



## **Metro Inner-South Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Friday, 23 September 2022; 10:00am  
**Meeting Number:** MISJDAP/111  
**Meeting Venue:** City of Fremantle  
Walyalup Civic Centre  
151 High Street, Fremantle

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## **Attendance**

### **DAP Members**

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

### **Officers in attendance**

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

### **Minute Secretary**

Ms Kayla Goodchild (City of Fremantle)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Carl Payne  
Mr John Dowson (The Fremantle Society)  
Mr Jason Norrish (Fiveight)  
Ms Megan Gammon (Urbis)  
Mr Philip Griffiths (Griffiths Architects)  
Mr William Smart (Smart Design Studio)  
Ms Christina Markham (Smart Design Studio)  
Mr Geoff Warn (With Architecture)

#### *Item 8.2*

Mr Garry Adams  
Ms Donna Ayriss  
Mr Michael Piu (St. Patricks - CEO)  
Mr Clayton Plug (Harley Dykstra)  
Mr Bill Coe (Slavin Architects)

### **Members of the Public / Media**

There were 20 members of the public in attendance.



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.07am on 23 September 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.

## 2. Apologies

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 Members, Cr Andrew Sullivan and Cr Bryn Jones, declared that they participated in a prior Council meeting in relation to the application at item 8.1 and 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Sullivan and Cr Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed an Impartiality Interest, are permitted to participate in the discussion and voting on the items.



## 7. Deputations and Presentations

- 7.1 Mr Carl Payne addressed the DAP in support of the recommendation for the application at Item 8.1
- 7.2 Mr John Dowson (The Fremantle Society) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3 Mr Jason Norrish (Fiveeight) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4 Ms Megan Gammon (Urbis) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Philip Griffiths (Griffiths Architects) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Mr William Smart (Smart Design Studio) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7 Ms Christina Markham (Smart Design Studio) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8 Mr Geoff Warn (With Architecture) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8 The City of Fremantle addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.8 were heard prior to the application at Item 8.1***

- 7.9 Mr Garry Adams addressed the DAP against the recommendation for the application at Item 8.2.
- 7.10 Ms Donna Ayriss addressed the DAP against the recommendation for the application at Item 8.2.
- 7.11 Mr Michael Piu (St Patricks - CEO) addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.12 Mr Clayton Plug (Harley Dykstra) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.13 Mr Bill Coe (Slavin Architects) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.



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

***The presentations at Item 7.9 – 7.14 were heard prior to the application at Item 8.2.***

## **PROCEDURAL MOTION**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Andrew Sullivan

That the Metro Inner-South JDAP receive legal advice from representatives of the Department of Planning, Lands and Heritage and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2020.

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

**REASON:** for panel members to receive legal advice.

*The meeting was closed to the public at 11.45am.*

*The meeting was reopened to the public at 12.08am.*

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

### **8.1 No. 10 (Lots 374 & 375) Henderson Street, Fremantle**

Development Description:	Six Storey Hotel Development (117 Rooms) With Restaurant, Small Bar and Reception Centre Uses Plus a Basement Level Carpark
Applicant:	Urbis Pty Ltd
Owner:	Spicer Street Pty Ltd
Responsible Authority:	City of Fremantle
DAP File No:	DAP/21/02086

## **REPORT RECOMMENDATION**

**Moved by:** Nil

**Seconded by:** Nil

That the Metro Inner South JDAP resolves to:

- Accept** that the DAP Application reference DAP/21/02086 is appropriate for consideration as “Hotel”, “Small Bar”, “Restaurant” and “Reception Centre” land uses and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
- Defer** DAP Application reference DAP/21/02086 and accompanying plans dated 20 June 2022 (DA000-Rev B, DA001-RevB, DA002-RevB, DA100-RevB, DA101-RevB, DA102-RevB, DA103-RevB, DA104-RevB, DA105-RevB, DA106-RevB, DA151-RevB, DA400-RevB, DA401-RevB, DA402-RevB, DA403-RevB, DA450-RevB & DA451-RevB) 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 for the following reasons:



