approved plans, dated 11 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 (1) Class 3 bicycle racks shall be provided, to the satisfaction of the City of Fremantle.**

**AMENDMENT**

**Moved: Cr Dave Hume**

**Seconded: Cr J McDonald**

To delete condition 2:

- 1. Prior to occupation, one (1) Class 3 bicycle racks shall be provided, 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 Doug Thompson, Cr Adin Lang**

**COMMITTEE DECISION ITEM PS1809-10**

(Officers recommendation)

Moved: Cr J McDonald

Seconded: Cr Dave Hume

The Planning committee acting under delegation 1.2:

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, change of use to Showroom at No. 1/30 (Lot 1) Peel Road, O'Connor, subject to the following condition(s) :**

- 1. This approval relates only to the development as indicated on the approved plans, dated 11 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 (1) Class 3 bicycle racks shall be provided, to the satisfaction of the City of Fremantle.**

**Carried: 7/0**

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

**PC1809 -6      PAKENHAM STREET, NO. 1 (LOT 123), FREMANTLE - CHANGE OF USE TO TAVERN AND INTERNAL FIT OUT WORKS - (CJ DA0027/18)**

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

**COMMITTEE DECISION ITEM PC1809-6**

**(Officers recommendation)**

**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, change of use to Tavern and internal fit out works at No. 1 (Lot 123) Pakenham Street, Fremantle, subject to the following condition(s) :**

- 1. This approval relates only to the development as indicated on the approved plans, dated 6 June 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 Building permit, detailed drawings are to be submitted and approved for the basement cool room construction that show it to be freestanding with minimal intervention into the existing building fabric to the satisfaction of the City of Fremantle.**
- 3. Prior to the issue of a building permit, two (2) Class 3 bicycle racks shall be provided on the plans to the satisfaction of the City of Fremantle. Prior to occupation of the use approved, the racks shall be installed.**
- 4. The premise is to comply with the recommendations contained in the Environmental Noise Assessment (Ref: PAOL0001.2018 Rev1), prepared by Acoustics and Audio Production dated 12 July 2018. Details of the implementation of the attenuation methods are to be submitted and approved prior to the issue of a Building Permit and thereafter implemented to the satisfaction of the City of Fremantle.**
- 5. All stormwater discharge shall be contained and disposed of onsite or otherwise approved by the City of Fremantle.**



6. Prior to issue of a building permit of the development hereby approved, 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.
7. 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 the City of Fremantle.
8. All works indicated on the approved plans, including any supporting structures, shall be wholly located within the cadastral boundaries of the subject site.

**Advice notes:**

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- iii. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- iv. Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the *Environmental Protection (Noise) Regulations 1997* (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- v. Removal of less than ten (10) square metres of bonded (non-friable) asbestos can be performed 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: 7/0**

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

**PC1809 -11 RESERVE NO.23558 (LOT 1819) MONTREAL STREET, FREMANTLE  
- THREE (3) LOT SUBDIVISION AND THIRTY SIX (36) LOT SURVEY  
STRATA (JL WAPC156785 AND WAPC649-18)**

**Meeting Date:** 5 September 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Subdivision Plan -WAPC156785  
2: Survey Strata Plan 649-18  
3: Site Photos

**OFFICER'S RECOMMENDATION**

The Planning committee acting under delegation 1.2:

**A) REFER to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the three (3) lot freehold subdivision at former Reserve 23558 (Lot 1819) Montreal Street, Fremantle, subject to the following conditions:**

- 1. The subdivision being in accordance with the approved plan dated 11 June 2018, including any amendments placed thereon by Council, other than any modifications that may be required by the conditions that follow.**
- 2. The land being filled, stabilised, drained and/or graded as required to ensure that:
  - a) Lots can accommodate their intended development; and**
  - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
  - c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.****
- 3. The applicant providing a geotechnical report certifying that
  - i) The land is physically capable of development to the satisfaction of the Western Australian Planning Commission; or**
  - ii) That any filling or backfilling has been adequately compacted.****
- 4. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
  - a) Lots can accommodate their intended use; and**
  - b) Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.****

5. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
- street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
  - footpaths being provided along Blinco, Wood, Montreal and Knutsford road reserves adjoining the subject land and/or
  - roads and access ways that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
  - embayment parking is provided within the proposed common property access way and abutting road reservation.

at the subdivider's cost to the satisfaction and specification of the City of Fremantle.

