



# Minutes

## Planning Committee

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Wednesday, 2 May 2018, 6.00pm

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## PLANNING COMMITTEE

Minutes of the Planning Committee  
held in the North Fremantle Community Hall  
on **2 May 2018** at 6.00 pm.

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### 1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.00 pm.

#### 2.1. Attendance

Dr Brad Pettitt	Mayor ( <i>arrived 6:09</i> )
Cr Jon Strachan	Presiding Member / South Ward
Cr Bryn Jones	North Ward / Deputy Presiding Member
Cr Ingrid Waltham	Deputy Mayor / East Ward ( <i>arrived 6:01pm</i> )
Cr Adin Lang	City Ward
Cr Jeff McDonald	Hilton Ward ( <i>arrived 6:04pm</i> )
Cr Dave Hume	Beaconsfield Ward
Cr Jenny Archibald	Observing
Mr Philip St John	Chief Executive Officer
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Ms Kayla Beall	Senior Administration Officer

*There were approximately 24 members of the public in attendance.*

#### 2.2. Apologies

Nil

#### 2.3. Leave of absence

Nil

### 3. Disclosures of interests

Nil

### 4. Responses to previous questions taken on notice

Question asked by Councillor Jon Strachan at the Planning Committee meeting dated 4 April 2018 taken on notice:

Can officers advise as to the reasons why the draft heritage review for 10 Douglas Street, Fremantle was not finalised and the property removed from the MHI as recommended at the time?

Response:

In 2009 the City completed a consolidation of various reviews of individual areas within Fremantle which had been carried out since original adoption of the MHI by Council in 2000. This work resulted in updated data and greater consistency and clarity of the information held for all listed places. In addition it identified places recommended for removal or addition to MHI and the Heritage List.

In July 2010 a report was presented to Council on the approach to be taken in dealing with the outcome of this work. Council accepted the officer recommendation that the amendments and additions to the MHI be presented to council on a staged basis, dealing first with places recommended for inclusion as Management Category Level 1 and Level 2 listing on the MHI, and subsequently with places recommended for inclusion as Level 3 as well as all other amendments and deletions. 10 Douglas Street, Fremantle was one of the places in this second category. In September 2011 a report was presented to Council on final adoption of the Level 1 and 2 changes.

Since this report, the 2009 review has guided work on the MHI review on a suburb-by-suburb basis in which the recommendation for 10 Douglas Street will be considered in the review of this part of the suburb of Fremantle. The timeframe for this stage of the review has yet to be determined

## **5. Public question time**

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1805- 1:**

David Chitty

**The following members of the public spoke against the Officer's Recommendation for item PC1805 - 1:**

Richard Mehan  
Richard Bartlett  
Maryrose Baker  
Susan Joh  
Greg James  
Ravi Martin  
Herbert Bropho

**The following members of the public spoke against the Officer's Recommendation for item PC1805 - 2:**

Ben Doyle  
Mandy Leung

**The following members of the public spoke in favour of the Officer's Recommendation for item PC1805 - 3:**

Joel Rees  
Jack Mitchell

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1805 - 4:**

Emma Dickenson

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1805 - 5:**

John Chisholm

**The following members of the public spoke in favour of the Officer's Recommendation for item PC1805 - 6:**

Lee Rowland  
David Rowland

**6. Petitions**

Nil

**7. Deputations**

Nil

**8. Confirmation of minutes**

**Cr Ingrid Waltham arrived at 6.01pm prior to consideration of the following:**

**COMMITTEE DECISION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Bryn Jones**

**That the minutes of the Planning Committee dated 4 April 2018 as listed in the Council agenda dated 18 April 2018 be confirmed as a true and accurate record.**

**Carried: 5/0**

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

**9. Announcements by presiding member**

Nil

**10. Questions or personal explanations by members**

Nil

**11. Reports and recommendations**

**Cr Jeff McDonald** arrived at 6.04 pm prior to consideration of the following item.  
**Mayor, Brad Pettitt** arrived at 6.09 pm prior to consideration of the following item.

#### Deferred items

**PC1805 -1 DEFERRED ITEM - FLEET STREET, J-SHED UNIT 1 (LOT 2051),  
FREMANTLE - PARTIAL CHANGE OF USE TO TAVERN, AND  
ADDITIONS AND ALTERATIONS TO EXISTING BUILDING - (NB  
DA0281/17)**

**Meeting Date:** 2 May 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1: Development Plans  
2: Previous Council Item of 13 December 2017 (PC1712-2)  
3: Applicant's justification of changes

#### **OFFICER'S RECOMMENDATION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Dave Hume**

Planning committee acting under delegation 2.1:

Refer to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme, the proposed partial change of use to Tavern, and additions and alterations to an existing building at No. 1 (Lot 2051) Fleet Street, Fremantle subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 23 April 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, amended plans and information are to be submitted and approved that address the following heritage concerns:
  - a) The low limestone wall should be replaced with a landscaping structure that more obviously communicates the impression of a cliff and accurately follows the line of the turn of the century cliff line.
  - b) Ground levels should remain unaltered.
  - c) The new shade structure is not to be fixed to the J Shed building, but instead should be supported on a complete freestanding structure.

The changes required above as part of amended plans are to be to the satisfaction of the Western Australian Planning Commission, upon advice from the City of Fremantle.

3. Prior to the issue of a building permit, further information on the design and location of the interpretative material/signage is to be submitted. The material/signage is to be designed and located on site to ensure that visitors to the venue have access to information explaining the history of the site to the satisfaction of the Western Australian Planning Commission, upon advice from the City of Fremantle and the Department of Planning Lands and Heritage (State Heritage Office).
4. Prior to the issue of a building permit, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the City of Fremantle.
5. Prior to commencement of works, an Archaeological Management Strategy is to be submitted to the satisfaction of the Western Australian Planning Commission and the Executive Director of the State Heritage Office (Department of Planning Lands and Heritage). The actions outlined in the Management Strategy are to be adhered to for the duration of the works.
6. Prior to commencement of the use of the site, the applicant is to submit and have approved by the City of Fremantle an access management plan which addresses how patrons, goods and materials, as required for use and operation of the development will be transported to and from the site in the event that access cannot be obtained via Fleet Street.
7. Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.
8. The hours of operation are limited to the following:
  - a. Monday to Saturday – 11:00am to 12:00am (midnight)
  - b. Sunday - 11:00am – 10:00pm
9. 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.
10. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.

