



## **Metro South West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 20 March 2020; 9.30am  
**Meeting Number:** MSWJDAP/207  
**Meeting Venue:** City of Fremantle  
70 Parry Street  
Fremantle

### **Attendance**

#### **DAP Members**

Ms Lee O'Donohue (A/Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr Peter Keleman (A/Specialist Member)  
Cr Rachel Pemberton (Local Government Member, City of Fremantle)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)

#### **Officers in attendance**

Ms Julia Kingsbury (City of Fremantle)  
Mr Nathan Blumenthal (City of Fremantle)  
Ms Victoria Johnson (Governance Officer, DAP Secretariat)

#### **Minute Secretary**

Ms Julia Kingsbury (City of Fremantle)

#### **Applicants and Submitters**

##### *Item 8.1*

Mr Murray Casselton (Element)  
Mr Trent Woods (Officer Wood Architects)  
Mr James Lewisson (Element)

##### *Item 8.2*

Mr Leonard Wong (3E Design)  
Mr Philip Stejskal (Philip Stejskal Architecture)  
Yang Yang Lee (Philip Stejskal Architecture)

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

There was 1 member of the public in attendance.

### **1. Declaration of Opening**

The A/Presiding Member declared the meeting open at 9.33am on 20 March 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.



The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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 A/Presiding Member has given permission to do so.', the meeting would not be recorded.

## **2. Apologies**

Mr Tony Arias (Presiding Member)

## **3. Members on Leave of Absence**

DAP Member, Mr Tony Arias has been granted leave of absence by the Director General for the period of 16 March 2020 to 20 March 2020 inclusive.

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

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the A/Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.

## **7. Deputations and Presentations**

**7.1** Mr Peter Turner addressed the DAP against the application at Item 8.1 and responded to questions from the panel.

**7.2** Mr Murray Casselton (Element) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



- 7.3 Mr Trent Woods (Officer Woods Architects) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

***The presentation at Item 7.1 7.2 and 7.3 were heard prior to the application at Item 8.1.***

- 7.4 Mr Philip Stejskal (Philip Stejskal Architecture) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

***The presentation at Items 7.4 was heard prior to the application at Item 8.2.***

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

8.1 Property Location:	No.119 (Lot 200), Hope Street, White Gum Valley
Development Description:	24 Grouped dwellings and 4 Multiple dwellings
Applicant:	Element
Owner:	R A Delroy
Responsible Authority:	City of Fremantle
DAP File No:	DAP/20/01727

### REPORT RECOMMENDATION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Rachel Pemberton

#### Officer Recommendation:

That the Metro South-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01727 and accompanying plans A\_50, A\_100, A\_101, A\_102, A\_120, A\_150, P19000-La-101 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the of the City of Fremantle Local Planning Scheme No. 4, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

#### Conditions

1. This approval relates only to the development as indicated on the approved plans dated 23 December 2019. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.
2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. The approved development, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
4. Prior to the issue of a Building Permit for the development hereby approved, all fencing within the Hope Street Primary Street setback area (5 metres) shall be visually permeable 1.2 metres above natural ground level and thereafter maintained to the satisfaction of the City of Fremantle.



5. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the eastern side of the balcony to the Grouped dwelling on lot 25, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c) a minimum sill height of 1.60 metres above the internal floor level,Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the south facing upper floor major openings to the dwellings on lots 14 - 24 (inclusive), are to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c) a minimum sill height of 1.60 metres above the internal floor level,Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
7. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the window located on western elevation of the dwelling on lot 14, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c) a minimum sill height of 1.60 metres above the internal floor level,Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
8. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
9. Deep planting zones shall have no impeding building structure or feature above or below ground level, to the satisfaction of the City of Fremantle.
10. Notwithstanding condition 1, this approval does not authorise the removal or modification of verge infrastructure and verge trees within the verge area. Prior to the issue of a building permit for the development hereby approved, the owner/developer is to submit a verge landscaping plan and a verge parking plan to



the City of Fremantle for approval. The approved verge landscaping plan and verge parking bays shall be installed prior to the occupation of the development, to the satisfaction of the City of Fremantle.

