



Minutes

Planning Committee

Wednesday, 7 November 2018, 6.00pm

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PLANNING COMMITTEE

Minutes of the Planning Committee
held in the North Fremantle Community Hall
on **7 November 2018** at 6.00 pm.

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

The Deputy Presiding Member declared the meeting open at 6.00 pm.

2.1. ATTENDANCE

Dr Brad Pettitt	Mayor (arrived 6:39pm) (left 7.46pm)
Cr Andrew Sullivan	South Ward
Cr Bryn Jones	North Ward / Deputy Presiding Member
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Adin Lang	City Ward
Cr Jeff McDonald	Hilton Ward
Cr Dave Hume	Beaconsfield Ward
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Ms Kayla Beall	Senior Administration Officer

There were approximately 18 members of the public in attendance.

2.2. APOLOGIES

Nil

2.3. LEAVE OF ABSENCE

Cr Jon Strachan

3. DISCLOSURES OF INTERESTS

Nil

4. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

The following members of the public spoke in favour of the Officer's Recommendation for item PC1811 - 1:

Warren Colliss
Jerry Maher

Anne O'Hare
Alison Richards
Anna George
Jean Tait

The following members of the public spoke against the Officer's Recommendation for item PC1811 - 1:

Ben McCarthy
David Woodcock
Anitra Woodcock

The following member of the public spoke in favour of the Officer's Recommendation for item PC1811 - 4:

Steve Ryan

The following member of the public spoke in favour of the Officer's Recommendation for item PC1811 - 5:

Michelle Skene

The following members of the public spoke against the Officer's Recommendation for item PC1811 - 6:

William Power
Amelia Tay

The following members of the public spoke against the Officer's Recommendation for item PC1811 - 8:

Roland Smith
Diana Prada

6. PETITIONS

Nil

7. DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES

COMMITTEE DECISION

Moved: Cr Bryn Jones

Seconded: Cr Dave Hume

That the minutes of the Planning Committee dated 3 October 2018 as listed in the Council agenda dated 24 October 2018 be confirmed as a true and accurate record.

Carried: 6/0

Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

9. ELECTED MEMBER COMMUNICATION

Nil

10. REPORTS AND RECOMMENDATIONS

10.1 DEFERRED ITEMS

Nil

10.2 COMMITTEE DELEGATION

PC1811 -1 SOUTH TERRACE, NO. 137 (LOT 22), SOUTH FREMANTLE - TWO STOREY WITH ROOFTOP TERRACE GROUPED DWELLING AND CONVERSION OF AN ANCILLARY DWELLING TO OUTBUILDING - (JL DA0560/17)

Meeting Date: 7 November 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments:
1. Development plans
2. Site photos
3. Neighbours Courtyard / backyard Photo's

COMMITTEE DECISION ITEM PC1811 - 1

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

The Planning committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, for a two storey with roof top terrace Grouped dwelling and conversion of an Ancillary dwelling to Outbuilding (or detached addition to the existing Single house), dated 18 September 2018, at No. 137 (Lot 22) South Terrace, Fremantle, subject to the following condition(s):

- 1. The proposal is detrimental to the amenity of the area and incompatible with the objectives of the Residential zone set out in clause 3.2.1(a) of the Local Planning Scheme No. 4 as per clauses 67(a), (m) and (y) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 2. The lot boundary setback of the northern and western elevations do not satisfy the Design principles of clause 5.1.3 of the R-Codes by**

reasons of the impact of bulk and scale on the amenity of the adjoining northern and western properties.

3. The proposal provides inadequate arrangements for vehicle parking as per clause 67(s) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Carried: 6/0

Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

Mayor, Brad Pettitt arrived at 6:39 pm prior to consideration of the following item.