Advice Notes:

- i. The proponent must make application to establish the food business – tavern – so that the premises comply with the Food Act, Food 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](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.



- ii. 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. If the proponent is granted approval to commence development the proponent must immediately make application to the City for a Regulation 18 noise notice under the *Environmental Protection (Noise) Regulations 1992*. For enquiries and a copy of the application forms contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.
- iii. The applicant is advised to contact the Department of Aboriginal Affairs (DAA) on (08) 6551 8092 to discuss any statutory requirements that may be required to be undertaken and/or fulfilled by them under the *Aboriginal Heritage Act 1972*. This may include advising the South West Land and Sea Council of the proposed works, of which should be confirmed with the DAA.
- iv. The DAA has advised the City to advise the applicant that they have released the Aboriginal Heritage Due Diligence Guidelines to assist developers with planning and considering Aboriginal heritage during proposed works. A copy of the guidelines can be found on the DAA website as: <http://www.daa.wa.gov.au/globalassets/pdf-files/ddg>
- v. The applicant is advised that the Department of Environment Regulation (DER) has recommended that management of ground disturbing works at the site include contingency measures for unexpected unearthing of asbestos or contamination, to eliminate any potential health risks to workers or the public. In the event that the development activities detect or unearth asbestos-containing-material or contamination at the site, any potential exposure risks should be immediately mitigated and the site should be investigated without delay in accordance with Department of Environment Regulation's Contaminated Sites Guidelines.
- vi. J Shed building must be connected to sewer to remove all liquid waste – i.e. from bars, kitchens, grease traps, toilets – from the building. For enquiries contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.
- vii. All rubbish and recycling receptacles to be stored in a secure location to temporarily store all waste materials prior to collection. For enquiries contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.
- viii. The applicant must apply and pay for Liquor Control Act s.39 Health Certificate prior to operation of the building. For enquiries contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.

### **AMENDMENT 1**

Moved: Cr Adin Lang

Seconded: Cr Ingrid Waltham

Additional condition 11 be added as follows:

11. *Prior to the commencement of the use, an equivalent amount of landscaping to that removed to create the beach lounge area, is to be planted, at the expense of the applicant, within the boundaries of the Reserve in a location and to the specifications of the City of Fremantle.*

Amendment carried: 6/1

For

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

Against

Cr Jeff McDonald

### **AMENDMENT 2**

Moved: Cr Adin Lang

Seconded: Cr Jon Strachan

Additional advice note ix

- ix. *The applicant is advised that the indicative works located outside of the existing lease area, including boardwalks and pathways identified as being completed by the City, do not form part of this application for approval.*

Amendment carried: 6/1

For

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

Against

Cr Jeff McDonald

### **COMMITTEE RECOMMENDATION ITEM PC1805 - 1**

(Amended officer's recommendation)

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

Planning committee acting under delegation 2.1:

Refer to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme, the proposed partial change of use to Tavern, and additions and alterations to an existing building at No. 1 (Lot 2051) Fleet Street, Fremantle subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 23 April 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, amended plans and information are to be submitted and approved that address the following heritage concerns:**

- a) The low limestone wall should be replaced with a landscaping structure that more obviously communicates the impression of a cliff and accurately follows the line of the turn of the century cliff line.**
- b) Ground levels should remain unaltered.**
- c) The new shade structure is not to be fixed to the J Shed building, but instead should be supported on a complete freestanding structure.**

**The changes required above as part of amended plans are to be to the satisfaction of the Western Australian Planning Commission, upon advice from the City of Fremantle.**

**3. Prior to the issue of a building permit, further information on the design and location of the interpretative material/signage is to be submitted. The material/signage is to be designed and located on site to ensure that visitors to the venue have access to information explaining the history of the site to the satisfaction of the Western Australian Planning Commission, upon advice from the City of Fremantle and the Department of Planning Lands and Heritage (State Heritage Office).**

**4. Prior to the issue of a building permit, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the City of Fremantle.**

**5. Prior to commencement of works, an Archaeological Management Strategy is to be submitted to the satisfaction of the Western Australian Planning Commission and the Executive Director of the State Heritage Office (Department of Planning Lands and Heritage). The actions outlined in the Management Strategy are to be adhered to for the duration of the works.**

**6. Prior to commencement of the use of the site, the applicant is to submit and have approved by the City of Fremantle an access management plan which addresses how patrons, goods and materials, as required for use and operation of the development will be transported to and from the site in the event that access cannot be obtained via Fleet Street.**

**7. Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.**

**8. The hours of operation are limited to the following:**

- a. Monday to Saturday – 11:00am to 12:00am (midnight)**
- b. Sunday - 11:00am – 10:00pm**

9. 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.
10. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
11. *Prior to the commencement of the use, an equivalent amount of landscaping to that removed to create the beach lounge area, is to be planted, at the expense of the applicant, within the boundaries of the Reserve in a location and to the specifications of the City of Fremantle.*

**Advice Notes:**

- i. The proponent must make application to establish the food business – tavern – so that the premises comply with the Food Act, Food 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](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.
- ii. 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. If the proponent is granted approval to commence development the proponent must immediately make application to the City for a Regulation 18 noise notice under the *Environmental Protection (Noise) Regulations 1992*. For enquiries and a copy of the application forms contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.
- iii. The applicant is advised to contact the Department of Aboriginal Affairs (DAA) on (08) 6551 8092 to discuss any statutory requirements that may be required to be undertaken and/or fulfilled by them under the *Aboriginal Heritage Act 1972*. This may include advising the South West Land and Sea Council of the proposed works, of which should be confirmed with the DAA.
- iv. The DAA has advised the City to advise the applicant that they have released the Aboriginal Heritage Due Diligence Guidelines to assist developers with planning and considering Aboriginal heritage during proposed works. A copy of the guidelines can be found on the DAA website as: <http://www.daa.wa.gov.au/globalassets/pdf-files/ddg>

