



# Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 21 March 2022; 9.30am  
**Meeting Number:** MISJDAP/91  
**Meeting Venue:** City of Fremantle  
Walyalup Centre, 151 High 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)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

### Officers in attendance

Mr Tom Geddes (City of Fremantle)  
Ms Chloe Johnston (City of Fremantle)

### Minute Secretary

Ms Kayla Goodchild (City of Fremantle)

### Applicants and Submitters

Mr Reegan Cake (Dynamic Planning Developments)

### Members of the Public / Media

Nil.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.32am on 21 March 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 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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Andrew Sullivan, declared that he participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr 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 Reegan Cake (Dynamic Planning Developments) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 The City of Fremantle addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



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

### 8.1 No. 40 (Lot 76) Collick Street, Hilton

Development Description:	Additions and alterations to existing building and change of use to child care premises
Applicant:	Dynamic Planning
Owner:	Perth Diocesan Trustees
Responsible Authority:	City of Fremantle
DAP File No:	DAP/21/02143

### REPORT RECOMMENDATION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Ms Rachel Chapman

That the Metro Inner-South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02143 is appropriate for consideration as a “Child Care Premises” land use and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/21/02143 and accompanying plans (A100 Rev D, A101 Rev AA, A103 Rev AA, A104 Rev AA – dated 18 February 2022) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme 4.

### 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. 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. The City’s crossover specifications can be found via the following link: <https://www.fremantle.wa.gov.au/crossovers>.
4. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City’s specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle. The City’s crossover specifications can be found via the following link: <https://www.fremantle.wa.gov.au/crossovers>.



5. Prior to the issue of a Building Permit for the development hereby approved, details of how the recommendations contained in the Acoustic Report (Ref: 28783-1-21446), prepared by Herring Storer Acoustics, dated 3 December 2021 and are to be implemented are to be submitted to the satisfaction of the City of Fremantle.
6. 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.
7. 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.
8. 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.
9. 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.

10. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
11. 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.
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. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
14. Prior to the issue of a Building Permit or Demolition Permit a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gantries;
  - e) Access to site by construction vehicles;
  - f) Contact details;
  - g) Site offices;
  - h) Noise - Construction work and deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering management plan;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.

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

15. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.
16. Prior to the lodgement of a building permit, the applicant shall provide a verge landscaping plan for the Collick Street and Holmes Place frontages to be approved. Prior to occupation of the development, the landscaping shall be installed to the satisfaction of the City of Fremantle.
17. The pylon sign shown on the plans does not form part of this approval.



## Advice Notes

1. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:  
[http://buildingcommission.wa.gov.au/bid/Dividing\\_Fences.aspx](http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx).
2. Further to the condition of approval requiring that all works be contained to the subject site, the applicant is advised that further approval of the final details of the on street parking bays shown in Holmes Place shall be submitted to the satisfaction of the City's Infrastructure and Project Delivery directorate prior to the implementation of these bays.
3. 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.
4. 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.
5. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at:  
<https://www.fremantle.wa.gov.au/resident-perks>
6. Prior to commencement of development the existing trees within the road reserve and on site trees to be retained, 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>.
7. 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>
8. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).



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

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

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

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

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

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

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

12. The applicant is advised that any signage may be subject to a separate application for planning approval.





## AMENDING MOTION 1

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Andrew Sullivan

That a new Condition No.18 be added to read as follows:

*Prior to the issue of a Demolition Permit or Building Permit for the development hereby approved, the owner/developer is to submit plans depicting the location of all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas 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.*

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

**REASON:** This condition was considered necessary on the basis that the plans currently did not provide any such details and it was evident that the change of use and expansion of the building would result in modifications/upgrades to these building services which, if not suitably designed and located, could have a detrimental impact on the amenity of nearby residents and the streetscape appearance.

## AMENDING MOTION 2

**Moved by:** Cr Rachel Pemberton

**Seconded by:** Ms Rachel Chapman

That a new Condition No.19 be added to read as follows:

*Prior to the issue of a building permit for the development hereby approved, the owner/developer is to submit a verge parking plan for the two parking bays on Holmes Place to the City of Fremantle for approval. The works shown on the approved plan shall be installed by the City of Fremantle at the cost of the owner/developer prior to the occupation of the development hereby approved.*

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

**REASON:** To address the parking shortfall and enable an easily drop off, pick up point as indicated on the plans.



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02143 is appropriate for consideration as a “Child Care Premises” land use and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/21/02143 and accompanying plans (A100 Rev D, A101 Rev AA, A103 Rev AA, A104 Rev AA – dated 18 February 2022) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme 4.

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7. 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.



8. 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.
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  - 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.

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- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

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

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17. The pylon sign shown on the plans does not form part of this approval.
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19. Prior to the issue of a building permit for the development hereby approved, the owner/developer is to submit a verge parking plan for the two parking bays on Holmes Place to the City of Fremantle for approval. The works shown on the approved plan shall be installed by the City of Fremantle at the cost of the owner/developer prior to the occupation of the development hereby approved.

### Advice Notes

1. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:  
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3. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
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5. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
6. Prior to commencement of development the existing trees within the road reserve and on site trees to be retained, 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>.
7. 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>
8. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
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Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
10. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these



hours, an *Application for Approval of a Noise Management Plan* must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

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

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

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

12. The applicant is advised that any signage may be subject to a separate application for planning approval.

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

**REASON:** The panel considered that the reuse of the building for a child care premises is a good outcome and based on the information available the use is unlikely to have any undue noise or traffic impact on the residential properties in the locality. While the panel did not support the pylon sign it was considered that an appropriate sign at the entry to the car park could be negotiated with the City.

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

Nil.

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

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 9.53am.

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