11. Prior to the issue of a Building Permit for the development hereby approved, evidence is to be submitted demonstrating that the development will achieve an accredited energy efficiency star rating 1.5 stars in excess of current National Construction Code requirements that is certified by an energy assessor to the satisfaction of the City of Fremantle. The development is to be maintained at the approved standard to the satisfaction of the City of Fremantle.
12. Prior to occupation of the development hereby approved, a minimum 2kw photovoltaic solar panel system shall be installed to each dwelling and maintained thereafter to the satisfaction of the City of Fremantle.
13. Prior to the issue of a building permit for the works hereby approved, the owner/developer is to demonstrate that the Multiple dwelling building exceeds the minimum requirements of the National Construction Code, such as a rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic Rating (or equivalent), to the satisfaction of the City of Fremantle.
14. Prior to the issue of a building permit, details are to be submitted that demonstrate that each multiple dwelling will be individually metered for water and power use to the satisfaction of the City of Fremantle.
15. Prior to occupation of the development hereby approved, all boundary walls shall be of a clean finish in any of the following materials:
  - coloured sand render,
  - face brick,
  - painted surface,and be thereafter maintained to the satisfaction of the City of Fremantle.
16. Prior to occupation of the development hereby approved, the car parking, and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
17. Prior to the issue of a Building Permit for the development hereby approved, two (2) Class 3 bicycle racks, as defined in Local Planning Scheme No. 4, shall be provided for the Multiple dwelling building, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
18. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed and/or be modified to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.



19. 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.
20. Prior to the issue of a building permit, 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 and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.
21. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
22. Prior to issue of a building permit, the owner/developer is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
23. Prior to the issue of a Building Permit a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gantries;
  - e) Access to site by construction vehicles;
  - f) Contact details;
  - g) Site offices;
  - h) Noise - Construction work and deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering management plan;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.
  - n) The protection of the existing Norfolk Island Pine tree and Jacaranda tree shown for retention on the approved landscaping plan.

The approved Construction Management Plan shall be adhered to throughout the construction of the new development.

24. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.



## Advice notes

- i) The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Hope Street and Wongan Avenue road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- ii) The applicant is advised of the following:
  - a. Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
  - b. Any adjustment in levels is to be achieved within the property boundaries;
  - c. Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.
  - d. Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.
- iii) In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.  
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>  
The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- iv) 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.
- v) 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.
- vi) 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/residents/trees-and-verges>
- vii) The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- viii) In regards the condition requiring visual permeability of fencing, visually permeable is defined by LPP 2.8 Fences Policy as:

Means, in reference to a wall, gate, door or fence that the vertical surface has:



- Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one half of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least two thirds of the face in aggregate, as viewed directly from the street; or
- A surface offering equal or lesser obstruction to view.

Visual Permeability Based on Size of Slats

Slat Size	Gap Size
Slats less than 50 mm wide	Gap size equal to or greater than twice the slat size
Slats 50 mm wide and greater	Gap size equal to or greater than slat size

- ix) Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the City of Fremantle prior to work commencing.
- x) 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.
- xi) All mechanical service systems including air-conditioners and pool filters etc. are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).

**AMENDING MOTION 1**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Peter Keleman

That Condition 4 be amended to read as follows:

*Prior to the issue of a Building Permit for the development hereby approved, **all fencing within 1.5 metres of the Hope Street boundary** shall be visually permeable 1.2 metres above natural ground level and thereafter maintained to the satisfaction of the City of Fremantle.*

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

For: Cr Andrew Sullivan  
Ms Lee O’Donohue  
Mr Brian Curtis  
Mr Peter Keleman

Against: Cr Rachel Pemberton

**REASON:** It was considered that a combination of permeable and solid fencing would allow some privacy to be achieved between courtyards, whilst maintaining the open style character of the surrounding streetscape.





## AMENDING MOTION 2

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Brian Curtis

That Condition 9 be amended to read as follows:

*The approved 3m by 3m deep planting zone, for each Grouped dwelling, shall have no impeding building structure or feature above or below ground level, to the satisfaction of the City of Fremantle.*

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

**REASON:** Amended to specifically refer to the deep planting zones located within the individual grouped dwelling lots, consistent with the City's Local Planning Scheme requirements.

## AMENDING MOTION 3

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Peter Keleman

That a new Advice note xii be added to read as follows:

*In relation Condition 13, the satisfaction of the requirement may include reference to achievable ratings indicated by suppliers of proprietary construction systems.*

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

**REASON:** Advice note added to provide guidance to the applicant with regard to what would be considered an acceptable response to Condition 13.

## AMENDING MOTION 4

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Brian Curtis

That Condition 15 be amended to read as follows:

*Prior to occupation of the development hereby approved, all boundary walls shall be of a clean finish in any of the following materials:*

- *coloured sand render,*
- *face brick,*
- *painted surface,*
- ***other approved finish***

*and be thereafter maintained to the satisfaction of the City of Fremantle.*

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

**REASON:** To allow the proposed finish of the boundary walls to be consistent with the pallet of external materials for the affected dwellings.



## AMENDING MOTION 5

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Peter Keleman

That Condition 16 be amended to read as follows:

*Prior to the occupation of the development hereby approved, car parking bays, and loading area(s), and vehicle access and circulation areas within the site as shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, are to be clearly identifiable, permanently constructed to a trafficable standard and adequately drained to the satisfaction of the City of Fremantle.*

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

**REASON:** The alternative wording allows the design of the car parking and vehicle access areas to incorporate the permeable and semi-permeable surfaces as required under the Local Planning Scheme.