- v. **The applicant is advised that the Department of Environment Regulation (DER) has recommended that management of ground disturbing works at the site include contingency measures for unexpected unearthing of asbestos or contamination, to eliminate any potential health risks to workers or the public. In the event that the development activities detect or unearth asbestos-containing-material or contamination at the site, any potential exposure risks should be immediately mitigated and the site should be investigated without delay in accordance with Department of Environment Regulation's Contaminated Sites Guidelines.**
- vi. **J Shed building must be connected to sewer to remove all liquid waste – i.e. from bars, kitchens, grease traps, toilets – from the building. For enquiries contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.**
- vii. **All rubbish and recycling receptacles to be stored in a secure location to temporarily store all waste materials prior to collection. For enquiries contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.**
- viii. **The applicant must apply and pay for Liquor Control Act s.39 Health Certificate prior to operation of the building. For enquiries contact the City's Environmental Health Services by email [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) or telephone 9432 9856.**
- ix. ***The applicant is advised that the indicative works located outside of the existing lease area, including boardwalks and pathways identified as being completed by the City, do not form part of this application for approval.***

**Carried: 5/2**

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

**PROCEDURAL MOTION**

At 7.00pm the following procedural motion was moved:

**COMMITTEE DECISION ITEM PC1805-1**

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

The item be referred for a decision to the Ordinary Meeting of Council on 24 May 2018.

**Carried: 7/0**

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

**PC1805 -2 DEFERRED ITEM - SOUTH STREET, NO. 69 (LOT 16, 17 AND 18)  
BEACONSFIELD - MIXED USE DEVELOPMENT (TWO (2) OFFICE  
AND EIGHT (8) MULTIPLE DWELLINGS) - (CJ DA0603/15)**

**Meeting Date:** 7 March 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1: Development plans  
2: Site photographs  
3: DAC Minutes  
4: Schedule of submissions  
5: Heritage comment (updated)

**OFFICER'S RECOMMENDATION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Bryn Jones**

The Planning committee acting under delegation 2.1:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, mixed use development (Two (2) Offices and eight (8) Multiple dwellings) at No. 69 (Lot 16,17 and 18) South Street, Beaconsfield, as detailed on plans dated 29 March 2018, for the following reasons:

- a) The maximum building height sought is inconsistent with the criteria of Sub Area 4.3.6 of Schedule 8 of Local Planning Scheme No. 4.
- b) The extent of demolition would be detrimental to the heritage significance of the place having regard to clause 4.14.1 of Local Planning Scheme No. 4.
- c) The proposal is inconsistent with the requirements of the Residential Design Codes in respect to:
  - a. 6.1.1 C1 and P1 Building size (Plot Ratio)
  - b. 6.2.3 C3 and P3 Sight lines
  - c. 6.3.5 C5.2 and P5 - Vehicular access
  - d. 6.4.2 C2.1 and P2.1, P2.2 Solar access for adjoining sites
- d) The proposal is inconsistent with the requirements of Table 2 Vehicle parking (bicycle racks).
- e) The proposal is inconsistent with the lot boundary setback requirements of sub area 4.3.6 of Local Planning Scheme No. 4 for the southern boundary.
- f) The proposal would be detrimental to the residential amenity of the area and the heritage significance of the site under clause 67 (a), (c), (k), (m), (n), (p) and (s) of Planning and Development (Local Planning Schemes Regulations 2015).

**Lost: 1/6  
For  
Cr Jon Strachan,  
Against  
Cr Ingrid Waltham, Mayor, Brad Pettitt  
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

## **ALTERNATIVE RECOMMENDATION**

**Moved: Cr Adin Lang**

**Seconded: Cr Dave Hume**

*APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the mixed use development (Two (2) Offices and eight (8) Multiple dwellings) at No. 69 (Lot 16, 17 and 18) South Street, Beaconsfield subject to the following conditions:*

1. *This approval relates only to the development as indicated on the approved plans, dated 29 March 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 South Street and Hampton Road.*
3. *All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.*
4. *The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.*
5. *Prior to issue of a demolition permit, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:*
  - a) *A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.*
  - b) *Digital photographs taken of the building (once vacated) to include:*
    - i) *a general/overall photo of the building to be demolished;*
    - ii) *photos of each of the four elevations;*
    - iii) *internal photos of all rooms; and photos of any special architectural features.*
6. *Prior to the issue of a Building Permit, No.69 (Lots 16, 17 and 18) South Street, Beaconsfield are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to*



*operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.*

7. *Prior to issue of a building permit of the development 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*
8. *Prior to the issue of a Building Permit, **one** (1) Class 1 or Class 2 bicycle rack shall be provided, to the satisfaction of the City of Fremantle.*
9. *Prior to the issue of a building permit, a detailed drawing showing how the Balcony (first floor) on the south elevation and the balcony (second floor) on the west elevation, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:*
  - a) *fixed obscured or fixed translucent glass to a height of 1.60 metres above internal floor level, or*
  - b) *with fixed vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or*
  - c) *a minimum sill height of 1.60 metres as determined from the internal floor level, or*
  - d) *an alternative method of screening approved by the City of Fremantle.*
10. *Prior to occupation, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.*
11. *Prior to the issue of a building permit, the applicant shall submit the following information to the satisfaction of the City of Fremantle having regard to advice from the Design Advisory Committee:*
  - i. *additional detail relating to colour, texture and material arrangement for final facade finishes,*
  - ii. *the proposed location of air conditioning units which demonstrate that they will not have adverse impact of the appearance of the development or the use of outdoor living areas.*
12. *Prior to the issue of a Building Permit, a detailed proposal shall be submitted that explains how investigations and analysis will be undertaken to guide conservation works to the satisfaction of the City of Fremantle.*
13. *Prior to the commencement of conservation works, the approved investigations and analysis must be undertaken and shall be used to create a report detailing the scope of works for conservation works to the satisfaction of the City of Fremantle. These works shall consider the combining the processes of maintenance, preservation, restoration, reconstruction, adaptation and interpretation.*

