



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 29 March 2021; 1:00pm
Meeting Number: MISJDAP/47
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)
Ms Diana Goldswain (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

Ms Julia Kingsbury (City of Fremantle)
Mr Tom Geddes (City of Fremantle)

Minute Secretary

Ms Julia Kingsbury (City of Fremantle)

Applicants and Submitters

Mr Nick King (ADC - Applicant)
Mr Adam Zorzi (ADC - Applicant)
Mr Jimmy Thomson (MJA Studio - Architect)
Ms Sarah Asher (MJA Studio - Architect)
Ms Bianca Sandri (Urbanista - Town Planner)
Mr Paul McQueen (Lavan – General Counsel)
Mr James Newcombe
Ms Kate Woolley
Mr Matt Woolley
Ms Margaret Best (Written Submission)
Ms Sally Cox (Written Submission)
Ms Lisa King (Written Submission)

Members of the Public / Media

There were 12 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1.02pm on 29 March 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 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 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.

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

DAP Member, Cr Rachel Pemberton, declared an Impartiality Interest in item 8.1. Cr Pemberton received a phone call and an email from a resident in Freeman Loop. Cr Pemberton forwarded the correspondence to the Presiding Member and encouraged the resident to make a submission through the DAP.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, 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 Mr James Newcombe addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2 Ms Kate Wooley addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3 Mr Paul McQueen (Lavan) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.4 Ms Sarah Asher (MJA Studio) and Mr Jimmy Thompson addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.5 The City of Fremantle officers addressed the DAP in relation to the application at Item 8.1.
- 7.6 Written submissions were provided in support of the recommendation and were against development for the application at Item 8.1. These submissions were circulated to the DAP Members and published in the Agenda available on the DAP website.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No. 11 (Lot 102) Freeman Loop, North Fremantle

Development Description: Six Storey Mixed Use Development with Basement
Applicant: ADC DevCo 9 Pty Ltd
Owner: Mirvac (WA) Pty Ltd
Responsible Authority: City of Fremantle
DAP File No: DAP/20/01901

REPORT RECOMMENDATION

Moved by: Cr Rachel Pemberton

Seconded by: Ms Rachel Chapman

That the Metro Inner South Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/01901 is appropriate for consideration as a “Multiple dwelling” and “Office/Private Recreation” land use and compatible with the objectives of the zoning table in accordance City of Fremantle Local Planning Scheme No. 4;
2. **Refuse** DAP Application reference DAP/20/01901 and accompanying plans (DA2.01, DA2.02, DA2.03, DA2.04, DA2.05, DA2.06, DA2.07, DA2.08 & DA3.01, DA4.01, DA4.02) 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.



Reasons

1. The proposal is inconsistent with clauses 67(c), 67(g) and 67(m) of the *Deemed provisions*; and Schedule 9 – Development Plan 17 and clause 4.8.2 of the City of Fremantle Local Planning Scheme No 4, as it is contrary to the maximum heights set out within Local Planning Scheme No. 4 Development Plan 17 and would be detrimental to the amenity of the area, detrimental to access to views of the ocean and incompatible with the existing and desired scale of development in the immediate locality.
2. The proposal is inconsistent with the Element Objectives of clause 2.2 Building Height of the Residential Design Codes Volume 2 and the setback requirements of the DG N14 Leighton Development Area Guidelines as the development does not reflect the existing or desired future scale of development in the immediate the local area, by virtue of building height and upper floor setbacks.
3. The proposal is inconsistent with the Element Objectives of clauses 2.7 (Building Separation), 3.3 (Tree Canopy and Deep Soil Areas), and 4.1 (Solar and Daylight Access) of the Residential Design Codes Volume 2 as the development does not appropriately accommodate sufficient measures to ensure the amenity of the proposed dwellings and adjoining dwellings with respect to access to sun access, the provision of deep soil, the provision of outdoor living areas and overlooking.
4. The proposal is inconsistent with clauses 67(a) and 67(s)(ii) of the *Deemed provisions* as it does not provide sufficient vehicle parking as per Table 2 of the City's Local Planning Scheme No. 4 and the requirements of Local Planning Scheme No. 4 Development Plan 17, and Local Planning Policy DG N14: Leighton Development Area Design Guidelines.

The Report Recommendation was put and LOST (1/4).

