



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 17 January 2024; 9:30am  
**Meeting Number:** MISJDAP/169  
**Meeting Venue:** City of Fremantle  
151 High Steet, Fremantle

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*Rachel*

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP





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## Attendance

### DAP Members

Rachel Chapman (A/Presiding Member)  
Ian Birch (A/Deputy Presiding Member)  
Diana Goldswain (A/Third Specialist Member)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Benjamin Lawver (Local Government Member, City of Fremantle)

### Officers in attendance

Chloe Johnston (City of Fremantle)  
Jonathan Dornan (City of Fremantle)

### Minute Secretary

Kayla Goodchild (City of Fremantle)

### Applicants and Submitters

Tim Dawkins (Urbis)  
Matthew Filov (Urbis)  
Michael Petroni (Spaceagency)  
Jo Bennett (Fini Group)  
Matt Wallwork (Ecotecture)  
Gerard MacGill  
Carl Payne  
Tom Perrigo  
John Dowson (The Fremantle Society)

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:33am on 17 January 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP





## **1.1 Announcements by A/Presiding Member**

The A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the A/Presiding Member has given permission to do so.*', the meeting would not be recorded.

## **2. Apologies**

Clayton Higham (Presiding Member)  
Peter Lee (Third Specialist Member)

## **3. Members on Leave of Absence**

Nil

## **4. Noting of Minutes**

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

## **5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

DAP Member, Rachel Chapman, declared an impartiality interest in item 8.1. The RAR lists Fini Group as applicant (in addition to Urbis) and Adriano Giacomo Fini/Fini Group as owners of the land. Rachel understands Mr Fini/Fini Group are part owners of Hesperia. Hesperia is a client of TBB and Rachel is a shareholder and Director of TBB. Rachel is currently not directly involved in any Hesperia or Fini Group projects and declared that she and TBB have not had any involvement in this application and declares that she will consider this application on its merits and without bias.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, Francesca Lefante, Presiding Member (Metro Inner-North JDAP) determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Andrew Sullivan and Cr Ben Lawver, declared that they had participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, they acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member determined that the members listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.6 of the DAP Code of Conduct 2017, DAP members participated in a site visit for the application at item 8.1 prior to the DAP Meeting.

## **7. Deputations and Presentations**

- 7.1** Gerard MacGill addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2** Carl Payne addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3** Tom Perrigo addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4** John Dowson (The Fremantle Society) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.5** Matt Wallwork (Ecotecture) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.6** Michael Patroni (Spaceagency) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7** Tim Dawkins (Urbis) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8** Chloe Johnston (City of Fremantle) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.9** Hans Hug and Lis Francis were noted as written submissions in relation to item 8.1.

## **8. Form 1 – Responsible Authority Reports – DAP Applications**

### **8.1 Lot 51 (No. 49) Phillimore Street, Fremantle**

Development Description:	Proposed Mixed Use Development (Office/Multiple Dwelling) of Existing Building
Applicant:	Fini Group c/o Urbis Pty Ltd
Owner:	Adriano Giacomo Fini, Nicola Trimboli
Responsible Authority:	City of Fremantle
DAP File No:	DAP/23/02571

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





## REPORT RECOMMENDATION

**Moved by:** Ian Birch

**Seconded by:** Diana Goldswain

*With the approval of the mover and seconder the following amendments were made;*

- i) That Condition No. 4 be amended to read as follows:

*Prior to the commencement of **external** works, a detailed conservation methodology shall be submitted and approved to the satisfaction of the City of Fremantle for the removal of paint from the exterior of the building and to repair and repointing of the brick and render façade. The methodology shall include mortar mixes. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.*

**REASON:** This amendment was requested by applicant and supported by City officers and the Panel on the basis it will enable internal works to commence in the first instance.

- ii) That Condition No. 5 be amended to read as follows:

~~*Prior to the lodgement of a Building Permit and/or Demolition Permit application for the development hereby approved, Further investigation is to be undertaken to determine original elements of the building's internal fabric worthy of retention and/or reinstatement. These elements include, but are not limited to, ceilings, flooring, skirtings, cornices, doors, architraves and the northeast corner ground floor office.*~~

***Prior to the lodgement of a Building Permit, an amended demolition plan is to be provided and approved on advice of the Heritage Council, to the satisfaction of the City of Fremantle.** ~~detailing the elements to be retained and/or reinstated.~~*

**REASON:** An amendment to this condition was requested by the applicant and supported in part by the City officers. With the advice of the City officers, revised wording was supported by the Panel as it would provide for investigations to take place upfront and then staged works and demolition.