14. *Prior to occupation, the approved conservation works shall be completed to the satisfaction of the City of Fremantle.*
15. *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.*
16. *Prior to occupation of the development hereby approved, the boundary wall located on the southern and eastern boundary shall be of a clean finish in any of the following materials:*
  - *coloured sand render,*
  - *face brick,*
  - *painted surface,*
  - *other approved finish*

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

*Advice note*

- i. *Transperth advise that impact on the bus lane must be minimised if possible during construction, and to notify [Transperth.ServiceDisruptions@pta.wa.gov.au](mailto:ServiceDisruptions@pta.wa.gov.au) of any works that will affect bus services*
- ii. *This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.*

**AMENDMENT 1**

**Moved: Cr Bryn Jones**

**Seconded: Cr Ingrid Waltham**

**Add additional conditions 18 and 19 as stated below:**

18. ***Prior to the issue of a building permit, details are to be submitted for approval, illustrating compliance with the recommended measures as detailed in the Traffic Memorandum prepared by Cardno, dated 10 December 2015 (Ref CW926900) to the satisfaction of the Chief Executive Officer, City of Fremantle. The required signage is to be wholly contained within the lot boundaries and maintained for the life of the development.***

19. ***Prior to occupation of the development, signage is to be installed at the vehicle access point on Hampton Road that informs entering and exiting vehicles that traffic movements are to be left in and left out only, to the satisfaction of the Chief Executive Officer, City of Fremantle. The required signage is to be wholly contained with the lot boundaries and maintained for the life of the development.***

**Amendment carried: 6/1**

**For**

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

**Against**

**Cr Dave Hume**

## **AMENDMENT 2**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Jon Strachan**

**To amend condition 9 to state the following:**

9. ***Prior to the issue of a building permit, a detailed drawing showing how the Balcony to Unit 6 on the south elevation is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:***
- a) ***fixed obscured or fixed translucent glass to a height of 1.60 metres above internal floor level, or***
  - b) ***with fixed vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or***
  - c) ***a minimum sill height of 1.60 metres as determined from the internal floor level, or***
  - d) ***an alternative method of screening approved by the City of Fremantle.***

**Amendment carried: 7/0**

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

## **COMMITTEE DECISION ITEM PC1805 - 2** **(Alternative recommendation as amended)**

**APPROVE** under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the mixed use development (Two (2) Offices and eight (8) Multiple dwellings) at No. 69 (Lot 16, 17 and 18) South Street, Beaconsfield subject to the following conditions:

1. **This approval relates only to the development as indicated on the approved plans, dated 29 March 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 South Street and Hampton Road.
3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.
5. Prior to issue of a demolition permit, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:
  - a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
  - b) Digital photographs taken of the building (once vacated) to include:
    - i) a general/overall photo of the building to be demolished;
    - ii) photos of each of the four elevations;
    - iii) internal photos of all rooms; and photos of any special architectural features.
6. Prior to the issue of a Building Permit, No.69 (Lots 16, 17 and 18) South Street, Beaconsfield are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
7. Prior to issue of a building permit of the development 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
8. Prior to the issue of a Building Permit, one (1) Class 1 or Class 2 bicycle rack shall be provided, to the satisfaction of the City of Fremantle.
9. *Prior to the issue of a building permit, a detailed drawing showing how the Balcony to Unit 6 on the south elevation is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either::*
  - a) *fixed obscured or fixed translucent glass to a height of 1.60 metres above internal floor level, or*

- b) with fixed vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or*
  - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or*
  - d) an alternative method of screening approved by the City of Fremantle.*
10. Prior to occupation, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
11. Prior to the issue of a building permit, the applicant shall submit the following information to the satisfaction of the City of Fremantle having regard to advice from the Design Advisory Committee:
  - i. additional detail relating to colour, texture and material arrangement for final facade finishes,
  - ii. the proposed location of air conditioning units which demonstrate that they will not have adverse impact of the appearance of the development or the use of outdoor living areas.
12. Prior to the issue of a Building Permit, a detailed proposal shall be submitted that explains how investigations and analysis will be undertaken to guide conservation works to the satisfaction of the City of Fremantle.
13. Prior to the commencement of conservation works, the approved investigations and analysis must be undertaken and shall be used to create a report detailing the scope of works for conservation works to the satisfaction of the City of Fremantle. These works shall consider the combining the processes of maintenance, preservation, restoration, reconstruction, adaptation and interpretation.
14. Prior to occupation, the approved conservation works shall be completed to the satisfaction of the City of Fremantle.
15. 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.
16. Prior to occupation of the development hereby approved, the boundary wall located on the southern and eastern boundary shall be of a clean finish in any of the following materials:
  - coloured sand render,
  - face brick,
  - painted surface,

- other approved finish

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

17. 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.
18. *Prior to the issue of a building permit, details are to be submitted for approval, illustrating compliance with the recommended measures as detailed in the Traffic Memorandum prepared by Cardno, dated 10 December 2015 (Ref CW926900) to the satisfaction of the Chief Executive Officer, City of Fremantle. The required signage is to be wholly contained within the lot boundaries and maintained for the life of the development.*
19. *Prior to occupation of the development, signage is to be installed at the vehicle access point on Hampton Road that informs entering and exiting vehicles that traffic movements are to be left in and left out only, to the satisfaction of the Chief Executive Officer, City of Fremantle. The required signage is to be wholly contained within the lot boundaries and maintained for the life of the development.*

#### Advice note

- i. *Transperth advise that impact on the bus lane must be minimised if possible during construction, and to notify Transperth.ServiceDisruptions@pta.wa.gov.au of any works that will affect bus services*
- ii. *This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.*

**Carried: 7/0**

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

#### Reason for change

The Committee is satisfied that the applicant has positively responded to their concerns by amending the plans to reduce the size of the development to a scale that is more appropriate for the site.