For: Cr Rachel Pemberton

Against: Mr Clayton Higham
Ms Rachel Chapman
Ms Diana Goldswain
Cr Andrew Sullivan

ALTERNATE MOTION

Moved by: Ms Rachel Chapman

Seconded by: Cr Andrew Sullivan

That the Metro Inner South Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/0191 is appropriate for consideration as a “Multiple dwelling” and “Office/Private Recreation” land use and compatible with the objectives of the zoning table in accordance City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/20/0191 and accompanying plans (DA2.01, DA2.02, DA2.03, DA2.02, DA2.04, DA2.05, DA2.06, DA2.07, DA2.08 & DA3.01, DA4.01, DA4.02) 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. This approval relates only to the development as indicated on the approved plans dated 3 March 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.
2. This development approval does not relate to any works within the road reserve other than awnings for weather protection and signage.
3. Prior to lodging an application for 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. Prior to the issue of a building permit for the development hereby approved, the applicant is to submit a report detailing how the development is to address the building performance requirement the Leighton Development Area Design Guidelines (DG N14), to the satisfaction of the City of Fremantle.
5. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
6. Prior to occupation, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed achieves a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
7. Prior to the issue of a building permit for the development hereby approved, an acoustic report by a qualified acoustic consultant consistent with the requirements of *State Planning Policy No 5.4 – Road and Rail noise* is to be prepared and submitted to the satisfaction of the City, in consultation with Main Roads. The acoustic report must address the following issues:
 - a. Stantec must cite future traffic volumes, these must be used in its modelling, and sources must be referenced including reference numbers and dates. Contact Main Roads' Traffic Modelling Branch to obtain the most up to date Main Roads modelled projections if this has not been done already. These must support the statement in the report that assessments "considered current and future (20-21 year) projected traffic volumes", and that predicted noise is for 2041, consistent with the SPP 5.4 requirement for 20 year forecasts.
 - b. Modelling must use the correct road surface input – dense graded asphalt.
 - c. Acoustic treatments must be recommended that are consistent with the noise targets and treatments outlined in SPP 5.4 and its implementation guidelines.



- Prior to the issue of a building permit, the recommendations of the acoustic report are to be included in the building permit plans. Prior to the occupation of the development hereby approved, the recommendations of the acoustic report are to be implemented to the satisfaction of the City of Fremantle.
8. No landscaping is approved as part of the application within the Curtin Avenue road reserve.
 9. No earth works shall encroach onto the Curtin Avenue road reserve.
 10. No stormwater drainage is to be discharged onto the Curtin Avenue road reserve.
 11. The studio component of the twin key multiple dwellings (Reference 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 as marked on the approved plans) shall only be occupied:
 - a. On a permanent basis by the occupiers of the multiple dwelling; or
 - b. Leased separately on a short-term basis only,for the life of the development unless otherwise approved, to the satisfaction of the City of Fremantle.
 12. 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.
 13. 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.
 14. Prior to the issue of a building permit, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
 15. Prior to the occupation of the development, 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.
 16. Prior to the issue of a Building Permit 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 construction of the new development.

17. Prior to occupation of 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:
 - a) '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.'
 - b) The above requirement is a provision outlined in the State Planning Policy 5.4 'Road and Rail Noise.'
 - c) This lot is located in close proximity to existing freight railway line and may be subject to noise, odour and activity not normally associated with typical residential zoned land.

18. Prior to the issue of a Building Permit for the development hereby approved, a plan detailing the provision of two (2) Class 1 or Class 2 and 28 Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle.

Bicycle parking is to be provided in the residential storerooms as shown on the approved plans.

Prior to occupation of the development hereby approved, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

19. Prior to the issue of a Building Permit for the development hereby approved, one (1) unisex end of trip facility shall be provided, 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.
20. Prior to the issue of a Building Permit for the development hereby approved, two (2), lockers shall be provided, 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.
21. 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
- 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.

22. Prior to occupation/ use of the development hereby approved, the boundary walls located on the western and southern 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.
23. 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
24. 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, on the advice of the City's Design Advisory Committee.
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

- i) The applicant is advised that the use of the development hereby approved for short stay accommodation may be subject to further approval in accordance with the City of Fremantle *Short Stay Accommodation Local Law 2008*.
- ii) With respect to condition 11, 'short term' refers to the length of stay being for any period less than three (3) months within any 12 month period. The short term accommodation is to be advertised as having no available parking on site or surrounds which is to be included within the strata management plan and bylaws.
- iii) The applicant is advised that with respect to condition 11, this condition must be included within the strata management plan and bylaws.



- iv) Levels as per existing footpath and/or ROW
- Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
 - Any adjustment in levels is to be achieved within the property boundaries;
 - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.

Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.

The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards to the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.

- v) If temporary or permanent dewatering of the site is required and it is proposed to discharge the groundwater into the City's stormwater drainage system, the applicant shall submit a dewatering application to the City's Infrastructure Business Services Department. Approval will be subject to water being suitably treated prior to disposal. Note that the Swan River Trust and Department of Parks and Wildlife approval may be required.