### Reasons:

1. Council is not prepared to support the proposed six-storey hotel development (117 rooms) with restaurant, small bar and reception centre uses plus a basement level carpark, proposed at No. 10 (Lots 374 & 375) Henderson Street, Fremantle on the grounds:
  - a. the exceedance of the 14m facade heights along Henderson Street, as defined in Local Planning Scheme 4, would be significantly detrimental to the buffer zone of the World Heritage listed prison precinct and would compromise the winter-time utility of one of the City's most important pedestrianised spaces, and
  - b. the proposed façade is an inappropriate response to the fine grain and scale of the existing, significant, heritage streetscape.
2. Council recommends that the JDAP defer the application and invite the applicant to modify the proposal to:
  - a. Reduce the height of development on the Henderson Street frontage to the 14m specified in LPS 4.
  - b. Introduce fine grained façade elements that respond to the Warders Cottages and prevailing built form in scale, rhythm and fenestration.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

### ALTERNATE MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Bryn Jones

That the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02086 is appropriate for consideration as “Hotel”, “Small Bar”, “Restaurant” and “Reception Centre” land uses and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
2. **Refuse** DAP Application reference DAP/21/02086 and accompanying plans dated 20 June 2022 (DA000-Rev B, DA001-RevB, DA002-RevB, DA100-RevB, DA101-RevB, DA102-RevB, DA103-RevB, DA104-RevB, DA105-RevB, DA106-RevB, DA151-RevB, DA400-RevB, DA401-RevB, DA402-RevB, DA403-RevB, DA450-RevB & DA451-RevB) 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 for the following reasons:



### Reasons:

1. The proposal does not satisfy the requirements of clause 4.8.1.1 (a), (b), and (c) of Local Planning Scheme No.4 because the significant exceedance of the 14m maximum facade heights along Henderson Street, would be detrimental to the amenity and cultural heritage values of the adjoining warders' cottages that form part of the Fremantle Prison World Heritage buffer zone; would compromise the winter-time utility of important pedestrianised spaces; and, does not sufficiently graduate the scale between the warders' cottages and the existing taller buildings located in William Street.
2. Articulation of the proposed built form facing Henderson Street is an inappropriate response to the fine grain and scale of the warders' cottages located opposite.

### The Alternate Motion was put and LOST (2/3).

For: Cr Andrew Sullivan  
Cr Bryn Jones

Against: Mr Clayton Higham  
Ms Rachel Chapman  
Mr John Syme

### ALTERNATE MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Ms Rachel Chapman

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

1. **Accept** that the DAP Application reference DAP/21/02086 is appropriate for consideration as "Hotel", "Small Bar", "Restaurant" and "Reception Centre" land uses and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/21/02086 and accompanying plans dated 20 June 2022 (DA000-Rev B, DA001-RevB, DA002-RevB, DA100-RevB, DA101-RevB, DA102-RevB, DA103-RevB, DA104-RevB, DA105-RevB, DA106-RevB, DA151-RevB, DA400-RevB, DA401-RevB, DA402-RevB, DA403-RevB, DA450-RevB & DA451-RevB) 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, 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. 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.
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.
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: 29600-1-21220-02), prepared by Herring Storer Acoustics, dated June 2022, are to be implemented is to be submitted to, and approved by the City of Fremantle. These measures shall be implemented prior to occupation and maintained for the life of the development.
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.

All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.

7. Prior to the occupation of the development, the approved landscaping plans (prepared by Smart Design Studio / Plan E) shall be completed in accordance with the approved plans or any approved modifications 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.
8. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site and does not relate to any works in William Street or Henderson Street.
9. 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.
10. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
11. Any signage 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.





12. Prior to the issue of a Building Permit, a Demolition and 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;
  - m) Works affecting pedestrian areas; and
  - n) Existing tree(s) within the road reserve(s), protected through the implementation of a Tree Protection Zone for protection during construction

Dewatering application must include:-

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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.

13. Prior to the issue of a Building Permit for the development hereby approved, an archaeological investigation is to be undertaken by a suitably qualified person at the applicant's expense and a copy of the report of that investigation is submitted and approved by the City of Fremantle.
14. Prior to the issue of a Building Permit (but not including a Demolition Permit), the applicant shall submit a Crime Prevention Through Environmental Design (CPTED) report, prepared by a suitably qualified consultant and at the expense of the applicant, assessing the proposal's compliance with CPTED standards, specifically in relation to the two main pedestrian links. Any design recommendations made in the report shall be integrated into the design and constructed accordingly, to the satisfaction of the City of Fremantle.
15. Prior to the issue of a Building Permit, the owner shall obtain final approval from the City of Fremantle for the Public Art Proposal (prepared by APPARATUS). The detailed public art proposal shall demonstrate the public art works are valued at least an amount equal in value to one percent of the estimated cost of development. Based on the estimated cost of the development being \$35,000,000 (estimated cost disclosed on the City of Fremantle application for planning application form) is the proposal shall be valued at least \$350,000.



- Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.
16. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy LPP2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
    - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
    - b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
    - c) Roof insulation in accordance with the requirements of the Building Codes of Australia
  17. The approved Waste Management Plan (prepared by Encycle, dated 27 May 2022) must be implemented at all times to the satisfaction of the City of Fremantle. Additionally, no waste collection is to occur prior to 0600hrs or after 1900hrs.
  18. Prior to occupation, an access easement is to be placed on the certificate(s) of title of the subject site specifying public (vehicle and pedestrian) access rights for the continuation of Paddy Troy Mall on the western portion of the land to the satisfaction of the City of Fremantle.
  19. Prior to the issue of a building permit, the following additional information/detail shall be submitted to and approved by the City of Fremantle on the advice of the Heritage Council (Department of Planning Lands and Heritage):
    - i. A dilapidation survey of Warders’ Cottages (fmr) shall be prepared by a suitably qualified professional prior to any works being undertaken.
    - ii. The Construction Management Plan shall include:
    - iii. Appropriate strategy for the protection of Warders’ Cottages (fmr).
    - iv. A requirement for alarmed monitoring of deformation, tilt, vibrations and existing cracks with a trigger level set at 2mm/s for the unit.
  20. Prior to the issue of a building permit, revised plans shall be submitted to, and approved by the City of Fremantle that demonstrate the omission of the ‘public car parking’ land use from the proposal and that all on-site parking shown on the approved plans is allocated for the exclusive use of the approved land uses on site. All on-site parking shall remain allocated for the use of on-site tenancies only, unless otherwise approved by the City of Fremantle.
  21. 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

1. 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.
2. 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.
3. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
4. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Henderson Street and/or William Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
5. 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>.
6. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the *Health (Air-handling and Water Systems) Regulations 1994*. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
7. 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).
8. It is recommended that the applicant engages the City's Environmental Health department to determine their obligations in obtaining an alfresco dining permit. The City's Environmental Health department can be contacted on 9432 9999 or alternatively via email at [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. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.

11. 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.

12. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

- a. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
- b. vehicles;
- c. amplified acoustic systems; and
- d. 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.

13. 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](mailto:health@fremantle.wa.gov.au) for further information.



14. The proponent must:
- a. make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the *Health (Public Buildings) Regulations 1992*;
  - b. once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*;
- And
- c. once construction has been completed, complete and submit Form 5 - *Certificate of Electrical Compliance for a Public Building* to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).

15. With regards the final archaeological report, it should include:
- a. a brief summary of the subject site, including a study background of the property referencing the evidence upon which the investigation has been requested;
  - b. description of the site investigations carried out, including location and dimensions of any exploratory dig(s) undertaken;
  - c. all detailed recordings of any findings of archaeological artefacts through surveyed measurements, drawings, documented descriptions and/or photographs, all portrayed upon a site plan(s) when appropriate;
  - d. an analysis of the historical archaeological (including built environment) evidence with the archival documentation (e.g. maps, photographs, documented past use); and
  - e. an archaeological conservation plan including recommendations for heritage interpretation, if warranted.

Please refer to the City of Fremantle's Local Planning policy LPP2.7 for additional supporting information. <http://www.fremantle.wa.gov.au/development/planning-policies>. Please contact the City's Heritage Department on 9432 999 or alternatively [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au) for any further queries on this matter.

16. The applicant is advised that any signage or changes in land use may be subject to a separate application for planning approval.
17. The City's crossover specifications can be found on its website via the following link: <https://www.fremantle.wa.gov.au/crossovers>.
18. The applicant is advised that with respect to assessment of the proposed Public Art proposal, The City of Fremantle will refer to its Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines. The developer, their artists, architect and other designers should also use the Policy and Guidelines to help them successfully integrate appropriate artwork and develop the proposal. The proposal will also be referred to the City's public art Selection Panel to review the proposal ahead of approval (refer City's Percent for Art Guidelines).