- iii) That Condition No. 15 be amended to read as follows:

*Prior to the lodgement of a building permit application, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and **to the satisfaction of** the City of Fremantle.*

**REASON:** This amendment requested by the applicant was supported by the City officers and supported by the Panel on the basis it has no material impact on the intent of the condition.

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP





- iv) That Condition No. 16 be amended to read as follows:

*Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s ~~(comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays)~~, aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.*

**REASON:** This amendment requested by the applicant was supported by the City officers and supported by the Panel on the basis it has no material impact on the intent of the condition and no such bays are proposed.

- v) That Condition No. 22 be amended to read as follows:

*Prior to occupation, a Green Star 'Certified' rating with certification from the Green Building Council of Australia (GBCA) confirming the building's design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, ~~approved by~~ **and to the satisfaction of the City of Fremantle.***

**REASON:** This amendment requested by the applicant was supported by the City officers and supported by the Panel on the basis it has no material impact on the intent of the condition.

It is recommended that the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02571 is appropriate for consideration as a Multiple Dwelling and Office land use and is compatible with the objectives of the zoning table in accordance in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/23/02571 and accompanying plans (DA02, DA03, DA04, DA05, DA11, DA12, DA21, DA31), dated 6 October 2023 (City of Fremantle received date) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP





3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to the commencement of external works, a detailed conservation methodology shall be submitted and approved to the satisfaction of the City of Fremantle for the removal of paint from the exterior of the building and to repair and repointing of the brick and render façade. The methodology shall include mortar mixes. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.

On the advice of the Heritage Council of Western Australia, the removal of external paint from masonry/stonework surfaces is to be undertaken using a non-abrasive method to the satisfaction of the City of Fremantle.

5. Further investigation is to be undertaken to determine original elements of the building's internal fabric worthy of retention and/or reinstatement. These elements include, but are not limited to, ceilings, flooring, skirtings, cornices, doors, architraves and the northeast corner ground floor office.

At each stage of works, an amended demolition and/or investigation plan is to be provided and approved on advice of the Heritage Council, to the satisfaction of the City of Fremantle detailing the elements to be retained and/or reinstated.

6. Prior to lodgement of a Demolition or Building Permit for the development hereby approved, 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.

7. Prior to the lodgement of a Building Permit application, a Waste Management Plan shall be submitted to, and approved by the City of Fremantle.

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





8. Prior to lodgement of a Building Permit or Demolition Permit for the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gantries;
  - e) Access to site by construction vehicles;
  - f) Contact details;
  - g) Site offices;
  - h) Noise - Construction work and deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering management plan;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.
9. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
10. Prior to the lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall demonstrate compliance with the requirements set out within City of Fremantle policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
  - a) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
  - b) Roof insulation in accordance with the requirements of the Building Codes of Australia.
11. Prior to the lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, etc), shall be submitted to and approved by the City of Fremantle.
12. Prior to lodgement of a Building Permit application for the development hereby approved, an updated eastern elevation is to be provided that clearly shows the alignment between the existing structural grid with that of the new trellis structure to the satisfaction of the City of Fremantle.

*Rachel*

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





13. Prior to the lodgement of a Building Permit application for the development hereby approved, a signage strategy is to be provided detailing how signage will be appropriately integrated with the heritage aesthetic of the building and surrounding area to the satisfaction of the City of Fremantle.
14. Prior to lodgement of a Building Permit application for the development hereby approved, details are to be submitted and approved by the City of Fremantle that demonstrate that the development incorporates the noise mitigation '*Quiet House Requirements*' Category (C+) of Table 3 of the State Planning Policy 5.4 'Road and Rail Noise Guidelines', or designs and implements an approved noise management plan by a qualified acoustic consultant, to the satisfaction of the City of Fremantle.
15. Prior to the lodgement of a building permit application, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and to the satisfaction the City of Fremantle.
16. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.
17. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
18. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
19. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





20. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be installed, maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
21. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle for the life of the development.
22. Prior to occupation, a Green Star 'Certified' rating with certification from the Green Building Council of Australia (GBCA) confirming the building's design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to the satisfaction of the City of Fremantle.
23. Prior to the occupation of the development hereby approved, the owner shall:
  - a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8 million dollars the contribution to be made is \$80,000;

OR,

  - b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle.

Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.
24. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.

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

### Advice Notes

1. 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.
2. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au). In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.
3. Any removal of asbestos is to comply with the following –

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

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

4. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

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5. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
- mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
  - vehicles;
  - amplified acoustic systems; and
  - patron noise.

It is advised to seek the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
7. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
8. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

## AMENDING MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Ben Lawver

That condition 12 be amended to read as follows:

*Prior to lodgement of a Building Permit application for the development hereby approved, updated ~~eastern~~ elevations **and floor plans** are to be provided that clearly shows the alignment between the existing structural grid with that of the new trellis structure, **and location and dimensions of all pillars to be setback from the parapet edge. The proposed trellis for the corner apartment should not be a dominant element in the street view on advice of the Design Advisory Committee to the satisfaction of the City of Fremantle.***

**The Amending Motion was put and Carried Unanimously**

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP





**REASON:** Detailing of the trellis is not adequately documented on the architectural drawings and requires additional documentation to be provided for consideration by the Design Advisory Committee to the satisfaction of the City of Fremantle. The amendment was moved and carried out of concern that the trellises attached to the corner residential unit that were proposed to extend out to the rear of the parapet walls on both Pakenham Street and Phillimore Street would have a detrimental impact on the office portion of the heritage building and more generally on the heritage streetscapes in Phillimore Street. Taking into account that the indicative landscape plan proposed fulsome vegetation cover on the trellis structure, the amendment will require the street facing trellises of the corner unit to be either deleted or significantly modified so that they do not create a dominant form visible above the existing parapets when viewed from the street, including from the longer views from Phillimore Street and from the corner.

### REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02571 is appropriate for consideration as a Multiple Dwelling and Office land use and is compatible with the objectives of the zoning table in accordance in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/23/02571 and accompanying plans (DA02, DA03, DA04, DA05, DA11, DA12, DA21, DA31), dated 6 October 2023 (City of Fremantle received date) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to the commencement of external works, a detailed conservation methodology shall be submitted and approved to the satisfaction of the City of Fremantle for the removal of paint from the exterior of the building and to repair and repointing of the brick and render façade. The methodology shall include mortar mixes. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP





On the advice of the Heritage Council of Western Australia, the removal of external paint from masonry/stonework surfaces is to be undertaken using a non-abrasive method to the satisfaction of the City of Fremantle.

5. Further investigation is to be undertaken to determine original elements of the building's internal fabric worthy of retention and/or reinstatement. These elements include, but are not limited to, ceilings, flooring, skirtings, cornices, doors, architraves and the northeast corner ground floor office.

At each stage of works, an amended demolition and/or investigation plan is to be provided and approved on advice of the Heritage Council, to the satisfaction of the City of Fremantle detailing the elements to be retained and/or reinstated.

6. Prior to lodgement of a Demolition or Building Permit for the development hereby approved, 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.

7. Prior to the lodgement of a Building Permit application, a Waste Management Plan shall be submitted to, and approved by the City of Fremantle.

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

8. Prior to lodgement of a Building Permit or Demolition Permit for the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gentries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;