PC1811 -4 JAMES STREET, NO. 2/1 (LOT 22), FREMANTLE - PARTIAL CHANGE OF USE FROM MARKET TO TAVERN AND INTERNAL FIT OUT- (CJ DA0340/18)

Meeting Date: 7 November 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos

COMMITTEE DECISION ITEM PC1811 - 4

Moved: Cr Bryn Jones

Seconded: Cr Jeff McDonald

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, partial change of use to Tavern at No. 2/1 (Lot 22) James Street, 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 and must substantially commence within four years from the date of this decision letter.**
- 2. Notwithstanding Condition 1, the proposed bicycle racks located within the Beach Street road reserve do not form part of this approval.**
- 3. Prior to the issue of a Building Permit, two (2) Class 3 bicycle racks shall be provided on site, to the satisfaction of the City of Fremantle.**

Advice note:

- i. A class 3 bicycle rack is a rail or rack to which both the bicycle frame and wheels can be locked.**
- ii. The proponent must make application to establish the food business so that the premises comply with the Food Act, Regulations and the Food Safety Standards incorporating AS4674-2004 *Design, construction and fit-out of food premises*. Submit detailed architectural plans and elevations to the City's Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.**

- iii. The proponent must make application during the Building License application stage to the City's 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 enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.
- iv. The proponent must make application during the building license application stage to the City's Environmental Health Services via *Application for a Liquor Control Act Section 39 Certificate* as a requirement of the Liquor Control Act 1986. For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.

Carried: 7/0

Mayor, Brad Pettitt, Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

PC1811 -5 COLLICK STREET, NO. 41 (LOT 3) HILTON - CHANGE OF USE TO HOME BUSINESS (PROPERTY MANAGEMENT) - (CJ DA0409/18)

Meeting Date: 7 November 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos

COMMITTEE DECISION ITEM PC1811 - 5

Moved: Cr Bryn Jones

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 Home Business (Property Management) at No. 41 (Lot 3) Collick Street, Hilton, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 14 September 2018. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. This approval allows the Home Business (Property Management) hereby permitted to be conducted by Michelle Skene. If Michelle Skene ceases to operate the Home Business (Property Management) hereby permitted or occupy the subject site, this approval will expire.**
- 3. The Home Business (Property management) hereby permitted shall not employ more than 2 persons who are not a member of the occupier's household.**

Carried: 7/0

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

**PC1811 -6 HARBOUR ROAD, NO. 9 (LOT 57), SOUTH FREMANTLE -
UNAUTHORISED PRIMARY STREET FENCE - (DA0341/18)**

Meeting Date: 7 November 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:

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.

PROCEDURAL MOTION

At 7.09 the following procedural motion was moved:

COMMITTEE DECISION ITEM PC1811 - 6

Moved: Cr Dave Hume

Seconded: Cr Jeff McDonald

Refer to the Planning Committee meeting 5 December 2018 to allow additional information to be obtained on potential modifications to the fence in order for it to comply with the City's fences policy.

Carried: 6/1

For

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

Against

Cr Ingrid Waltham

PC1811 -8 OLDHAM CRESCENT, NO. 30 (LOT 1313) HILTON - APPROVAL FOR UNAUTHORISED PRIMARY STREET FENCE - (NB DA0312/18)

Meeting Date: 7 November 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. 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.

PROCEDURAL MOTION

At 7.19pm the following procedural motion was moved:

COMMITTEE DECISION ITEM PC1811 - 8

Moved: Cr Jeff McDonald

Seconded: Cr Dave Hume

Refer the application for the unauthorised primary street fence at No. 30 (Lot 1313) Oldham Crescent, Hilton to the Administration to provide additional information and advice to the next appropriate Planning Committee Meeting in regard to the community safety benefits and/or impacts of the height and/or visual permeability of the existing fences.

Carried: 4/3

For

Mayor, Brad Pettitt, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

Against

Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan

PC1811 -9 OLDHAM CRESCENT, NO. 32 (LOT 1312) HILTON - APPROVAL FOR UNAUTHORISED PRIMARY STREET FENCE - (NB DA0366/18)

Meeting Date: 7 November 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.

PROCEDURAL MOTION

At 7:38pm the following procedural motion was moved:

COMMITTEE DECISION ITEM PC1811 - 9

Moved: Cr Jeff McDonald

Seconded: Cr Dave Hume

Refer the application for the unauthorised primary street fence at No. 32 (Lot 1312) Oldham Crescent, Hilton to the Administration to provide additional information and advice to the next appropriate Planning Committee Meeting in regard to the community safety benefits and/or impacts of the height and/or visual permeability of the existing fences.

Carried: 4/3

For

Mayor, Brad Pettitt, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

Against

Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan

Mayor, Brad Pettitt left the meeting at 7:46 pm prior to consideration of the following item and did not return.

