



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 12 April 2022; 9:30am
Meeting Number: MISJDAP/95
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Lee O'Donohue (A/Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)

Item 8.1 & 8.2

Mayor Patrick Hall (Local Government Member, City of Canning)
Cr Amanda Spencer-Teo (Local Government Member, City of Canning)

Item 9.1

Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Ben Lawver (Local Government Member, City of Fremantle)

Officers in attendance

Item 8.1

Mr Sergio Famiano (City of Canning)
Ms Amber Currie (City of Canning)

Item 8.2

Ms Aleisha D'Costa (Western Australian Planning Commission)
Ms Delia Neglie (Western Australian Planning Commission)

Item 9.1

Mr Erik Dybdahl (City of Fremantle)
Ms Chloe Johnston (City of Fremantle)
Mr Jim Polinelli (City of Fremantle)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Alessandro Stagno (Apex Planning)

Item 8.2

Mr Scott Jeffrey (Department of Finance)
Ms Victoria Madigan (Department of Finance)
Ms Trudy Grimshaw (Department of Finance)
Mr Basil Vogas (Silver Thomas Hanley)
Mr Chris Stobaus (Multiplex)



Item 9.1

Mr Tom Letherbarrow (Space Collective Architects)
Mr Trent Durward (Megara Property)
Mr Scott Lambie (Cardno)

Members of the Public / Media

There were 2 members of the public in attendance.

Ms Indigo Lemay Conway from Perth Now and Ms Nadia Budihardjo from Business News were in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 12 April 2022 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 (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

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

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, declared that he participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr 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 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Alessandro Stagno (Apex Planning) 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 Canning addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Scott Lambie (Cardno) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.4 Mr Trent Durward (Megara) on behalf of Mr Tom Letherbarrow (Space Collective Architect) addressed the DAP in support of the recommendation for the application at Item 9.1.

7.5 Mr Trent Durward (Megara) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.6 The City of Fremantle addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.3 - 7.6 were heard prior to the application at Item 9.1.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 1/1163-1167 (Lot 1) Albany Highway, Bentley

Development Description: Service Station and Convenience Store
Applicant: Apex Planning
Owner: Chrome Nominees Pty Ltd
Responsible Authority: City of Canning
DAP File No: DAP/21/02132

REPORT RECOMMENDATION

Moved by: Mayor Patrick Hall

Seconded by: Cr Amanda Spencer-Teo

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

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

Prior to the occupation or use of the development, a Noise Management Plan that demonstrates compliance with the Environmental Protection (Noise) Regulations 1997 and addresses the following items, is to be submitted by the applicant to the satisfaction of the City.

- a. Sound sources (~~number of speakers/ amplifications, location/direction, and volume~~).*
- b. Noise attenuation measures (~~e.g. sound proofing~~).*
- c. Staff controls (~~volume and bass control, maximum settings, staff training~~).*
- d. Complaint management.*

REASON: The draft Noise Management Plan submitted to the City by the applicant confirmed that the service station won't play music in the forecourt. As agreed between the City and Applicant this allows the condition to directly relate to the acoustic assessment through a reduced level of specificity, without compromising its intended effect.

- (ii) That Condition No. 8 be amended to read as follows:

*Storm water from all roofed and paved areas must be collected and contained **solely** on site via soakwells. ~~Storm water must not affect or be allowed to flow onto or into any other property.~~ Drainage systems must be in accordance with the Building Code of Australia. **Stormwater discharge if (if any) shall not exceed pre-development discharge to the Albany Highway road reserve or widened road reserve***

REASON: It was noted that the proposed development site will share a large amount of hardstand with three adjoining survey strata lots and consequently it is inevitable that some storm water will likely flow between these properties. In essence the amendment is designed to ensure that the soak wells will be of sufficient size to contain any storm water events.