## AMENDING MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Bryn Jones

That Condition No. 20 be amended to read as follows:

20. Prior to the issue of a building permit, **a parking management plan that demonstrates long term use for the public car park bays pm site shall be submitted** ~~revised plans shall be submitted to, and approved by the City of Fremantle that demonstrate the omission of the 'public car parking' land use from the proposal and that all on-site parking shown on the approved plans is allocated for the exclusive use of the approved land uses on site. All on-site parking shall remain allocated for the use of on-site tenancies only, unless otherwise approved by the City of Fremantle. The bays shall be provided for long term use for the life of the development.~~

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

For: Cr Andrew Sullivan  
Cr Bryn Jones

Against: Mr Clayton Higham  
Ms Rachel Chapman  
Mr John Syme

## ALTERNATE MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Ms Rachel Chapman

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

1. **Accept** that the DAP Application reference DAP/21/02086 is appropriate for consideration as "Hotel", "Small Bar", "Restaurant" and "Reception Centre" land uses and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/21/02086 and accompanying plans dated 20 June 2022 (DA000-Rev B, DA001-RevB, DA002-RevB, DA100-RevB, DA101-RevB, DA102-RevB, DA103-RevB, DA104-RevB, DA105-RevB, DA106-RevB, DA151-RevB, DA400-RevB, DA401-RevB, DA402-RevB, DA403-RevB, DA450-RevB & DA451-RevB) 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, 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. 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.
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.
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: 29600-1-21220-02), prepared by Herring Storer Acoustics, dated June 2022, are to be implemented is to be submitted to, and approved by the City of Fremantle. These measures shall be implemented prior to occupation and maintained for the life of the development.
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.  
  
All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.
7. Prior to the occupation of the development, the approved landscaping plans (prepared by Smart Design Studio / Plan E) shall be completed in accordance with the approved plans or any approved modifications 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.
8. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site and does not relate to any works in William Street or Henderson Street.
9. 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.
10. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
11. Any signage 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.



12. Prior to the issue of a Building Permit, a Demolition and 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;
  - m) Works affecting pedestrian areas; and
  - n) Existing tree(s) within the road reserve(s), protected through the implementation of a Tree Protection Zone for protection during construction

Dewatering application must include:-

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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.

13. Prior to the issue of a Building Permit for the development hereby approved, an archaeological investigation is to be undertaken by a suitably qualified person at the applicant's expense and a copy of the report of that investigation is submitted and approved by the City of Fremantle.
14. Prior to the issue of a Building Permit (but not including a Demolition Permit), the applicant shall submit a Crime Prevention Through Environmental Design (CPTED) report, prepared by a suitably qualified consultant and at the expense of the applicant, assessing the proposal's compliance with CPTED standards, specifically in relation to the two main pedestrian links. Any design recommendations made in the report shall be integrated into the design and constructed accordingly, to the satisfaction of the City of Fremantle.
15. Prior to the issue of a Building Permit, the owner shall obtain final approval from the City of Fremantle for the Public Art Proposal (prepared by APPARATUS). The detailed public art proposal shall demonstrate the public art works are valued at least an amount equal in value to one percent of the estimated cost of development. Based on the estimated cost of the development being \$35,000,000 (estimated cost disclosed on the City of Fremantle application for planning application form) the proposal shall be valued at least \$350,000.





- Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.
16. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy LPP2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
    - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
    - b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
    - c) Roof insulation in accordance with the requirements of the Building Codes of Australia
  17. The approved Waste Management Plan (prepared by Encycle, dated 27 May 2022) must be implemented at all times to the satisfaction of the City of Fremantle. Additionally, no waste collection is to occur prior to 0600hrs or after 1900hrs.
  18. Prior to occupation, an access easement is to be placed on the certificate(s) of title of the subject site specifying public (vehicle and pedestrian) access rights for the continuation of Paddy Troy Mall on the western portion of the land to the satisfaction of the City of Fremantle.
  19. Prior to the issue of a building permit, the following additional information/detail shall be submitted to and approved by the City of Fremantle on the advice of the Heritage Council (Department of Planning Lands and Heritage):
    - i. A dilapidation survey of Warders’ Cottages (fmr) shall be prepared by a suitably qualified professional prior to any works being undertaken.
    - ii. The Construction Management Plan shall include:
    - iii. Appropriate strategy for the protection of Warders’ Cottages (fmr).
    - iv. A requirement for alarmed monitoring of deformation, tilt, vibrations and existing cracks with a trigger level set at 2mm/s for the unit.
  20. Prior to the issue of a building permit, revised plans shall be submitted to, and approved by the City of Fremantle that demonstrate the omission of the ‘public car parking’ land use from the proposal and that all on-site parking shown on the approved plans is allocated for the exclusive use of the approved land uses on site. All on-site parking shall remain allocated for the use of on-site tenancies only, unless otherwise approved by the City of Fremantle.
  21. 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