## AMENDING MOTION 6

**Moved by:** Cr Rachel Pemberton

**Seconded by:** Mr Peter Keleman

That Condition 22 be amended to read as follows:

*The approved waste management plan, prepared by Encycle Consulting dated 19 December 2019 Revision 0, is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.*

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

**REASON:** The Waste Management Plan submitted with the development application has been reviewed and considered acceptable and therefore should be implemented as part of the approved development.

## AMENDING MOTION 7

**Moved by:** Mr Peter Keleman

**Seconded by:** Cr Andrew Sullivan

That a new Condition 25 be added to read as follows:

*Prior to the issue of a building permit for the development hereby approved, the bin store in the communal open space adjacent to the dwelling on Lot 25 is to be setback a minimum of 1.5m from the southern boundary with this setback area being landscaped to the satisfaction of the City of Fremantle.*

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

**REASON:** The proposed nil setback of the bin store is considered to have an adverse impact on the use and amenity of the neighbouring outdoor living area. A landscaped setback area will assist in reducing this impact.



## REPORT RECOMMENDATION (AS AMENDED)

### Officer Recommendation:

That the Metro South-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01727 and accompanying plans A\_50, A\_100, A\_101, A\_102, A\_120, A\_150, P19000-La-101 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the of the City of Fremantle Local Planning Scheme No. 4, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

### Conditions

1. This approval relates only to the development as indicated on the approved plans dated 23 December 2019. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.
2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. The approved development, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
4. Prior to the issue of a Building Permit for the development hereby approved, all fencing within 1.5 metres of the Hope Street boundary shall be visually permeable 1.2 metres above natural ground level and thereafter maintained to the satisfaction of the City of Fremantle.
5. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the eastern side of the balcony to the Grouped dwelling on lot 25, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c) a minimum sill height of 1.60 metres above the internal floor level,Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the south facing upper floor major openings to the dwellings on lots 14 - 24 (inclusive), are to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or



- c) a minimum sill height of 1.60 metres above the internal floor level,  
Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
7. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the window located on western elevation of the dwelling on lot 14, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c) a minimum sill height of 1.60 metres above the internal floor level,  
Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
8. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
9. The approved 3m by 3m deep planting zone, for each Grouped dwelling, shall have no impeding building structure or feature above or below ground level, to the satisfaction of the City of Fremantle.
10. Notwithstanding condition 1, this approval does not authorise the removal or modification of verge infrastructure and verge trees within the verge area. Prior to the issue of a building permit for the development hereby approved, the owner/developer is to submit a verge landscaping plan and a verge parking plan to the City of Fremantle for approval. The approved verge landscaping plan and verge parking bays shall be installed prior to the occupation of the development, to the satisfaction of the City of Fremantle.
11. Prior to the issue of a Building Permit for the development hereby approved, evidence is to be submitted demonstrating that the development will achieve an accredited energy efficiency star rating 1.5 stars in excess of current National Construction Code requirements that is certified by an energy assessor to the satisfaction of the City of Fremantle. The development is to be maintained at the approved standard to the satisfaction of the City of Fremantle.
12. Prior to occupation of the development hereby approved, a minimum 2kw photovoltaic solar panel system shall be installed to each dwelling and maintained thereafter to the satisfaction of the City of Fremantle.
13. Prior to the issue of a building permit for the works hereby approved, the owner/developer is to demonstrate that the Multiple dwelling building exceeds the minimum requirements of the National Construction Code, such as a rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic Rating (or equivalent), to the satisfaction of the City of Fremantle.



14. Prior to the issue of a building permit, details are to be submitted that demonstrate that each multiple dwelling will be individually metered for water and power use to the satisfaction of the City of Fremantle.
15. Prior to occupation of the development hereby approved, all boundary walls shall be of a clean finish in any of the following materials:
  - coloured sand render,
  - face brick,
  - painted surface,
  - other approved finishand be thereafter maintained to the satisfaction of the City of Fremantle.
16. Prior to the occupation of the development hereby approved, car parking bays and vehicle access and circulation areas within the site as shown on the approved site plan are to be clearly identifiable, permanently constructed to a trafficable standard and adequately drained to the satisfaction of the City of Fremantle.
17. Prior to the issue of a Building Permit for the development hereby approved, two (2) Class 3 bicycle racks, as defined in Local Planning Scheme No. 4, shall be provided for the Multiple dwelling building, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
18. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed and/or be modified to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
19. 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.
20. Prior to the issue of a building permit, 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 and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.
21. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
22. The approved waste management plan, prepared by Encycle Consulting dated 19 December 2019 Revision 0, is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.