**Committee delegation**

**PC1805 -3 SOUTH TERRACE, NO. 404 (LOT 63), SOUTH FREMANTLE -  
CHANGE OF USE TO RESTAURANT - (SM DA0602/17)**

**Meeting Date:** 2 May 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1. Development Plans  
2. Applicant Cover Letter  
3. Site Photos

**COMMITTEE DECISION ITEM PC1805 - 3**

**Moved: Cr Jon Strachan**

**Seconded: Cr Ingrid Waltham**

**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 Restaurant at No. 404 (Lot 63) South Terrace, South Fremantle, as detailed on plans dated 28 March 2018, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 18 April 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 is valid for a period of five (5) years upon substantial commencement of the development, after which the Restaurant use on the site shall cease, to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 3. Hours of opening shall be limited to between 11am – 10pm Monday to Thursday, and 9am – 10pm Friday to Sunday.**
- 4. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.**
- 5. The premises is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Chief Executive Officer, City of Fremantle. Specifically, the premises is to comply with the recommendations of the Environmental Noise Assessment report prepared by Wood & Grieve Engineers dated March 2018 which includes the following:**
  - The boundary wall shall be a minimum of 1.8 m in height on the northern boundary of the site;**
  - The boundary wall shall be a minimum of 2.5 m in height on the southern boundary of the site;**
  - An internal wall on the northern side of the proposed dining and kitchen area shall be a minimum of 2.5 metres in height;**

- Acoustic treatments (such as an attenuator and screening) shall be applied to the assumed kitchen extract fan; and
- Cool room condenser shall be selected for optimal acoustic performance and placed in a well-shielded area.

6. Prior to the issue of a Building Permit, the applicant shall submit a final version of the ongoing Noise Management Plan for the proposed Restaurant, to the satisfaction of the Chief Executive Office, City of Fremantle. The Noise Management Plan is to include clear instructions for all staff to follow in relation to noise reduction strategies, including while moving and stacking furniture and emptying glass recycling receptacles, and prompt closure of the venue at the nominated closing times.

**Advice:**

- i. The applicant is advised that this approved development, including boundary fences, shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
- ii. It is recommended that the applicant liaise with the adjoining property owners regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:  
[http://buildingcommission.wa.gov.au/bid/Dividing\\_Fences.aspx](http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx)
- 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 Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume



**PC1805 -4 COLLICK STREET, NO. 15A (LOT 302), HILTON - SINGLE STOREY SINGLE HOUSE - (SP DA0065/18)**

**Meeting Date:** 2 May 2018  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:** 1. Revised development plans  
2. Site Photos

**COMMITTEE DECISION PC1805 – 4**

**Moved:** Cr Jon Strachan

**Seconded:** Cr Ingrid Waltham

**Planning committee acting under delegation 2.1:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, single storey Single house at No. 15A (Lot 302) Collick Street, Hilton, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 15 March 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 Chief Executive Officer, City of Fremantle.**
- 3. Prior to occupation of the development hereby approved, the boundary wall located on the eastern boundary shall be of a clean finish in any of the following materials:**
  - coloured sand render,**
  - face brick,**
  - painted surface,**
  - other approved finish****and be thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 4. Prior to the issue of a building permit, a detailed drawing showing how the north western portion of the backyard is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:**
  - a) an alternative method of screening approved by the Chief Executive Officer, City of Fremantle.**

**Prior to occupation, the approved screening method shall be installed and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.**

**Advice Note(s):**

- i) The applicant is advised in relation to condition 4, that this requirement may be met by provision of a 1.8m high boundary fence, pursuant to part (a) of the condition.**

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

**PC1805 -5 HOLLAND STREET, NO. 10 (LOT 12), FREMANTLE - ANCILLARY DWELLING ADDITION TO AN EXISTING SINGLE HOUSE - (NB DA0025/18)**

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

**COMMITTEE DECISION PC1805 – 5**

**Moved: Cr Jon Strachan**

**Seconded: Cr Jeff McDonald**

**Planning committee acting under delegation 2.1:**

**APPROVE , under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Ancillary dwelling addition to the existing Single house at No. 10 (Lot 12) Holland Street, Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 10 April 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 Chief Executive Officer, City of Fremantle.**
- 3. Prior to occupation of the development hereby approved, the boundary wall located on the west elevation shall be of a clean finish in any of the following materials:**
  - coloured sand render,**
  - face brick,**
  - painted surface,**
  - other approved finish****and be thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 4. Prior to the issue of a building permit, the decks located on the east and west elevations shall be screened as shown on the plans and in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by:**
  - a) fixed with screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or**

**Prior to occupation, the approved screening shall be provided and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.**

**Carried: 7/0**

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

**PC1805 -6 SUFFOLK STREET, NO. 4 (LOT 193), FREMANTLE - DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION OF A TWO STOREY SINGLE HOUSE - (SP DA0034/18)**

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

**COMMITTEE DECISION PC1805 – 6**

**Moved: Cr Jon Strachan**

**Seconded: Cr Jeff McDonald**

**Planning committee acting under delegation 2.1:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, for the demolition of an existing Single house and construction of a two storey Single house at No. 4 (Lot 193) Suffolk Street, Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 24 January 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 Chief Executive Officer, City of Fremantle.**
- 3. Prior to use of the development hereby approved, the alfresco boundary wall located on the western boundary shall be of a clean finish in any of the following materials:**
  - coloured sand render,**
  - face brick,**
  - painted surface,**
  - other approved finish**

**and be thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.**

**Advice Note(s):**

- i) A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**
- ii) The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's**

**specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.**

**Carried: 7/0**

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

**ITEMS APPROVED “EN BLOC”**

At 7.15pm the following items were adopted unopposed and without discussion  
“En Bloc” as recommended

**COMMITTEE DECISION**

Moved: Cr Jon Strachan

Seconded: Cr Jeff McDonald

The following items be adopted en bloc as recommended:  
PC1805 – 7 and PC1805 – 8.

**Carried: 7/0**

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

**PC1805 -7      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 PC1805 - 7**

**That the information is noted.**

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

**PC1805 -8      SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED  
AUTHORITY**

Applications determined under delegation by Officers, relating to place and proposals, in some cases subject to conditions, as listed in the attachments.

