



Metro Inner- South Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 20 July 2021; 9:30am
Meeting Number: MISJDAP/62
Meeting Venue: Via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr John Taylor (A/Third Specialist Member)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

Officers in attendance

Mr Justin Lawrence (City of Fremantle)
Ms Julia Kingsbury (City of Fremantle)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr David Lorimer (Bethanie Housing Limited)
Mr Simon Burnell (CLE Town Planning + Design)
Mr Alan White (MJA Studio)

Item 8.2

Mr Steve Kinchen (Neo Design and Develop)

Members of the Public / Media

There was 1 member of the public in attendance.

Mr Ben Smith from Fremantle Gazette and Ms Jescinta Burton from Business News were in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 20 July 2021 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



1.1 Announcements by Presiding Member

The 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 Presiding Member has given permission to do so.*', the meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mr 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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Andrew Sullivan & Cr Rachel Pemberton, declared that they had participated in a prior Council meeting in relation to the application at item 8.1 & 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Cr Andrew Sullivan & Cr Rachel Pemberton 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.

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



7. Deputations and Presentations

- 7.1 Mr David Lorimer (Bethanie Housing Limited) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Mr Simon Burnell (CLE Town Planning + Design) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3 Mr Alan White (MJA Studio) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4 The City of Fremantle addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.1 - 7.4 were heard prior to the application at Item 8.1.

- 7.5 The City of Fremantle addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.5 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No.8 (Lot 310) Queen Victoria Street, Fremantle

Development Description:	50 Multiple Dwelling And Shop Development
Applicant:	Cle Town Planning & Design
Owner:	Fremantle Foundry & Engineering Co Pty Ltd
Responsible Authority:	City of Fremantle
DAP File No:	DAP/21/01965

REPORT RECOMMENDATION

Moved by: Ms Rachel Chapman

Seconded by: Nil

That the Metro Inner-South JDAP resolves to:

1. **Refuse** DAP Application reference DAP/21/01965 and accompanying plans DA01 -08 (Rev G), DA-09 (Rev E), DA10 - DA13 (Rev D), DA14 - DA15 (Rev F) 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, for the following reasons:



1. The proposal does not satisfy the requirements listed for Area 8 at 2.3.1.1. and 4.8.1.1 of LPS4 in relation to height of the façade to Queen Victoria Street, and particularly adjacent to the Stella Maris building. In fact, the LPS envisages that decision makers would apply building heights less than 18m for these critical portions of the site to retain the existing streetscape character. The LPS also provides that additional height above 18m, where permitted, must be set back from the street frontage.
2. The design is not of a height, scale, massing or materiality that complements the existing streetscape character as required by:
 - SPP 7.0, Principles 1 and 3
 - SPP 7.3, Part 4.10
 - LPP 3.1.3
3. The proposal exceeds by 30% the allowable plot ratio listed in SPP 7.3, an additional 800 sqm which is a significant overdevelopment of the site. This excessive bulk detracts from the streetscape because there is no articulation or stepping of the building envelope across the 7-storey height.
4. The side setbacks do not meet the requirements of Table 2.1 and Part 2.7 of the SPP 7.3. The Acceptable Outcomes for floors 5-8 under Part 2.7 of the SPP 7.3 is 9m, whereas 4.5m is proposed. This reduced setback adds to building bulk and will compromise the amenity of future development on adjoining sites.

The Report Recommendation LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Rachel Chapman

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

1. **Approve** DAP Application reference DAP/21/01965 and accompanying plans DA01 -08 (Rev G), DA-09 (Rev E), DA10 - DA13 (Rev D), DA14 - DA15 (Rev F) 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. 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 approval relates only to the development as indicated on the approved plans dated 8 June 2021. 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.



3. 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.
4. This approval does not relate to any works within the road reserve. Any such works will be the subject of a separate agreement between the applicant/ owner and the City of Fremantle.
5. The works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
6. Prior to the issue of a building permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.
7. 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.
8. The development is to comply with the approved Waste Management Plan (Cardno Report Ref CW1164500 dated 4 June 2021), including any amendments approved by the City, for the life of the development to the satisfaction of the City of Fremantle.
9. Prior to the issue of a building permit for the proposed development on Lot 310 (No.8) Queen Victoria Street, Fremantle and more particularly being Lot 310 on Deposited Plan 222424 and being the whole of the land comprised in certificate of title Volume 1972 Folio 134 (Land), the owner of the land must enter into a deed with the City of Fremantle (City) whereby the owner of the land agrees with the City to arrange for collection of any waste from the Land by a private contractor (Deed). The Deed shall be prepared by the City's solicitors to the satisfaction of the City and shall enable the City to lodge an absolute caveat over the certificate of title to the Land to secure the owner's obligation to arrange for the collection of waste by a private contractor and to ensure that the owner does not sell, transfer, lease, assign, mortgage or otherwise dispose of any interest in the Land without first procuring the entry of any buyer, transferee, assignee, lessee or mortgagee into a deed with the City agreeing to be bound by the obligations under the Deed. The owner shall be responsible to pay for all costs associated with the City's solicitor's cost of and incidental to the preparation of (including all drafts) of the Deed and the lodgement of the absolute caveat against the certificate of title to the Land.
10. 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.



11. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.
12. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the City of Fremantle and at the expense of the applicant.
13. Prior to commencement of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$16,000,000.00, the contribution to be made is \$160,000.00.
14. Prior to Building Permit, the design and materials shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
15. Prior to occupation of the development Notifications 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:
 - a) The 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. And;
 - b) Of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1, which include zero minimum side and rear setbacks. 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.
16. 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.



17. 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.
18. Prior to the issue of a Building Permit for the development hereby approved, a Construction 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.

19. Prior to the issue of a Building Permit for the development hereby approved, the applicant shall provide a Transport Strategy that demonstrates left in left out access to the site. The strategy shall be prepared by a qualified Traffic Engineer and all recommendations shall be implemented to the satisfaction of the City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.



Advice Notes:

- i. Department of Water, Environmental regulations advise the Construction and Environmental Management Plan dated May 2017 should be implemented to address the risks associated with potential exposure of soil contamination during excavations for the basement level.

Due to soil and groundwater contamination present at the site, groundwater is not to be abstracted and soils are to remain below paving at the completion of construction.

- 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. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 12 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- v. 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.
- vi. 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.
- vii. 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: Mr Clayton Higham

Seconded by: Ms Rachel Chapman

That Advice Note iv be incorporated into Condition No.13. and the remaining Advice Notes be renumbered accordingly:

Prior to commencement of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$16,000,000.00, the contribution to be made is \$160,000.00.

Prior to the issue of a building permit, the City may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value that is located in a position clearly visible to the general public on the site of the development to the satisfaction of the City of Fremantle.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The advice note provided alternative option to the applicant to that required in the condition, however, as an advice note only this option would not be available to the applicant. The only way to make it available is to incorporate it into the condition.

ALTERNATE MOTION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/21/01965 and accompanying plans DA01 -08 (Rev G), DA-09 (Rev E), DA10 - DA13 (Rev D), DA14 - DA15 (Rev F) 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. 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 approval relates only to the development as indicated on the approved plans dated 8 June 2021. 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.
3. 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.



4. This approval does not relate to any works within the road reserve. Any such works will be the subject of a separate agreement between the applicant/ owner and the City of Fremantle.
5. The works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
6. Prior to the issue of a building permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.
7. 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.
8. The development is to comply with the approved Waste Management Plan (Cardno Report Ref CW1164500 dated 4 June 2021), including any amendments approved by the City, for the life of the development to the satisfaction of the City of Fremantle.
9. Prior to the issue of a building permit for the proposed development on Lot 310 (No.8) Queen Victoria Street, Fremantle and more particularly being Lot 310 on Deposited Plan 222424 and being the whole of the land comprised in certificate of title Volume 1972 Folio 134 (Land), the owner of the land must enter into a deed with the City of Fremantle (City) whereby the owner of the land agrees with the City to arrange for collection of any waste from the Land by a private contractor (Deed). The Deed shall be prepared by the City's solicitors to the satisfaction of the City and shall enable the City to lodge an absolute caveat over the certificate of title to the Land to secure the owner's obligation to arrange for the collection of waste by a private contractor and to ensure that the owner does not sell, transfer, lease, assign, mortgage or otherwise dispose of any interest in the Land without first procuring the entry of any buyer, transferee, assignee, lessee or mortgagee into a deed with the City agreeing to be bound by the obligations under the Deed. The owner shall be responsible to pay for all costs associated with the City's solicitor's cost of and incidental to the preparation of (including all drafts) of the Deed and the lodgement of the absolute caveat against the certificate of title to the Land.
10. 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.
11. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.



12. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the City of Fremantle and at the expense of the applicant.
13. Prior to commencement of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$16,000,000.00, the contribution to be made is \$160,000.00.

Prior to the issue of a building permit, the City may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value that is located in a position clearly visible to the general public on the site of the development to the satisfaction of the City of Fremantle.

14. Prior to Building Permit, the design and materials shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
15. Prior to occupation of the development Notifications 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:
 - a) The 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. And;
 - b) Of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1, which include zero minimum side and rear setbacks. 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.
16. 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.



17. 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.
18. Prior to the issue of a Building Permit for the development hereby approved, a Construction 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.