- (iii) That Condition No. 11 be amended to read as follows:

*Prior to ~~submission of an application for a building permit~~ an **occupancy certificate being issued**, a Right of Carriageway easement(s) is to be created in accordance with s.195 and s.196 of the Land Administration Act 1997 to the benefit of the City of Canning and the public at large, as per approved plans, on the Certificate Title of the land the subject of the proposed development at the cost of the owner/applicant and to the satisfaction of the ~~City's solicitors~~ **of Canning**.*

REASON: This will allow additional time for the preparation and execution of the easement without holding up the development.

- (iv) That Condition No. 13 be amended to read as follows:

Prior to occupation or use of the development, the right of carriageway easement is to be constructed ~~and paved in red asphalt~~, drained and line marked and thereafter maintained to the satisfaction of the City of Canning.

REASON: To allow discussions between the City and applicant to continue to find an appropriate material that is agreeable between both parties.

- (v) That Condition No. 18 be deleted, the remaining conditions be renumbered accordingly and be added as a new Advice Note No. 18 to read as follows;

No works are permitted within the Albany Highway road reservation unless MainRoads has issued a Working on Roads Permit.

REASON: This condition is more appropriately issued as an advice note.

- (vi) That Condition No. 20 e) (now Condition No. 19 e)) be deleted.

REASON: This has been added to Condition No. 8 which addresses Stormwater Management.

- (vii) That Condition No. 26 (now Condition No. 25) be deleted and replaced with a new Condition to read as follows;

Prior to the issue of a building permit, an Operational Construction Management Plan is to be submitted to the City of Canning. The Operational Construction Management Plan is to be approved by the City of Canning prior to the commencement of any works on the site, and is to be thereafter implemented for the duration of the construction of the development.

REASON: As agreed by the applicant and City, the requirement to submit a construction management plan is appropriate to be required to be submitted prior to the issue of the building permit and approved by the City prior to the commencement of any works on site.



(viii) That Condition No. 27 (now Condition No. 26) be amended to read as follows:

*The external finish of all boundary walls on the adjoining lot **Survey Strata Lot 2** facing the proposed development lot shall be made good and have either face-brick or rendered clean finish, to the satisfaction of the City.*

REASON: To provide clarity and specificity as the condition relates to the boundary wall which is to be created on adjoining Survey Strata Lot 2 as a result of the development.

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

1. **Accept** that the DAP Application reference DAP/21/02132 is appropriate for consideration as a “Service Station and Convenience Store” land use and compatible with the objectives of the zoning table in accordance with Clause 3.1 of the City of Canning Local Planning Scheme No. 42
2. **Approve** DAP Application reference DAP/21/02132 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 4.18 of the City of Canning Local Planning Scheme No. 42, subject to the following conditions

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to comply in all respects with the stamped approved plans.
4. The recommendations set out in the Environmental Noise Impact Assessment dated 15 November 2021 prepared by Lloyd George Acoustics are to be implemented and adhered to for the duration of the occupancy or use of the development, unless otherwise approved by the City.
5. Prior to the occupation or use of the development, a Noise Management Plan that demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997* and addresses the following items, is to be submitted by the applicant to the satisfaction of the City.
 - a. Sound sources.
 - b. Noise attenuation measures.
 - c. Staff controls.
 - d. Complaint management.