1. 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.
2. 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.
3. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
4. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Henderson Street and/or William Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
5. 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>.
6. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the *Health (Air-handling and Water Systems) Regulations 1994*. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
7. 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).
8. It is recommended that the applicant engages the City's Environmental Health department to determine their obligations in obtaining an alfresco dining permit. The City's Environmental Health department can be contacted on 9432 9999 or alternatively via email at [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. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.

11. 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.

12. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

- a. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
- b. vehicles;
- c. amplified acoustic systems; and
- d. 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.

13. 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](mailto:health@fremantle.wa.gov.au) for further information.



14. The proponent must:
- a. make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the *Health (Public Buildings) Regulations 1992*;
  - b. once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*;
- And
- c. once construction has been completed, complete and submit Form 5 - *Certificate of Electrical Compliance for a Public Building* to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).

15. With regards the final archaeological report, it should include:
- a. a brief summary of the subject site, including a study background of the property referencing the evidence upon which the investigation has been requested;
  - b. description of the site investigations carried out, including location and dimensions of any exploratory dig(s) undertaken;
  - c. all detailed recordings of any findings of archaeological artefacts through surveyed measurements, drawings, documented descriptions and/or photographs, all portrayed upon a site plan(s) when appropriate;
  - d. an analysis of the historical archaeological (including built environment) evidence with the archival documentation (e.g. maps, photographs, documented past use); and
  - e. an archaeological conservation plan including recommendations for heritage interpretation, if warranted.

Please refer to the City of Fremantle's Local Planning policy LPP2.7 for additional supporting information. <http://www.fremantle.wa.gov.au/development/planning-policies>. Please contact the City's Heritage Department on 9432 999 or alternatively [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au) for any further queries on this matter.

16. The applicant is advised that any signage or changes in land use may be subject to a separate application for planning approval.
17. The City's crossover specifications can be found on its website via the following link: <https://www.fremantle.wa.gov.au/crossovers>.
18. The applicant is advised that with respect to assessment of the proposed Public Art proposal, The City of Fremantle will refer to its Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines. The developer, their artists, architect and other designers should also use the Policy and Guidelines to help them successfully integrate appropriate artwork and develop the proposal. The proposal will also be referred to the City's public art Selection Panel to review the proposal ahead of approval (refer City's Percent for Art Guidelines).



**The Alternate Motion was put and CARRIED (4/1).**

For: Mr Clayton Higham  
Ms Rachel Chapman  
Mr John Syme  
Cr Andrew Sullivan

Against: Cr Bryn Jones

**REASON:** The majority of the Panel were very mindful of the importance of the location and context of this proposal in arriving at a decision. Due regard was given to the advice of the Design Advisory Committee and the comments from the Heritage Council and the City's Heritage team noting that the proposed development would not compromise its heritage setting. The majority of the Panel considered that the proposal was compliant with the Scheme, including the bonus height provisions and warranted a variation to parking requirements given its city centre location and nature of the use, however use of the basement parking for public parking unrelated to the development was not supported as it would be entirely inconsistent with the City's Integrated Transport Strategy which seeks to minimise the impact of private vehicles on the City Centre amenity. In relation to the height variation the majority of the Panel were of the view that any increase in shadow cast over the street was very marginal when compared with a compliant development. The overall design, particularly the interface with the street, was well considered for the site and its context.