**COMMITTEE DECISION PC1805 - 8**

**That the information is noted.**

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



**PC1805 -9 DESIGN ADVISORY COMMITTEE - TERMS OF REFERENCE AND APPOINTMENT OF MEMBERS FROM 1 JULY 2018**

**Meeting Date:** 2 May 2018  
**Responsible Officer:** Director of Planning and Strategic Projects  
**Decision Making Level:** Council  
**Attachments:** 1.Tracked Changes Revised Terms of Reference

**OFFICER'S RECOMMENDATION**

**Moved: Cr Jon Strachan**

**Seconded: Cr Bryn Jones**

Council:

Approve the amended Terms of Reference of the Design Advisory Committee as set out below:

**DESIGN ADVISORY COMMITTEE TERMS OF REFERENCE**

Effective 1 July 2018

**Statutory basis**

The Design Advisory Committee is constituted in accordance with Clause 11.8 of the City of Fremantle Local Planning Scheme No 4. At all times the Committee shall operate in accordance with the Scheme provisions.

**Membership**

The membership of the Committee shall be drawn from a pool of members and comprise 4 - 5 persons at any one sitting, with a minimum of 3 required to deliberate on any matter. Members shall be highly regarded with appropriate qualifications and substantial experience in Architecture and Urban Design. One member of the Committee shall be selected with particular experience and expertise from each of the following areas;

- City centre planning and development
- Heritage and urban conservation
- Energy efficient building design and sustainable development,
- Public space planning and development

The intent of the composition of the Committee is that it should include a mix of local and non-local members. To ensure that local knowledge and issues are properly taken into account, at least two of the members shall have practises based within, or demonstrate significant experience in, the City of Fremantle.

The Chair of the Committee will be determined by the Committee Members and will remain the same *for the term of appointment of the member appointed as Chair* despite any rotation of members from the pool.

**Other criteria for membership**

Appointment of Members will be based on consideration of their qualifications and experience which must include having been involved in the design and/or design review

of major development proposals of the kind which the Committee will be required to review as part of its role. The term of office for Committee members will be *as follows*:

*4 members including 1 deputy member – 4 years commencing 1 July 2018*

*3 members including 1 deputy member – 2 years commencing 1 July 2018*

*Thereafter, the term of office of all members will be 4 years from date of appointment.*

*A person who has completed a term of office commencing on or after 1 July 2018 may not be appointed to serve a second consecutive term of office, but will be eligible to nominate for appointment as a member after a period of at least two years from the end of their previous term of office.*

Committee members are appointed by *the Chief Executive Officer* following a public process of expressions of interest. Any replies to expressions of interest will be *considered in the appointment process*. In addition to the specific technical skills and experience noted above selected members should enjoy considerable professional recognition and prestige. To demonstrate this each nomination should be accompanied by the names of a minimum of two professional referees and a curriculum vitae. These should be independent professional peers who can specifically attest in writing to the suitability of the candidate for membership the Committee.

The *Chief Executive Officer* may terminate the appointment of any member of the Committee prior to the expiry of the term of office.

#### Role of the Committee

The role of the Design Advisory Committee is as follows

- To provide design advice to Council on all planning applications involving:
  - (a) any matter that relates to a planning policy relevant to the role of the Committee; and
  - (b) any building 11.0m in height or greater in any zone other than the Residential or Industrial zones as required by clause 11.8.6.2 of the scheme
- To provide design advice in other circumstances in relation to any major development proposal required by the Council or Planning Services Committee, or any relevant Local Planning Scheme amendment, Structure Plan or Local Planning Policy proposal.

Full committee reports in relation to referrals to the Committee will be provided to the applicant and included in any reports to the Planning Services Committee/Council/Development Assessment Panel.

#### Operation of the Committee – Advice on preliminary proposals

Applicants for Planning Approval for applications of the type that would be considered by the Committee must consult with the Committee during the planning phase of their development proposal (i.e. at least once before a formal planning application is lodged). The decision to refer and timing of referral will be made by the Manager, and the Committee recommendation will be provided to applicants through Council staff. Preliminary deliberations of the Committee on proposals will not be forwarded the

Council for discussion or ratification. Proponents and clients will be invited to attend the relevant part of the Committee meeting, although the formal recommendation of the Committee will be provided to the proponent by the Manager. Proponents and clients are to focus their presentation on the following:

- i. Streetscape Character Analysis;
- ii. 3D streetscape perspective;
- iii. Design matters raised in *Local Planning Policy 1.9 - Design Advisory Committee and Principles of Design*;
- iv. Client attendance strongly encouraged; and
- v. CABA Alarm Bells (see below)

#### Some Alarm Bells

Extract from *Design Review: how CABA evaluates quality in architecture and urban design* published by the Commission for Architecture and the Built Environment.

There are some common threads which can be drawn from those projects which CABA has found reasons to criticise. Some of the 4se problems areas are listed here:

- Lack of evidence of client commitment to a quality outcome
- Lack of evidence of clear, intelligent thinking in the design team
- Lack of a clear brief
- Contradictory aims and objectives
- Lack of viability: project may promise more than anyone believes they can realistically deliver
- No evidence of understanding the nature of the site
- Adequate context analysis, but no evidence of it informing the design
- Project which appear mean, pinching, obstructive in their approach to the public realm
- Lack of clarity about what is private and what is public
- Projects where it is hard to work out from the drawings what is actually proposed, confusion on paper is likely to correspond to confusion in reality
- No effort to give clear and realistic illustrations of what the project will look like
- No effort to illustrate the project in context
- No effort to show an approach to landscape design where it is important.

#### Operation of the Committee – Advice on formal applications

All formal applications will be assessed by Council staff having regard to the provisions of the Local Planning Scheme and Council Policies, prior to submission to the Committee. The decision of the timing of referral, and the number of referrals considered necessary, to the Committee shall be made at the discretion of the Manager in cases where, in the opinion of the Manager, an application may be incapable of approval, referral to the Design Advisory Committee may be denied.