6. The subdivider/owner is to submit and implement landscaping plans for road reserves including proposed trees, verge treatments and reticulation to the specifications of the City of Fremantle.
7. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.
8. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.
9. The proposed private lanes and common property access way(s) being constructed and drained at the landowner/applicant cost to the specifications of the local government.
10. A restrictive covenant, to the benefit of City of Fremantle pursuant to Section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

*'Lots 1 and 2 are not to be further subdivided until an application for development approval is determined that demonstrates compliance with the minimum density of the Knutsford Street East Structure Plan, unless otherwise approved by the City of Fremantle'*

**Advisory note(s):**

- With regard to Condition 10, the Restrictive Covenant is required to ensure the average R60 density of the entire site is achieved in

accordance with the infill targets outlined in the adopted Knutsford Street East Structure Plan.

- B) REFER to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the 36 lot survey strata at former Reserve 23558 (Lot 1819) Montreal Street, Fremantle, subject to the following conditions:**
- 1. The subdivision being in accordance with the approved plan dated 11 June 2018, including any amendments placed thereon by Council, other than any modifications that may be required by the conditions that follow.**
  - 2. The land being filled, stabilised, drained and/or graded as required to ensure that:**
    - a) Lots can accommodate their intended development; and**
    - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
    - c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.**
  - 3. The applicant providing a geotechnical report certifying that**
    - i) the land is physically capable of development to the satisfaction of the Western Australian Planning Commission. or;**
    - ii) that any filling or backfilling has been adequately compacted.**
  - 4. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:**
    - a) lots can accommodate their intended use; and**
    - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.**
  - 5. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:**
    - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or**
    - b) footpaths being provided along Blinco, Wood, Montreal and Knutsford road reserve's adjoining the subject land and/or**
    - c) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or**

d) embayment parking is provided within the proposed common property access way and abutting road reservation,

at the subdivider's cost to the satisfaction and specification of the City of Fremantle.

6. The subdivider/owner is to submit and implement landscaping plans for road reserves including proposed trees, verge treatments and reticulation to the specifications of the City of Fremantle.
7. An area(s) of land at least 10% in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
8. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.
9. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.
10. The proposed private lanes and common property access way(s) being constructed and drained at the landowner/applicant cost to the specifications of the local government.
11. All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan).

Advisory note(s):

- i) With regard to Condition 7, provisions of section 153 of the *Planning and Development Act 2005* provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.

## **AMENDMENT**

Moved: Cr Ingrid Waltham

Seconded: Mayor, Brad Pettitt

Delete Condition 11 of Part B and replace it with a new Condition 11 which reads as follows:

11. A restrictive covenant, to the benefit of City of Fremantle pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a

restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

*'Development of the land is to accord with development approval DAP/004/18 or other such development approval as may be granted by the responsible authority'*

Add a new Advice Note iii) which reads as follows:

- iii) With regard to Condition 11, the Restrictive Covenant is required to ensure the survey strata lots are developed using a coordinated approach to ensure the most appropriate built form outcome that has regard to the potential impacts on the amenity of each individual lot and the immediate locality.

**Carried: 7/0**

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,  
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

## REASON FOR CHANGE

The alternative condition is considered to achieve the same outcome, being a coordinated approach to the development of the survey strata lots to ensure an appropriate built form outcome is achieved.

## COMMITTEE DECISION ITEM PC1809-11

(Amended officer's recommendation)

The Planning committee acting under delegation 1.2:

**A) REFER to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the three (3) lot freehold subdivision at former Reserve 23558 (Lot 1819) Montreal Street, Fremantle, subject to the following conditions:**

- 1. The subdivision being in accordance with the approved plan dated 11 June 2018, including any amendments placed thereon by Council, other than any modifications that may be required by the conditions that follow.**
- 2. The land being filled, stabilised, drained and/or graded as required to ensure that:**
  - a) Lots can accommodate their intended development; and**
  - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**