6. A noise report (including ground truthing of noise emissions) is to be submitted by an accredited acoustic consultant, within 3 months of the development commencing that confirms noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City. This report shall be at the applicants cost.
7. Prior to the submission of an application for a building permit, a certified stormwater management plan is to be submitted to the satisfaction of the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
8. Storm water from all roofed and paved areas must be collected and contained solely on site via soakwells. Drainage systems must be in accordance with the Building Code of Australia. Stormwater discharge if (if any) shall not exceed pre-development discharge to the Albany Highway road reserve or widened road reserve.
9. Prior to the occupation of the development, the redundant vehicle crossover to Bedford Street, as shown on the approved plan, is to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and to the specifications of the of the City of Canning.
10. Redundant Crossover(s) shall be removed and the kerb, Verge and Footpath (if present) reinstated to fit in with the surrounding form/development pattern.
11. Prior to an occupancy certificate being issued, a Right of Carriageway easement(s) is to be created in accordance with s.195 and s.196 of the Land Administration Act 1997 to the benefit of the City of Canning and the public at large, as per approved plans, on the Certificate Title of the land the subject of the proposed development at the cost of the owner/applicant and to the satisfaction of the City of Canning.
12. Fuel deliveries are only to be undertaken using a 17m tanker (or smaller) and access and egress from the site must use the Bedford Street crossover via the traffic signals at Albany Highway.
13. Prior to occupation or use of the development, the right of carriageway easement is to be constructed, drained and line marked and thereafter maintained to the satisfaction of the City of Canning.
14. Suitable barrier kerbing is to be installed, as shown on the approved plan, along the landscaping strip adjoining Bedford Street in accordance with AS2890.1 and to the satisfaction of the City of Canning.
15. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by and at the cost of the owner/developer to the satisfaction of the City. Prior to the occupation or use of the development, the approved works within the road reserve are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.



16. Prior to occupation or use of the development, 20 car parking spaces together with their aisles and wheel stops are to be constructed, drained and line marked and thereafter maintained to the satisfaction of the City.
17. Prior to the occupation or use of the development, 2 staff car parking bays are to be sign posted and thereafter maintained to the City's satisfaction.
18. Earthworks are not to encroach on the Albany Highway road reservation.
19. With respect to the proposed signage:
 - a) All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
 - b) Any proposed illumination of the sign must not exceed 300cd/m³ (candela per square metre) between sunset and sunrise and not flash, pulsate or chase during all hours.
 - c) Signage shall not be in electronic/digital format, apart from price numerals.
 - d) Signs must not contain fluorescent, reflective or retro-reflective colours or materials.
20. Prior to occupation or use of the development, landscaping is to be installed in accordance with the approved Landscape Plan. Landscaping is to be maintained thereafter to the satisfaction of the City.
21. Prior to the lodgement of an application for a Building Permit, the land owner is to pay the City for the cost of the:
 - a) Removal of the street tree(s) adjoining the modified Bedford Street crossover and;
 - b) Installation of a new replacement street tree in an alternative location on the verge abutting the subject property.
22. A suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided to the satisfaction of the City.
23. Prior to the submission of an application for a building permit, a Waste Management Plan is to be submitted to the satisfaction of the City. The approved waste management plan is to be implemented and thereafter maintained to the satisfaction of the City.
24. All delivery vehicles are not to attend the property outside the hours of 7:00am to 7:00pm Monday to Saturday, and not at all on a Sunday, unless otherwise approved by the City.
25. Prior to the issue of a building permit, an Operational Construction Management Plan is to be submitted to the City of Canning. The Operational Construction Management Plan is to be approved by the City of Canning prior to the commencement of any works on the site, and is to be thereafter implemented for the duration of the construction of the development.
26. The external finish of all boundary walls on the adjoining Survey Strata Lot 2 facing the proposed development lot shall be made good and have either face-brick or rendered clean finish, to the satisfaction of the City.



Advice Notes

1. The development the subject of this approval is valid for a period of 4 years, from the date of the determination, to reflect the additional two years provided for in the Clause 78H Notice of Exemption from Planning Requirements during State of Emergency issues by the Minister for planning on 30 April 2020.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first being sought and obtained.
3. With reference to Condition 22, all other street trees located in the verge areas adjoining the subject site are to be retained and protected. Pruning or removal of the tree(s) must be approved in writing by the Manager, City Greening.
4. With reference to Condition 25, the Waste Management Plan is to detail how waste will be managed onsite, including, but not limited to: the type of waste receptacles (sizing), whether City-collection or contractor, collection frequencies, where will be waste receptacles be stored, how the waste receptacles are to be kept free of odour (washing facilities), where the receptacles are to be emptied/collected.
5. In relation to Condition 25, the Operational Construction Management Plan is to include information such as: noise management, dust and odour management, waste management, site and public safety and security, site access, construction vehicle manoeuvring and parking, dilapidation reports for existing buildings, traffic and pedestrian management, complaint handling process, and working and delivery hours.
6. The existing crossover access to Albany Highway on adjoining lots 2-4, utilised by this development, is an interim arrangement only, pending provision of a right of carriageway over the neighbouring property to achieve access consistent with the City of Canning Local Planning Policy 13 Albany Highway Access Network (LP.13).
7. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications and structural drawings.
8. This approval does not authorise the demolition of the existing buildings on site. A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings including any septic waste disposal system(s).
9. The removal of the street tree(s) will be undertaken by the City following the issue of a building permit. A replacement tree will be installed by the City following completion of construction works and subject to the City's street tree planting program. For more information please contact the City's Parks and City Greening on 1300 422 664.
10. Development to be connected to the Ministers sewer to the satisfaction of the City.



