



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 14 August 2020; 9.30am
Meeting Number: MISJDAP/12
Meeting Venue: City of Fremantle
70 Parry Street, Fremantle

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (Third Specialist Member)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

Officers in attendance

Ms Julia Kingsbury (City of Fremantle)

Minute Secretary

Ms Kayla Goodchild (City of Fremantle)

Applicants and Submitters

Ms Alison Healey (element)
Ms Liliana Grasso (Southern Cross Care)
Mr Michael Jordon (Southern Cross Care)
Mr Michael Jorgenson (Brown Falconer Architects)

Members of the Public / Media

There was 7 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 14 August and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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 Presiding Member has given permission to do so.*', the meeting would not be recorded.



2. Apologies

Nil

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 - AS

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Andrew Sullivan, declared that he 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, Cr Andrew Sullivan acknowledged that he is 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 him, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Ms Alison Healey Element addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Fremantle officers addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 84 (Lot 214) Collick Street, Hilton

Development Description: Two storey development comprising aged care and transitional residential units.
Applicant: Element
Owner: Southern Cross WA Aged Care Inc
Responsible Authority: City of Fremantle
DAP File No: DAP/20/01794

REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Ms Rachel Chapman

That the Metro Inner-South JDAP resolves to:

Approve DAP Application reference DAP/20/02791 and accompanying plans 3174 01-12 and C1 101 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. This approval relates only to the development as indicated on the approved plans dated 22 May 2020. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.
2. Prior to for the issue of a building permit, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
3. Prior to the issue of a building permit 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 measures listed in the recommendations of the Marshall Day Acoustics report dated 20 July 2020 to the satisfaction of the City of Fremantle.
4. Prior to Occupation for the development hereby approved, a notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'



5. 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 of restrictions that apply to the use of the Multiple dwellings (Transitional Residential units) for Aged and dependent persons' dwelling. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties.
6. Prior to the issue of a Building Permit for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
7. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
 - Estimated waste generation
 - Proposed storage of receptacles
 - Collection methodology for waste including collection times
 - Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.
8. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
9. Prior to the issue of a Building Permit for the development hereby approved, eleven (11) Class 2 and two (2) Class 3 bicycle racks (As defined in LPS4) shall be provided for the Hospital building, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle
10. Prior to the issue of a Building Permit for the development hereby approved, one male and one female or two unisex end of trip facilities shall be provided for the Hospital building, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
11. Prior to the issue of a Building Permit for the development hereby approved, eleven (11), lockers shall be provided for the Hospital building, to the satisfaction of the City of Fremantle. The facilities must thereafter be retained for the life of the development to the satisfaction of the City of Fremantle.



12. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
13. Prior to the issue of a Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. 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.
14. Prior to the issue of a Building 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.

The approved Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

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

Advice Notes

- i. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
- ii. A Building permit is required 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.



- iii. Prior to the issue of a building permit, the development is to comply with the applicable construction requirements as prescribed in Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas, to the satisfaction of the City of Fremantle. Specifically, the requirements set out under Section 5 – Construction for Bushfire Attack Level [LOW] are to be met accordingly. There is also a requirement to provide a Bushfire Attack Level (BAL) assessment by an appropriately accredited professional. The BAL will determine the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, and is also the basis for determining the requirements for construction to improve protection of building elements from attack by bushfire.
- iv. 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 or 9432 9999.
- v. The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au. 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.
- vi. The premises must comply with the Hairdressing Establishment Regulations 1972. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- vii. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- viii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City’s Prevention and Abatement of Sand Drift Local Law.



- ix. All mechanical service systems including air-conditioners and pool filters etc are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).

AMENDING MOTION 1

Moved by: Ms Rachel Chapman

Seconded by: Mr Peter Lee

That Condition No. 5 and Advice note iii be deleted and the remaining conditions and advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: Condition 5 requiring a Section 70A TLA notification on title was considered onerous and unnecessary given the existing memorial on title under the Retirement Villages Act, restricting the use of the property for that purpose. Advice Note iii was not necessary as the a BAL LOW rating does not require any specific construction standards for buildings to protect against bushfire.

REPORT RECOMMENDATION (AS AMENDED)

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 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
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 - i) Sand drift and dust management;
 - j) Waste management;
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 - m) Works affecting pedestrian areas.

The approved Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

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

Advice Notes

- i. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
- ii. A Building permit is required 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.
- iii. 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 or 9432 9999.

- iv. The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au. 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.
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- vi. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- vii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
- viii. All mechanical service systems including air-conditioners and pool filters etc are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY

Reason: The Panel was of the view that the proposed development well designed and a good addition to the aged related facilities. The need for the end of trip cycle facilities was unanimously supported to ensure that the option to cycle to the premises remained in the future.



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01662 DR 022/2020	City of Belmont	Lot 20 (10) Hendra Street, Cloverdale	14 Multiple Dwellings	24/1/2020

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the 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 Presiding Member declared the meeting closed at 10.04am.