The applicant shall consult with City's Principal Engineer and obtain information and guidelines for the dewatering. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.

Prior to practical completion of the premises, the developer shall arrange for an independent qualified and certified Structural Engineer to issue a clearance certificate confirming that all relevant conditions have been fulfilled. A copy of the signed clearance certificate shall be provided to the satisfaction of the City of Fremantle.

- vi) 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.

- vii) 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.

- viii) Prior to commencement of development the existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
- ix) The proponent must make application to the WA Department of Health's Chief Health Officer for any new aquatic facility under regulation 5 of the *Health (Aquatic Facilities) Regulations 2007* using the [construction, alteration, or extension of an aquatic facility application form \(Word 212KB\)](#) form. A Building Permit cannot be issued for the aquatic facility, until the WA Department of Health has granted approval for the Facility. For further clarification please contact the City's Environmental Health Section on 9432 9999 or via health@fremantle.wa.gov.au for further information.
- x) 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.
- xi) The applicant is advised that 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>
- xii) 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.
- xiii) The applicant is encouraged to pursue discussions with Main Roads WA to seek their approval to improve the landscaping within the Curtin Avenue Road Reserve.

AMENDING MOTION 1

Moved by: Ms Rachel Chapman

Seconded by: Cr Rachel Pemberton

That a new condition no. 26 be added to read as follows:

Notwithstanding condition 1, the 'Office' land use is not approved and does not form part of this application for approval.

The Amending Motion was put and CARRIED (3/2).

For: Ms Rachel Chapman
Ms Diana Goldswain
Cr Rachel Pemberton

Against: Mr Clayton Higham
Cr Andrew Sullivan

Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



REASON: The proposed Office land use is not considered to be a suitable land use in this location as it would not contribute towards activation of the corner of Freeman Loop and Curtin Avenue.

AMENDING MOTION 2

Moved by: Mr Andrew Sullivan

Seconded by: Ms Rachel Chapman

That a new condition no. 27 be added to read as follows:

Prior to the issue of a building permit, an amended roof plan that includes an amended roof form with a lighter appearance, to the balcony of apartment 5.03, is to be submitted and approved, to the satisfaction of the City of Fremantle.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: A lighter roof form over the south-west corner of the upper floor will help reduce the perceive building bulk of the upper floor as viewed from adjoining properties.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner South Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/0191 is appropriate for consideration as a “Multiple dwelling” and “Office/Private Recreation” land use and compatible with the objectives of the zoning table in accordance City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/20/0191 and accompanying plans (DA2.01, DA2.02, DA2.03, DA2.02, DA2.04, DA2.05, DA2.06, DA2.07, DA2.08 & DA3.01, DA4.01, DA4.02) 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. This approval relates only to the development as indicated on the approved plans dated 3 March 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.
2. This development approval does not relate to any works within the road reserve other than awnings for weather protection and signage.
3. Prior to lodging an application for 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. Prior to the issue of a building permit for the development hereby approved, the applicant is to submit a report detailing how the development is to address the



building performance requirement the Leighton Development Area Design Guidelines (DG N14), to the satisfaction of the City of Fremantle.

5. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
6. Prior to occupation, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed achieves a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
7. Prior to the issue of a building permit for the development hereby approved, an acoustic report by a qualified acoustic consultant consistent with the requirements of *State Planning Policy No 5.4 – Road and Rail noise* is to be prepared and submitted to the satisfaction of the City, in consultation with Main Roads. The acoustic report must address the following issues:
 - a. Stantec must cite future traffic volumes, these must be used in its modelling, and sources must be referenced including reference numbers and dates. Contact Main Roads' Traffic Modelling Branch to obtain the most up to date Main Roads modelled projections if this has not been done already. These must support the statement in the report that assessments "considered current and future (20-21 year) projected traffic volumes", and that predicted noise is for 2041, consistent with the SPP 5.4 requirement for 20 year forecasts.
 - b. Modelling must use the correct road surface input – dense graded asphalt.
 - c. Acoustic treatments must be recommended that are consistent with the noise targets and treatments outlined in SPP 5.4 and its implementation guidelines.

Prior to the issue of a building permit, the recommendations of the acoustic report are to be included in the building permit plans. Prior to the occupation of the development hereby approved, the recommendations of the acoustic report are to be implemented to the satisfaction of the City of Fremantle.