11. A suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.
12. Premises is to be operated in compliance with the Environmental Protection Act 1986, Environmental Protection (Unauthorised Discharges) Regulations 2004 and Environmental Protection (Noise) Regulations 1997. Note if in connection with a business or a commercial activity, a material listed in Schedule 1 of the Environmental Protection (Unauthorised Discharges) Regulations 2004 is discharged into the environment, an offence is committed. Please see www.slp.wa.gov.au for further information.
13. Contact the Water Corporation on 131395 for information on discharging liquid wastes to sewer.
14. Compliance with Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.
15. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings and finishes. Please contact the City's Environmental Health Services on 9231 0503 or visit the City's website for a 'Food Business Notification and Registration Form'.
16. The development is to comply with Compliance with Tobacco Products Control Act 2006 and Tobacco Products Control Regulations 2006.
17. The premises are to be operated in compliance with the Environmental Protection Act 1986, Environmental Protection (Unauthorised Discharges) Regulations 2004, and the Environmental Protection (Noise) Regulations 1997.
18. No works are permitted within the Albany Highway road reservation unless Main Roads has issued a Working on Roads Permit.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is largely compliant with the planning requirements and those minor areas of discretion were considered to not adversely impact on the development or the locality. The proposal was supported by the panel subject to a number of minor amendments to the conditions.



8.2 Lot 500 (Nos. 18 – 56) Mills Street, Bentley

Development Description: Covid-19 Patient Facility, Car Park and Landscaping
Applicant: Department of Finance
Owner: State of Western Australia with management order to the Minister for Health
Responsible Authority: Western Australian Planning Commission
DAP File No: DAP/22/02198

REPORT RECOMMENDATION

Moved by: Mayor Patrick Hall

Seconded by: Cr Amanda Spencer-Teo

That the Metro Inner-South Joint Development Assessment Panel resolves to **approve** DAP Application reference DAP/22/02198 and accompanying plans date-stamped 18 March 2022 by the Department of Planning, Lands and Heritage in accordance with Clause 30(1) Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The development is to be carried out in accordance with the plans date-stamped 18 March 2022 (attached). This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to the construction of works, a Construction Management Plan shall be prepared, and thereafter implemented in its entirety, to the specification of the City of Canning and the satisfaction of the Western Australian Planning Commission.
3. Stormwater from all roofed and paved areas must be collected and discharged on-site via the existing drainage system to the specification of the City of Canning and the satisfaction of the Western Australian Planning Commission. Stormwater must not affect or be allowed to flow onto or into any other property.
4. Prior to occupation of the development, landscaping is to be installed in accordance with the Landscape Plan. Landscaping is to thereafter be maintained to the satisfaction of the Western Australian Planning Commission.
5. Prior to occupation of the development, an Acoustic Report demonstrating compliance with *State Planning Policy 5.4 – Road and rail noise* shall be prepared to the satisfaction of the Western Australian Planning Commission. All recommendations of the Acoustic Report shall be implemented prior to development and maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission on the advice of Main Road Western Australia and the City of Canning.
6. Prior to the construction of works for the proposed new car park, a detailed plan is to be submitted to the to the satisfaction of the Western Australian Planning Commission on the advice of the City of Canning.