PC1811 -7 SWANBOURNE STREET, NO. 95 (LOT 6), FREMANTLE - UNAUTHORISED ALTERATIONS TO AN EXISTING PRIMARY STREET FENCE - (NB DA0355/18)

Meeting Date: 7 November 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development Plans
2: Site Photos

COMMITTEE DECISION ITEM PC1811 - 7

Moved: Cr Bryn Jones

Seconded: Cr Jeff McDonald

The Planning committee acting under delegation 1.2:

A) REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised primary street fence alterations at No. 95 (Lot 6) Swanbourne Street, Fremantle, as detailed on plans dated 10 August 2018, for the following reasons:

- 1. The proposal is inconsistent with the City of Fremantle Planning Policy LPP 2.8: Fences Policy and clause 5.2.4 of the R-Codes in regards to maximum height and visual permeability.**

Carried: 6/0

**Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

Moved: Cr Bryn Jones

Seconded: Cr Jeff McDonald

B) REFER the matter to the City's Compliance Department and instruct that the unauthorised fence be modified within 60 days to the satisfaction of the City of Fremantle to comply with LPP 2.8 and the R-Codes by:

- a. removing the unauthorised course of bricks; and**
- b. modifying the vehicle fence to be visually permeable as defined in LPP 2.8: Fences Policy.**

Carried: 5/1

For

**Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald,**

Against

Cr Dave Hume

PC1811 -2 WRAY AVENUE, 67 (LOT 7 SUITE 2), FREMANTLE - CHANGE OF USE TO OFFICE AND SHOP - (JCL DA0404/18)

Meeting Date: 7 November 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1. Development Plans
2. Site Photos

COMMITTEE DECISION ITEM PC1811 – 2

Moved: Cr Bryn Jones

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 tenancy to Office and Shop at No. 67 (Lot 7, Suite 2) Wray Avenue, Fremantle subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 12 September 2018. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

ADVICE NOTE:

- 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 applicant is advised that the proposed signage does not form part of this application and may be subject to a separate planning application.**

Carried: 6/0
**Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

**PC1811 -3 BANNISTER STREET NO. 7-15 (LOT 502), FREMANTLE -
TEMPORARY APPROVAL FOR TWO STOREY ADDITIONS AND
SIGNAGE TO EXISTING HOTEL (JL DA0364/18)**

Meeting Date: 7 November 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachment: 1: Development Plans
2: Site Photo

COMMITTEE DECISION ITEM CP1811 - 3

Moved: Cr Bryn Jones

Seconded: Cr Ingrid Waltham

The Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, temporary approval for two storey additions and signage to existing Hotel at No.7-15 (Lot 502) Bannister Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 12 September 2018 and signage plans dated 17 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.**
- 2. Notwithstanding Condition 1, this approval is valid for a period of five (5) years from the date of this approval after which the two storey additions shall be removed from site, to the satisfaction of the City of Fremantle.**
- 3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.**
- 4. Prior to the issue of a Building Permit, two (2) Class 3 bicycle racks shall be provided onsite, to the satisfaction of the City of Fremantle.**
- 5. Prior to issue of a building permit of the development hereby approved, the owner is to submit an amended 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.**
- 6. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.**

7. The signage hereby permitted as indicated on the approved plans, dated 17 October 2018 shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
8. Prior to the issue of a Building Permit, detailed schedule of material, colours and finishes for the pylon sign shall be submitted to the satisfaction of the City of Fremantle, on advice from Department of Planning, Lands and Heritage.
9. 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.

Advice Note(s):

- i) 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.
- ii) The premises is required to comply with the Environmental Protection (Noise) Regulations 1997 (as amended).
- iii) Furthermore, the 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.
- 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) In regards to condition 8, DPLH advise that the pylon sign and the tower element comprising two sea containers is to be clad in a flat material to complement the new scheme and painted to match adjacent awning.

Carried: 6/0
Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

PC1811 -10 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 PC1811 - 10

Moved: Cr Bryn Jones

Seconded: Cr Jeff McDonald

That the information is noted.

Carried: 6/0
Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

PC1811 -11 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 PC1811 - 11

Moved: Cr Bryn Jones

Seconded: Cr Ingrid Waltham

That the information is noted.

Carried: 6/0
Cr Andrew Sullivan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

10.3 COUNCIL DECISION

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS

Nil

13. LATE ITEMS

Nil

14. CONFIDENTIAL BUSINESS

Nil

15. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7.57 pm.



MINUTES ATTACHMENTS

Planning Committee

Wednesday, 7 November 2018, 6.00 pm