8. No landscaping is approved as part of the application within the Curtin Avenue road reserve.
9. No earth works shall encroach onto the Curtin Avenue road reserve.
10. No stormwater drainage is to be discharged onto the Curtin Avenue road reserve.
11. The studio component of the twin key multiple dwellings (Reference 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 as marked on the approved plans) shall only be occupied:
 - a. On a permanent basis by the occupiers of the multiple dwelling; or
 - b. Leased separately on a short-term basis only,for the life of the development unless otherwise approved, to the satisfaction of the City of Fremantle.



12. 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.
13. 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.
14. Prior to the issue of a building permit, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
15. Prior to the occupation of the development, 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.
16. Prior to the issue of a Building Permit 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 construction of the new development.

17. Prior to occupation of 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:
 - a) '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.'
 - b) The above requirement is a provision outlined in the State Planning Policy 5.4 'Road and Rail Noise.'



- c) This lot is located in close proximity to existing freight railway line and may be subject to noise, odour and activity not normally associated with typical residential zoned land.
18. Prior to the issue of a Building Permit for the development hereby approved, a plan detailing the provision of two (2) Class 1 or Class 2 and 28 Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle.
- Bicycle parking is to be provided in the residential store rooms as shown on the approved plans.
- Prior to occupation of the development hereby approved, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
19. Prior to the issue of a Building Permit for the development hereby approved, one (1) unisex end of trip facility shall be provided, 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.
20. Prior to the issue of a Building Permit for the development hereby approved, two (2), lockers shall be provided, 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.
21. 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
 - 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.
22. Prior to occupation/ use of the development hereby approved, the boundary walls located on the western and southern 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.



23. 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
24. 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, on the advice of the City's Design Advisory Committee.
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.
26. Notwithstanding condition 1, the 'Office' land use is not approved and does not form part of this application for approval.
27. Prior to the issue of a building permit, an amended roof plan that includes an amended roof form with a lighter appearance, to the balcony of apartment 5.03, is to be submitted and approved, to the satisfaction of the City of Fremantle.

Advice notes

- i) The applicant is advised that the use of the development hereby approved for short stay accommodation may be subject to further approval in accordance with the City of Fremantle *Short Stay Accommodation Local Law 2008*.
- ii) With respect to condition 11, 'short term' refers to the length of stay being for any period less than three (3) months within any 12 month period. The short term accommodation is to be advertised as having no available parking on site or surrounds which is to be included within the strata management plan and bylaws.
- iii) The applicant is advised that with respect to condition 11, this condition must be included within the strata management plan and bylaws.
- iv) Levels as per existing footpath and/or ROW
 - Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
 - Any adjustment in levels is to be achieved within the property boundaries;
 - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.

Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.



The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards to the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.

- v) If temporary or permanent dewatering of the site is required and it is proposed to discharge the groundwater into the City's stormwater drainage system, the applicant shall submit a dewatering application to the City's Infrastructure Business Services Department. Approval will be subject to water being suitably treated prior to disposal. Note that the Swan River Trust and Department of Parks and Wildlife approval may be required.

The applicant shall consult with City's Principal Engineer and obtain information and guidelines for the dewatering. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.

Prior to practical completion of the premises, the developer shall arrange for an independent qualified and certified Structural Engineer to issue a clearance certificate confirming that all relevant conditions have been fulfilled. A copy of the signed clearance certificate shall be provided to the satisfaction of the City of Fremantle.

- vi) 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.

- vii) 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.

- viii) Prior to commencement of development the existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.

- ix) The proponent must make application to the WA Department of Health's Chief Health Officer for any new aquatic facility under regulation 5 of the *Health (Aquatic Facilities) Regulations 2007* using the [construction, alteration, or extension of an aquatic facility application form \(Word 212KB\)](#) form. A Building Permit cannot be



issued for the aquatic facility, until the WA Department of Health has granted approval for the Facility. For further clarification please contact the City's Environmental Health Section on 9432 9999 or via health@fremantle.wa.gov.au for further information.

- x) 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.
- xi) The applicant is advised that 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>
- xii) 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.
- xiii) The applicant is encouraged to pursue discussions with Main Roads WA to seek their approval to improve the landscaping within the Curtin Avenue Road Reserve.

The Report Recommendation (as amended) was put and CARRIED (4/1).

For: Mr Clayton Higham
Ms Rachel Chapman
Ms Diana Goldswain
Cr Andrew Sullivan

Against: Cr Rachel Pemberton

REASON: The amended proposal has substantially reduced the potential impact on the access to light, ventilation and the outlook from the adjoining residential properties to the south-west of the site. The overall development is considered acceptable within the context of the locality.

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/20/01821	City of Fremantle	Lot 19 (19-21) McCabe Street, North Fremantle	Eight Storey Mixed Use Development	15/12/2020
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 2.06pm.