7. Prior to occupation of the development, a detailed plan that demonstrates suitable reconfiguration of the existing car parks is to be submitted to the to the satisfaction of the Western Australian Planning Commission on the advice of the City of Canning
8. Measures are to be implemented to protect and manage trees to be retained in accordance with *AS4970 (2009) Protection of Trees on Development Sites* to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. In regard to Condition 1, this approval may be subject to a further two year approval extension in accordance with Section 33 of the *COVID-19 Response and Economic Recovery Omnibus Act 2020*.
2. With regard to Condition 2, the Construction Management Plan is to include, but not limited to, the following information:
 - noise, dust, odour and waste management
 - site and public safety and security
 - site access, vehicle manoeuvring and parking
 - dilapidation reports for existing buildings
 - managing impacts on Block A
 - traffic and pedestrian management
 - interim car parking for the hospital including suitable access
 - complaint handling process
 - working and delivery hours.
3. In regard to Condition 3, the City of Canning advises the drainage systems must be in accordance with the Building Code of Australia and Main Roads Western Australia advises that no stormwater is to be discharged onto the Leach Highway road reserve.
4. In regard to Conditions 6 and 7, the number of car bays provided is, at a minimum, to replace the number of car bays removed by the proposed new facility, in addition to an additional 17 car bays. In addition, the City of Canning advises the new car park should be designed by a suitably qualified engineer and the existing car parks should retain two-way through movement. The applicant is advised to consult with the City of Canning to ensure the design meets required standards.
5. Main Roads Western Australia advises that no earthworks are to encroach onto the Leach Highway road reserve and no structures or fixtures/fittings are to be attached to the boundary walls that abut this road reserve.
6. The City of Canning advises the development is to be undertaken in accordance with the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004* and *Environmental Protection (Noise) Regulations 1997*.



7. The applicant is advised that future minor design refinements to the original approval that are of a minor nature, and do not alter the fundamental nature of the original approval or give rise to additional issues, may not warrant a Form 2 application subject to advice from the Western Australian Planning Commission.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal was considered to be consistent with the relevant provisions of the planning framework and in keeping with the scale, form, and materials of the existing hospital development.

Mayor Patrick Hall and Cr Amanda Spencer-Teo (Local Government Member, City of Canning) left the panel at 10:02am.

A handwritten signature in black ink, appearing to read 'Clayton Higham'.



Cr Andrew Sullivan and Cr Ben Lawver (Local Government Member, City of Fremantle) joined the panel at 10:02am.

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

9.1 Nos.19-21 (Lot 19) McCabe Street, North Fremantle

Development Description: Variation To DAP004/20 (Eight Storey Mixed Use Development Comprising 11 Grouped Dwellings, 97 Multiple Dwellings, Restaurant, Shop)

Proposed Amendments:

- Revised Development Description: ‘Eight Storey Mixed Use Development Comprising 11 Grouped Dwellings, 95 Multiple Dwellings, Restaurant and Shop’;
- 0.65m (650mm) overall building height increase of tower elements;
- Reduction in overall residential dwelling number (108 to 106 dwellings total);
- Increase in commercial space (Café & Shop use) along McCabe Street frontage (314sqm to 737sqm);
- Reduced basement level footprint plus additional basement level (car parking yield reduced, provision consistent with previous approval);
- Increased and improved landscaping and deep soil areas;
- Reduction in height (1 storey less) of townhouses in north-western corner of site; and

Various alterations to apartment tower layouts and configurations.

Applicant: Space Collective Architects (c/o Tom Letherbarrow)

Owner: North Fremantle Trust ATF Megara Twenty Six Pty Ltd.