*Rachel*

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





- k) Dewatering management plan;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.
9. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
10. Prior to the lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall demonstrate compliance with the requirements set out within City of Fremantle policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
- a) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
  - b) Roof insulation in accordance with the requirements of the Building Codes of Australia.
11. Prior to the lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, etc), shall be submitted to and approved by the City of Fremantle.
12. Prior to lodgement of a Building Permit application for the development hereby approved, updated elevations and floor plans are to be provided that clearly shows the alignment between the existing structural grid with that of the new trellis structure, and location and dimensions of all pillars to be setback from the parapet edge. The proposed trellis for the corner apartment should not be a dominant element in the street view on advice of the Design Advisory Committee to the satisfaction of the City of Fremantle.
13. Prior to the lodgement of a Building Permit application for the development hereby approved, a signage strategy is to be provided detailing how signage will be appropriately integrated with the heritage aesthetic of the building and surrounding area to the satisfaction of the City of Fremantle.
14. Prior to lodgement of a Building Permit application for the development hereby approved, details are to be submitted and approved by the City of Fremantle that demonstrate that the development incorporates the noise mitigation '*Quiet House Requirements*' Category (C+) of Table 3 of the State Planning Policy 5.4 'Road and Rail Noise Guidelines', or designs and implements an approved noise management plan by a qualified acoustic consultant, to the satisfaction of the City of Fremantle.

*Rachel*

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





15. Prior to the lodgement of a building permit application, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to and to the satisfaction the City of Fremantle.
16. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.
17. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
18. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
19. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
20. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be installed, maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
21. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle for the life of the development.

**Rachel Chapman**  
A/Presiding Member, Metro Inner-South JDAP





22. Prior to occupation, a Green Star 'Certified' rating with certification from the Green Building Council of Australia (GBCA) confirming the building's design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and to the satisfaction of the City of Fremantle.
23. Prior to the occupation of the development hereby approved, the owner shall:
- a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8 million dollars the contribution to be made is \$80,000;

OR,

- b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle.

Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.

24. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
25. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

### Advice Notes

1. 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.

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2. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au). In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.

3. Any removal of asbestos is to comply with the following –

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

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

4. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

5. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
- mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
  - vehicles;
  - amplified acoustic systems; and
  - patron noise.

It is advised to seek the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

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A/Presiding Member, Metro Inner-South JDAP





7. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
8. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

**The Report Recommendation (as amended) was put and CARRIED (3/2).**

For: Rachel Chapman  
Ian Birch  
Diana Goldswain

Against: Cr Andrew Sullivan  
Cr Ben Lawver

**REASON:** The majority of the Panel considered that the development proposed, which incorporated restoration works and additions, was acceptable with suitable conditions to mitigate impacts on the heritage streetscape and would make a positive contribution to the Westend. Particular regard was given to the support and advice of the Heritage Council, the City's heritage officer's and planning officer's assessments and the advice of the City's Design Advisory Committee when considering the merits of the application and in applying conditions.

The inclusion of four (4) two storey multiple dwellings on top of the heritage building was worthy of approval in this instance, including application of the height variation, having regard to the site's location on the northern periphery of the West End, consistency of height with other buildings in the West End and on the basis that the dwelling additions are suitably setback from the edge of the existing building, do not dominate the heritage streetscape and exhibit high quality architectural design and materials sympathetic to existing surrounding buildings. Furthermore, the building additions and height variation were considered approvable in this instance when considered in conjunction with the much-needed and high quality conservation works proposed to the facades and reinstatement of the original characteristics of both the office and warehouse sections of the existing building. The inclusion of office land uses in the original floor plates will significantly enhance the ongoing capacity of these heritage spaces to be appreciated by the public for more generations, and the internal and external works will provide high amenity spaces for workers – injecting new life into the West End.

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The modifications to the RAR recommended Conditions 4, 5, 15, 16 & 22 requested by the applicant were considered having regard to advice from the City officers and found to be supportable as they would facilitate necessary staging of works and demolition to investigate internal elements of the building that are worthy of retention, as well as other minor changes to wording of conditions which had no material impact on the intent of the conditions.

The Panel did not support a requested deletion of Condition 23 relating to the public art contribution as the building is not a public building and the conservation and restoration works do not exceed what is considered necessary and commensurate with the additional development proposed.

#### 9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

#### 10. State Administrative Tribunal Applications and Supreme Court Appeals

The A/Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01521 DR15/2023	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Use Not Listed: Third Party Signage	31/01/2023
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023
DAP/23/02550 DR196/2023	City of Belmont	Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale	Warehouse (Self Storage Facility)	21/12/2023

#### 11. General Business

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the A/Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

#### 12. Meeting Closure

There being no further business, the A/Presiding Member declared the meeting closed at 11:31am.

Rachel Chapman  
A/Presiding Member, Metro Inner-South JDAP