- c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
- 3. The applicant providing a geotechnical report certifying that
  - i) The land is physically capable of development to the satisfaction of the Western Australian Planning Commission; or
  - ii) That any filling or backfilling has been adequately compacted.
- 4. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
  - a) Lots can accommodate their intended use; and
  - b) Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.
- 5. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
  - e) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
  - f) footpaths being provided along Blinco, Wood, Montreal and Knutsford road reserves adjoining the subject land and/or
  - g) roads and access ways that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
  - h) embayment parking is provided within the proposed common property access way and abutting road reservation.

at the subdivider's cost to the satisfaction and specification of the City of Fremantle.
- 6. The subdivider/owner is to submit and implement landscaping plans for road reserves including proposed trees, verge treatments and reticulation to the specifications of the City of Fremantle.
- 7. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.
- 8. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.



9. The proposed private lanes and common property access way(s) being constructed and drained at the landowner/applicant cost to the specifications of the local government.
10. A restrictive covenant, to the benefit of City of Fremantle pursuant to Section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

*'Lots 1 and 2 are not to be further subdivided until an application for development approval is determined that demonstrates compliance with the minimum density of the Knutsford Street East Structure Plan, unless otherwise approved by the City of Fremantle'*

**Advisory note(s):**

- i) With regard to Condition 10, the Restrictive Covenant is required to ensure the average R60 density of the entire site is achieved in accordance with the infill targets outlined in the adopted Knutsford Street East Structure Plan.
- B) REFER to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the 36 lot survey strata at former Reserve 23558 (Lot 1819) Montreal Street, Fremantle, subject to the following conditions:**
1. The subdivision being in accordance with the approved plan dated 11 June 2018, including any amendments placed thereon by Council, other than any modifications that may be required by the conditions that follow.
  2. The land being filled, stabilised, drained and/or graded as required to ensure that:
    - a) Lots can accommodate their intended development; and
    - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
    - c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
  3. The applicant providing a geotechnical report certifying that
    - i) the land is physically capable of development to the satisfaction of the Western Australian Planning Commission. or;
    - ii) that any filling or backfilling has been adequately compacted.
  4. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings,

specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:

- a) lots can accommodate their intended use; and
- b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.

5. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

- a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
- b) footpaths being provided along Blinco, Wood, Montreal and Knutsford road reserve's adjoining the subject land and/or
- c) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
- d) embayment parking is provided within the proposed common property access way and abutting road reservation,

at the subdivider's cost to the satisfaction and specification of the City of Fremantle.

6. The subdivider/owner is to submit and implement landscaping plans for road reserves including proposed trees, verge treatments and reticulation to the specifications of the City of Fremantle.

7. An area(s) of land at least 10% in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.

8. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

9. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.

10. The proposed private lanes and common property access way(s) being constructed and drained at the landowner/applicant cost to the specifications of the local government.

11. *A restrictive covenant, to the benefit of City of Fremantle pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the*

***certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:***

***'Development of the land is to accord with development approval DAP/004/18 or other such development approval as may be granted by the responsible authority'***

**Advisory note(s):**

- i) With regard to Condition 7, provisions of section 153 of the *Planning and Development Act 2005* provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.**
- ii) With regard to Condition 11, the Restrictive Covenant is required to ensure the survey strata lots are developed using a coordinated approach to ensure the most appropriate built form outcome that has regard to the potential impacts on the amenity of each individual lot and the immediate locality.**

**Carried: 7/0**

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

**PC1809 -12 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.

**OFFICER'S RECOMMENDATION**

That the information is noted.

**COMMITTEE DECISION ITEM PC1809-12**

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

**That the information is noted.**

**Carried: 7/0**

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,  
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

**PC1809 -13 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.

**OFFICER'S RECOMMENDATION**

That the information is noted.

**COMMITTEE DECISION ITEM PC1809-13**

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

**That the information is noted.**

**Carried: 7/0**

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

## **12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

Nil

## **13. URGENT BUSINESS**

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

Nil

## **14. LATE ITEMS**

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

Nil

## **15. CONFIDENTIAL BUSINESS**

Members of the public may be asked to leave the meeting while confidential business is addressed.

Nil

## **15. CLOSURE OF MEETING**

**The Presiding Member declared the meeting closed at 7.45 pm.**