Responsible Authority: City of Fremantle

DAP File No: DAP/20/01821



REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Mr John Syme

That the Metro Inner-South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/20/01821 as detailed on the DAP Form 2 dated 8 November 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** amendments to DAP Application reference DAP/20/01821 and accompanying development plans (refs. DA01 Rev A; DA02 Rev A; DA03 Rev A; DA04 Rev D; DA05 Rev A; DA06 Rev A; DA07 Rev A; DA08 Rev A; DA09 Rev A; DA10 Rev A; DA11 Rev A; DA12 Rev A; DA13 Rev A; DA14 Rev A; DA15 Rev A; DA16 Rev A; DA17 Rev A) and Landscaping Plans (ref. P20002-LA-102 (Rev B)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 4 of the City of Fremantle's Local Planning Scheme No. 4 Scheme No. for the proposed minor amendment to the approved mixed use development 8 Storey Mixed Use Development (Multiple Dwellings, Grouped Dwellings, Shop, Restaurant) at No. 19-21 McCabe Street, North Fremantle, subject to the following amended and additional conditions:

Amended Conditions

2. This decision constitutes planning approval only for plans DA01 Rev A; DA02 Rev A; DA03 Rev A; DA04 Rev D; DA05 Rev A; DA06 Rev A; DA07 Rev A; DA08 Rev A; DA09 Rev A; DA10 Rev A; DA11 Rev A; DA12 Rev A; DA13 Rev A; DA14 Rev A; DA15 Rev A; DA16 Rev A; DA17 Rev A (all dated 29 October 2021) and Landscaping Plans (ref. P20002-LA-102 Rev B) and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
6. Prior to the issue of a building permit, the owner is to enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement is to specify measures to secure the proposed community benefits identified as the provision and ongoing public access to the 'Public Art Walk', the 'Outdoor Cinema Screen' and 'Raised Lawn Area adjoining the Cinema Screen' required to facilitate these benefits, to the satisfaction of the City of Fremantle.
9. Notwithstanding condition 2, no roof top plant or equipment is to be located outside of the 'A/C Condenser Platform' (footprint and height) as identified on plans DA12 Rev A, DA14 Rev A, and DA15 Rev A dated 29 October 2021, to the satisfaction of the City of Fremantle.



17. 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 5 Stars or equivalent, to the satisfaction of the City of Fremantle; and
18. 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 5 Stars or equivalent, to the satisfaction of the City of Fremantle.
21. Prior to the occupation of the development hereby approved, the approved landscaping, including:
 - i. the provision of 23 mature trees sufficient to achieve an initial screening height of 4 metres along the northern boundary of the site; and
 - ii. the provision of 13 medium trees, 76 small trees and deep soil areas in accordance with the landscaping plans prepared by Aspect (dated 2 March 2022)

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.

All other conditions and requirements detailed on the previous approval dated 20 November 2020 (as amended by the SAT Review Decision Notice (ref. DR277/2020 – dated 24 March 2021)) shall remain unless otherwise altered by this application.

Additional Condition(s)

29. Prior to occupation of the development hereby approved, a detailed Car Parking Management Plan shall be submitted to, and approved by the City of Fremantle. The approved car parking management plan shall be implemented for the life of the development unless otherwise approved.

AMENDING MOTION

Moved by: Mr John Syme

Seconded by: Ms Lee O'Donohue

That a new Condition No. 30 be added to read as follows:

Prior to the submission of a Building Permit, the applicant is to submit detailed plans for the provision of two (2) additional visitor parking bays within the McCabe Street verge immediately adjacent the development for approval by the City of Fremantle. Prior to the occupation of the development hereby approved, the two (2) additional parking bays are to be constructed in agreement with the City of Fremantle. All costs associated with the design and construction of the parking bays are to be borne by the owner in full.