**8.2 No's 12-16 Queen Victoria Street and No.3 Beach Street, Fremantle**

Development Description:	Six Storey Multiple Dwelling and Community Purpose Facility
Applicant:	Harley Dykstra
Owner:	St Patricks Community Support Centre Ltd & Roman Catholic Archbishop of Perth
Responsible Authority:	City of Fremantle
DAP File No:	DAP/22/02260

**REPORT RECOMMENDATION**

**Moved by:** Cr Bryn Jones

**Seconded by:** Ms Rachel Chapman

That the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02260 is appropriate for consideration as a "Multiple Dwelling" and "Community Purpose Facility" 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/22/02260 and accompanying plans dated 3 June 2022 (Drawing No. A100 (Rev 2), A200 (Rev 2), A201 (Rev 2), A202 (Rev 2), A203 (Rev 2), A210 (Rev 5), A221 (Rev 3), A222 (Rev 2), A223 (Rev 2), A224 (Rev 2), A225 (Rev 2), A226 (Rev 2), A227 (Rev 2), A250 (Rev 2), A300 (Rev 2), A301 (Rev 2), A302 (Rev 2), A303 (Rev 2), A304 (Rev 2), A305 (Rev 2), A401 (Rev 2), A402 (Rev 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 City of Fremantle Local Planning Scheme No.4 subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This 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. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.
4. The works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of 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 for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
8. Prior to the issue of the building permit, a detailed landscaping scheme shall be provided and be approved by the City of Fremantle. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans 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 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.
10. Prior to the issue of a demolition permit or 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.
11. Prior to the issue of a building permit a Demolition and 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;
  - m) Works affecting pedestrian areas; and
  - n) existing tree(s) within the road reserve(s), protected through the implementation of a Tree Protection Zone for protection during construction

Dewatering application must include:-

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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.



12. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
- Estimated waste generation
  - Proposed storage of receptacles
  - Collection methodology for waste including collection times
  - Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

13. Prior to the issue of a Demolition or Building Permit, detailed plans, photographs and methodology shall be provided detailing the internal demolition works to the existing Stella Maris building for the approval of the City of Fremantle.
14. Prior to the issue of a Demolition or Building Permit for the development hereby approved, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:
- a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
  - b) Digital photographs taken of the building (once vacated) to include:
    - i) a general/overall photo of the building to be demolished;
    - ii) photos of each of the four elevations;
    - iii) internal photos of all rooms; and photos of any special architectural features.
15. Prior to the issue of a building permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy LPP2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 1 and Area 2 to the satisfaction of the City of Fremantle.
16. Prior to the issue of a building permit, details regarding the proposed sustainability measures as outline in the application addressing SPP7.3 Apartment Codes shall be submitted, to the satisfaction of the City of Fremantle.
17. Prior to the occupation of the development hereby approved, the boundary wall located on the south and west side boundaries shall be of a clean finish in any of the following materials:
- a. Coloured sand render
  - b. Face brick
  - c. Painted surface
  - d. Other approved finish
- And be thereafter maintained to the satisfaction of the City of Fremantle.





18. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port, and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
19. Prior to the occupation of the development hereby approved, the owner shall contribute a monetary amount or public artwork equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with *LPP 2.19: Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8,845.00 the contribution to be made is \$88,450.
20. 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.
21. 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.
22. Prior to issue of a building permit, details of the edge treatment for balconies to provide visual privacy for neighbours from seated residents, must be submitted for the approval of the City of Fremantle

### Advice Notes

1. 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.
2. 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.
3. This approval does not relate to any works within the road reserve. Any such works will be the subject of a separate agreement between the applicant/owner and the City of Fremantle.
4. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.



5. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Queen Victoria Street or Beach Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
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. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the Health (Air-handling and Water Systems) Regulations 1994. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
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. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
11. 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.

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

13. The proponent must:
- make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992;
  - once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*;  
And
  - once construction has been completed, complete and submit Form 5 - *Certificate of Electrical Compliance for a Public Building* to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).

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

**The Report Recommendation was put and CARRIED (3/2).**

For: Cr Andrew Sullivan  
Cr Bryn Cr Bryn Jones  
Mr John Syme

Against: Mr Clayton Higham  
Ms Rachel Chapman

**REASON:** The majority of the Panel considered that, although the proposed development is seeking a variation to a number of planning requirements, the siting and scale is acceptable and would not compromise the heritage value of the existing building. It was noted that while the Design Advisory Committee had some concerns over the design of the proposed building the majority of the Panel members felt that overall the proposal was worthy of their support.

  
Mr Clayton Higham  
Presiding Member, Metro Inner-South JDAP



**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/21/01936 5.2020.709.1	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Officer 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 2.10pm.