19. Prior to the issue of a Building Permit for the development hereby approved, the applicant shall provide a Transport Strategy that demonstrates left in left out access to the site. The strategy shall be prepared by a qualified Traffic Engineer and all recommendations shall be implemented to the satisfaction of the City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.



Advice Notes:

- i. Department of Water, Environmental regulations advise the Construction and Environmental Management Plan dated May 2017 should be implemented to address the risks associated with potential exposure of soil contamination during excavations for the basement level.

Due to soil and groundwater contamination present at the site, groundwater is not to be abstracted and soils are to remain below paving at the completion of construction.

- 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. 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.
- v. 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.
- vi. 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 Alternate Motion (as amended) was put and **CARRIED UNANIMOUSLY**

REASON: The panel felt that the design was well considered for the location and respected the adjoining Stella Maris building. The presentations provided good additional information to support the proposal and for the exercise of discretion in relation to building height, depth, plot ratio, parking, and visual privacy. All the requirements around these measures were given due regard by the panel members.



8.2 No 22 (Lot 60) Strang Street, Beaconsfield

Development Description: 25 Grouped Dwellings
Applicant: Neo Design and Develop
Owner: Novelle Development Pty Ltd
Responsible Authority: City of Fremantle
DAP File No: DAP/21/01969

REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Rachel Pemberton

That the Metro Inner-South JDAP resolves to:

Approve DAP Application reference DAP/21/01969 and accompanying plans SK01, SK03, SK04, SK06-SK15, SK17, SK19, SK21, SK23 dated 16 June 2021, SK05 dated 22 June 2021, and SK02 dated 29 June 2021 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, 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 approval relates only to the development as indicated on the approved plans SK01, SK03, SK04, SK06-SK15, SK17, SK19, SK21, SK23 dated 16 June 2021, SK05 dated 22 June 2021, and SK02 dated 29 June 2021. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of this decision letter.
3. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
4. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
5. The development is to comply with the approved Waste Management Plan, including any amendments approved by the City, for the life of the development to the satisfaction of the City of Fremantle.
6. Prior to the occupation of the development hereby approved, redundant vehicle crossovers are to be removed and new/upgraded vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.



7. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the bedroom 2 window of Unit 18 located on the north 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 minimum height of 1.60 metres above internal floor level, or
 - b) fixed 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 above the internal floor level,

Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.

8. 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(s) 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 relevant dwellings (Units 3,4,7 and 8) as Single Bedroom Dwellings. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties.
9. Prior to the issue of a Building Permit or Demolition Permit for the development hereby approved, a Demolition and Construction Management Plan(s) 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 Demolition and Construction Management Plans shall be adhered to throughout the demolition of the existing building on site and construction of the new development.



10. Prior to occupation/ use of the development hereby approved, the boundary walls located on the north and south boundaries shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,and be thereafter maintained to the satisfaction of the City of Fremantle.
11. 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.
12. Prior to the issue of a demolition permit or building permit, 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 prior to occupation advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing industrial uses and may be subject to noise, odour and activity not normally associated with typical residential zoned land. 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.
13. Prior to the issue of a Building Permit for the development hereby approved, Units 5-9 shall be amended to provide adequate sight lines to the pedestrian walkway in accordance with clause 5.2.5 and 5.3.6 of the R-Codes or otherwise comply with the Australian and New Zealand Standards to the satisfaction of the City of Fremantle.
14. Prior to the issue of a building permit, the plans to be amended to include the recommendations within the "Parking Layout Technical Note" to the satisfaction of the City of Fremantle. Prior to occupation, the recommendations are to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
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 the waste storage area may need to be modified to hold a sufficient number of appropriately sized bins. Additional information in relation to the City's waste management requirements can be found here: <https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- ii. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
- 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 applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via info@fremantle.wa.gov.au or 9432 9999.
- v. The applicant is advised to contact Western Power to discuss the proposal in relation to the overhead transmission lines in the vicinity of the development, as there may be restrictions and costs required with the proposed works.

The Report Recommendation was put and **CARRIED UNANIMOUSLY**.

REASON: While located in a non-typical, but future, residential area the panel the panel felt that this represented a good solution for a difficult site. The panel gave due regard to the planning framework and were prepared to exercise discretion in a number of areas.

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

Nil



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/17/01320 DR184/2020	City of Melville	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross	Ten (10) Multiple Dwellings	12/08/2020
DAP/20/01843 DR 273/2020	City of Melville	No.114 (Lot 883) Matheson Road, Applecross	Proposed 35 Multiple Dwellings	16/12/2020
DAP/18/01521 DR 7/2021	City of Belmont	Lot 41 (225) Great Eastern Highway, Lot 28 (90) Daly Street & Lots 29 to 41 (37) Hargreaves Street, Belmont	Third party signage	21/01/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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 10:33am.