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

For: Mr Clayton Higham
Ms Lee O'Donohue
Mr John Syme

Against: Cr Andrew Sullivan
Cr Ben Lawver

REASON: The majority of the panel accepted the points made in the applicant's presentation that the demand on parking is unlikely to be excessive and that the additional parking bays on site and in the verge would be adequate. Having said that the panel were keen for the developer to continue discussions with the City to further examine the opportunity for additional parking on the southern side of McCabe Street. The majority of panel members considered that the applicant had addressed those matters required to be addressed in the deferral.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/20/01821 as detailed on the DAP Form 2 dated 8 November 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** amendments to DAP Application reference DAP/20/01821 and accompanying development plans (refs. DA01 Rev A; DA02 Rev A; DA03 Rev A; DA04 Rev D; DA05 Rev A; DA06 Rev A; DA07 Rev A; DA08 Rev A; DA09 Rev A; DA10 Rev A; DA11 Rev A; DA12 Rev A; DA13 Rev A; DA14 Rev A; DA15 Rev A; DA16 Rev A; DA17 Rev A) and Landscaping Plans (ref. P20002-LA-102 (Rev B)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 4 of the City of Fremantle's Local Planning Scheme No. 4 Scheme No. for the proposed minor amendment to the approved mixed use development 8 Storey Mixed Use Development (Multiple Dwellings, Grouped Dwellings, Shop, Restaurant) at No. 19-21 McCabe Street, North Fremantle, subject to the following amended and additional conditions:

Amended Conditions

2. This decision constitutes planning approval only for plans DA01 Rev A; DA02 Rev A; DA03 Rev A; DA04 Rev D; DA05 Rev A; DA06 Rev A; DA07 Rev A; DA08 Rev A; DA09 Rev A; DA10 Rev A; DA11 Rev A; DA12 Rev A; DA13 Rev A; DA14 Rev A; DA15 Rev A; DA16 Rev A; DA17 Rev A (all dated 29 October 2021) and Landscaping Plans (ref. P20002-LA-102 Rev B) and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.



6. Prior to the issue of a building permit, the owner is to enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement is to specify measures to secure the proposed community benefits identified as the provision and ongoing public access to the 'Public Art Walk', the 'Outdoor Cinema Screen' and 'Raised Lawn Area adjoining the Cinema Screen' required to facilitate these benefits, to the satisfaction of the City of Fremantle.
9. Notwithstanding condition 2, no roof top plant or equipment is to be located outside of the 'A/C Condenser Platform' (footprint and height) as identified on plans DA12 Rev A, DA14 Rev A, and DA15 Rev A dated 29 October 2021, to the satisfaction of the City of Fremantle.
17. 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 5 Stars or equivalent, to the satisfaction of the City of Fremantle; and
18. 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 5 Stars or equivalent, to the satisfaction of the City of Fremantle.
21. Prior to the occupation of the development hereby approved, the approved landscaping, including:
 - i. the provision of 23 mature trees sufficient to achieve an initial screening height of 4 metres along the northern boundary of the site; and
 - ii. the provision of 13 medium trees, 76 small trees and deep soil areas in accordance with the landscaping plans prepared by Aspect (dated 2 March 2022)

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.

All other conditions and requirements detailed on the previous approval dated 20 November 2020 (as amended by the SAT Review Decision Notice (ref. DR277/2020 – dated 24 March 2021)) shall remain unless otherwise altered by this application.



Additional Condition(s)

- 29. Prior to occupation of the development hereby approved, a detailed Car Parking Management Plan shall be submitted to, and approved by the City of Fremantle. The approved car parking management plan shall be implemented for the life of the development unless otherwise approved.
- 30. Prior to the submission of a Building Permit, the applicant is to submit detailed plans for the provision of two (2) additional visitor parking bays within the McCabe Street verge immediately adjacent the development for approval by the City of Fremantle. Prior to the occupation of the development hereby approved, the two (2) additional parking bays are to be constructed in agreement with the City of Fremantle. All costs associated with the design and construction of the parking bays are to be borne by the owner in full.

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

REASON: The panel considered this to be an exemplary development, and one which will be an asset to the locality. The panel noted that the City will be undertaking an urban design study of the locality and considered that an opportune time to take a broader look and parking in the area and the pedestrian interface.

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/21/01936 DR 168/2021	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Office Tower	09/08/2021

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 11:02am.