Where the Committee is considering a formal statutory planning matter, its recommendation will be discussed and assessed in the officer report to the Council on that matter.

Applicants and clients will be invited to attend at the relevant part of the Committee meeting, however all formal communication with the Committee will be through the:

1. Manager; or
2. Chair (or other Committee member nominated by the Chair) with the permission and/or attendance of the Manager,

Members are strictly prohibited from individual communication with proponents or interested persons on business before the Committee outside of the meeting structure adopted by the Council. The Manager will determine when, and how often, an item is presented to the Committee.

#### Recording of the meeting

A report will be prepared by the Committee Chair and will be provided to the applicant and Council through the Planning Services Committee.

#### Role of the Chair

In addition to presiding at the meetings, the Chair will have the following additional responsibilities,

- Ratification of meeting report.
- Preparation of a report on each item
- Liaison with Council staff over the operation of the Committee.
- Meeting with proponents with (or with the permission of) the Manager to represent the Committee's views.
- Attendance at Council, *Standing Committee*, *Development Assessment Panel* or SAT meetings or briefings as necessary.

#### Frequency of meetings

Meetings will be held once a month or special meetings may be convened to deal with specific issues.

The Committee shall be attended and provided with administrative support as necessary by the Director of Planning, the Manager and responsible officers.

#### Format for advice

The intent of the Committee is the provision of independent professional design advice on key aspects of development. The summary design recommendations should be provided having regard to the following:

#### DAC REPORT TEMPLATE

1. CABE DESIGN PRINCIPLES
  - a. Character
  - b. Continuity and Enclosure
  - c. Quality of Public Realm
  - d. Ease Of Movement
  - e. Legibility
  - f. Adaptability
  - g. Diversity
  - h. Overall Design Quality and Functionality
  - i. Appropriateness of Materials and Finishes
  - j. General Comments

2. DESIGN ASSESSMENT
  - a. What are the Strengths
  - b. How can the Proposal be Improved
  
3. RECOMMENDATION (select 1 or a combination of the below)
  - a. The design is supported;
  - b. The design is supported and is of sufficiently high quality to meet relevant scheme provisions in relation to discretionary height;
  - c. The design is supported subject to the following conditions;
  - d. The design is not supported
  - e. As the design is at concept stage only, the plans have not progressed to a stage where they can be recommended for support or not.

The Committee report will be considered as part of the officer report and recommendation on the proposal and will be attached in full (on that particular item) to the report.

#### Fees

The members of the Committee will be paid sitting fees, on an hourly rate basis. The amount will be determined by the *Chief Executive Officer subject to overall budget allocations determined by Council as part of the adoption of the annual budget. In determining hourly fee rates the Chief Executive Officer shall have regard to advice from the Office of the Government Architect of WA on fees for members of design review bodies.*

#### **AMENDMENT 1**

**Moved: Cr Jon Strachan**

**Seconded: Mayor, Brad Pettitt**

**To amend the membership of the Committee to 5 members as follows:**

**The membership of the Committee shall be drawn from a pool of members and comprise of 5 persons at any one sitting, with a minimum of 3 required to deliberate on any matter. Members shall be highly regarded with appropriate qualifications and substantial experience in Architecture and Urban Design. One member of the Committee shall be selected with particular experience and expertise from each of the following areas;**

**Amendment carried: 7/0**

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

**COMMITTEE RECOMMENDATION PC1805 – 9**  
**(Amended officer's recommendation)**

Moved: Cr Jon Strachan

Seconded: Cr Bryn Jones

**Council:**

Approve the amended Terms of Reference of the Design Advisory Committee as set out below:

**DESIGN ADVISORY COMMITTEE TERMS OF REFERENCE**

**Effective 1 July 2018**

**Statutory basis**

The Design Advisory Committee is constituted in accordance with Clause 11.8 of the City of Fremantle Local Planning Scheme No 4. At all times the Committee shall operate in accordance with the Scheme provisions.

**Membership**

The membership of the Committee shall be drawn from a pool of members and comprise of 5 persons at any one sitting, with a minimum of 3 required to deliberate on any matter. Members shall be highly regarded with appropriate qualifications and substantial experience in Architecture and Urban Design. One member of the Committee shall be selected with particular experience and expertise from each of the following areas;

- City centre planning and development
- Heritage and urban conservation
- Energy efficient building design and sustainable development,
- Public space planning and development

The intent of the composition of the Committee is that it should include a mix of local and non-local members. To ensure that local knowledge and issues are properly taken into account, at least two of the members shall have practises based within, or demonstrate significant experience in, the City of Fremantle.

The Chair of the Committee will be determined by the Committee Members and will remain the same *for the term of appointment of the member appointed as Chair* despite any rotation of members from the pool.

**Other criteria for membership**

Appointment of Members will be based on consideration of their qualifications and experience which must include having been involved in the design and/or design review of major development proposals of the kind which the Committee will be required to review as part of its role. The term of office for Committee members will be *as follows*:

***4 members including 1 deputy member – 4 years commencing 1 July 2018***

***3 members including 1 deputy member – 2 years commencing 1 July 2018***

***Thereafter, the term of office of all members will be 4 years from date of appointment.***

***A person who has completed a term of office commencing on or after 1 July 2018 may not be appointed to serve a second consecutive term of office, but will be eligible to nominate for appointment as a member after a period of at least two years from the end of their previous term of office.***

**Committee members are appointed by the *Chief Executive Officer* following a public process of expressions of interest. Any replies to expressions of interest will be *considered in the appointment process*. In addition to the specific technical skills and experience noted above selected members should enjoy considerable professional recognition and prestige. To demonstrate this each nomination should be accompanied by the names of a minimum of two professional referees and a curriculum vitae. These should be independent professional peers who can specifically attest in writing to the suitability of the candidate for membership the Committee.**

**The *Chief Executive Officer* may terminate the appointment of any member of the Committee prior to the expiry of the term of office.**

#### **Role of the Committee**

**The role of the Design Advisory Committee is as follows**

- **To provide design advice to Council on all planning applications involving:
  - (a) any matter that relates to a planning policy relevant to the role of the Committee; and
  - (b) any building 11.0m in height or greater in any zone other than the Residential or Industrial zones as required by clause 11.8.6.2 of the scheme**
- **To provide design advice in other circumstances in relation to any major development proposal required by the Council or Planning Services Committee, or any relevant Local Planning Scheme amendment, Structure Plan or Local Planning Policy proposal.**

**Full committee reports in relation to referrals to the Committee will be provided to the applicant and included in any reports to the Planning Services Committee/Council/Development Assessment Panel.**

#### **Operation of the Committee – Advice on preliminary proposals**

**Applicants for Planning Approval for applications of the type that would be considered by the Committee must consult with the Committee during the planning phase of their development proposal (i.e. at least once before a formal planning application is lodged). The decision to refer and timing of referral will be made by the Manager, Development Approvals and the Committee recommendation will be provided to applicants through Council staff. Preliminary deliberations of the Committee on proposals will not be forwarded the Council for discussion or ratification. Proponents and clients will be invited to attend the relevant part of the Committee meeting, although the formal recommendation of**

the Committee will be provided to the proponent by the Manager, Development Approvals. Proponents and clients are to focus their presentation on the following:

- i. Streetscape Character Analysis;
- ii. 3D streetscape perspective;
- iii. Design matters raised in *Local Planning Policy 1.9 - Design Advisory Committee and Principles of Design*;
- iv. Client attendance strongly encouraged; and
- v. CABA Alarm Bells (see below)

#### Some Alarm Bells

Extract from *Design Review: how CABA evaluates quality in architecture and urban design* published by the Commission for Architecture and the Built Environment.

There are some common threads which can be drawn from those projects which CABA has found reasons to criticise. Some of these problems areas are listed here:

- Lack of evidence of client commitment to a quality outcome
- Lack of evidence of clear, intelligent thinking in the design team
- Lack of a clear brief
- Contradictory aims and objectives
- Lack of viability: project may promise more than anyone believes they can realistically deliver
- No evidence of understanding the nature of the site
- Adequate context analysis, but no evidence of it informing the design
- Project which appear mean, pinching, obstructive in their approach to the public realm
- Lack of clarity about what is private and what is public
- Projects where it is hard to work out from the drawings what is actually proposed, confusion on paper is likely to correspond to confusion in reality
- No effort to give clear and realistic illustrations of what the project will look like
- No effort to illustrate the project in context
- No effort to show an approach to landscape design where it is important.

#### Operation of the Committee – Advice on formal applications

All formal applications will be assessed by Council staff having regard to the provisions of the Local Planning Scheme and Council Policies, prior to submission to the Committee. The decision of the timing of referral, and the number of referrals considered necessary, to the Committee shall be made at the discretion of the Manager, Development Approvals in cases where, in the opinion of the Manager, Development Approvals, an application may be incapable of approval, referral to the Design Advisory Committee may be denied.

Where the Committee is considering a formal statutory planning matter, its recommendation will be discussed and assessed in the officer report to the Council on that matter.



Applicants and clients will be invited to attend at the relevant part of the Committee meeting, however all formal communication with the Committee will be through the:

1. Manager, Development Approvals; or
2. Chair (or other Committee member nominated by the Chair) with the permission and/or attendance of the Manager, Development Approvals,

Members are strictly prohibited from individual communication with proponents or interested persons on business before the Committee outside of the meeting structure adopted by the Council. The Manager, Development Approvals will determine when, and how often, an item is presented to the Committee.

#### Recording of the meeting

A report will be prepared by the Committee Chair and will be provided to the applicant and Council through the Planning Services Committee.

#### Role of the Chair

In addition to presiding at the meetings, the Chair will have the following additional responsibilities,

- Ratification of meeting report.
- Preparation of a report on each item
- Liaison with Council staff over the operation of the Committee.
- Meeting with proponents with (or with the permission of) the Manager, Development Approvals to represent the Committee's views.
- Attendance at Council, *Standing Committee, Development Assessment Panel* or SAT meetings or briefings as necessary.

#### Frequency of meetings

Meetings will be held once a month or special meetings may be convened to deal with specific issues.

The Committee shall be attended and provided with administrative support as necessary by the Director, Strategic Planning and Projects, the Manager, Development Approvals and responsible officers.

#### Format for advice

The intent of the Committee is the provision of independent professional design advice on key aspects of development. The summary design recommendations should be provided having regard to the following:

#### DAC REPORT TEMPLATE

1. CABE DESIGN PRINCIPLES
  - a. Character
  - b. Continuity and Enclosure
  - c. Quality of Public Realm
  - d. Ease Of Movement
  - e. Legibility
  - f. Adaptability

- g. Diversity
- h. Overall Design Quality and Functionality
- i. Appropriateness of Materials and Finishes
- j. General Comments

**2. DESIGN ASSESSMENT**

- a. What are the Strengths
- b. How can the Proposal be Improved

**3. RECOMMENDATION** (select 1 or a combination of the below)

- a. The design is supported;
- b. The design is supported and is of sufficiently high quality to meet relevant scheme provisions in relation to discretionary height;
- c. The design is supported subject to the following conditions;
- d. The design is not supported
- e. As the design is at concept stage only, the plans have not progressed to a stage where they can be recommended for support or not.

The Committee report will be considered as part of the officer report and recommendation on the proposal and will be attached in full (on that particular item) to the report.

**Fees**

The members of the Committee will be paid sitting fees, on an hourly rate basis. The amount will be determined by the *Chief Executive Officer subject to overall budget allocations determined by Council as part of the adoption of the annual budget. In determining hourly fee rates the Chief Executive Officer shall have regard to advice from the Office of the Government Architect of WA on fees for members of design review bodies.*

**Carried: 7/0**

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

**12. Motions of which previous notice has been given**

Nil

**13. Urgent business**

Nil

**14. Late items**

Nil

**15. Confidential business**

Nil

**16. Closure of meeting**

**The Presiding Member declared the meeting closed at 7.40 pm.**



# Minutes Attachments

## Planning Committee

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Wednesday, 2 May 2018, 6.00 pm