23. Prior to the issue of a Building Permit a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
- Use of City car parking bays for construction related activities;
  - Protection of infrastructure and street trees within the road reserve;
  - Security fencing around construction sites;
  - Gantries;
  - Access to site by construction vehicles;
  - Contact details;
  - Site offices;
  - Noise - Construction work and deliveries;
  - Sand drift and dust management;
  - Waste management;
  - Dewatering management plan;
  - Traffic management; and
  - Works affecting pedestrian areas.
  - The protection of the existing Norfolk Island Pine tree and Jacaranda tree shown for retention on the approved landscaping plan.
- The approved Construction Management Plan shall be adhered to throughout the construction of the new development.
24. 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.
25. Prior to the issue of a building permit for the development hereby approved, the bin store in the communal open space adjacent to the dwelling on Lot 25 is to be setback a minimum of 1.5m from the southern boundary with this setback area being landscaped to the satisfaction of the City of Fremantle.

#### Advice notes

- The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Hope Street and Wongan Avenue road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- The applicant is advised of the following:
  - Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
  - Any adjustment in levels is to be achieved within the property boundaries;
  - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.
  - Minimum floor level to be road reduced level plus kerb height (150mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.
- In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.  
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:



<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

- iv) 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.
- v) 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.
- vi) 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/residents/trees-and-verges>
- vii) The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- viii) In regards the condition requiring visual permeability of fencing, visually permeable is defined by LPP 2.8 Fences Policy as:

Means, in reference to a wall, gate, door or fence that the vertical surface has:

- Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one half of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least two thirds of the face in aggregate, as viewed directly from the street; or
- A surface offering equal or lesser obstruction to view.

Visual Permeability Based on Size of Slats	
Slat Size	Gap Size
Slats less than 50 mm wide	Gap size equal to or greater than twice the slat size
Slats 50 mm wide and greater	Gap size equal to or greater than slat size

- ix) Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the City of Fremantle prior to work commencing.
- x) 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.



- xi) All mechanical service systems including air-conditioners and pool filters etc. are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
- xii) In relation condition 13, the satisfaction of the requirement may include reference to achievable ratings indicated by suppliers of proprietary construction systems.

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

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motions.

<b>8.2</b> Property Location:	No. 8 (Lot 34) Point Street, Fremantle
Development Description:	Seven storey mixed use development (168 Room Hotel, Shops, Offices, 45 Multiple dwellings)
Applicant:	3E Design
Owner:	SKS Land Pty Ltd
Responsible Authority:	City of Fremantle
DAP File No:	DAP/19/1697

## REPORT RECOMMENDATION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Peter Keleman

### Officer Recommendation:

That the Metro South-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/1697 and accompanying plans Project 002 Drawing Nos 00-23, and CAPA Landscaping Plans 3-14, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

### Conditions

1. This approval relates only to the development as indicated on the approved plans, dated 3 February 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This development approval does not relate to any works within the road reserve other than awnings for weather protection and signage.
3. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
4. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.





5. Prior to the issue of a Building Permit, the awnings within the road reserve to be amended to be designed around the existing and proposed trees to the satisfaction of the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
7. Prior to the issue of a Building Permit for the development hereby approved, 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.
8. Prior to the issue of a Building Permit for the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm 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 **\$45 million** the contribution to be made is \$450,000.
9. Prior to the issue of a Building Permit for the development hereby approved, thirteen (13) Class 1, and eleven (11) Class 3 (As defined in LPS4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development, the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
10. Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle as follows:
  - 1 male and 1 female (or 2 unisex) showers for the Hotel, and
  - 1 male and 1 female (or 2 unisex) showers for the other non-residential units,OR
  - 2 male and 2 female (or 4 unisex) showers for use of all non-residential units within the entire development.Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
11. Prior to the issue of a Building Permit for the development hereby approved, thirteen (13), lockers shall be provided, to the satisfaction of the City of Fremantle. The facilities must thereafter be retained for the life of the development to the satisfaction of the City of Fremantle.
12. Prior to the issue of a Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water



storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.

13. Prior to the issue of a Building Permit and Demolition Permit for the development hereby approved, a Construction and 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.

14. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:

- a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
- b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
- c) Roof insulation in accordance with the requirements of the Building Codes of Australia.

15. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.

16. 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.

17. Prior to the issue of a Building Permit for the residential development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle *Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source*. Specifically, the development shall provide the following:
- a) to all external openings (windows and doors):
    - i) airtight rubber seals to provide acoustic protection; and
    - ii) sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
    - iii) standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
    - iv) standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;
  - b) to all external walls:
    - i) shall achieve a sound rating of Rw 45 dB or greater;
  - c) to all floors and ceilings:
    - i) A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
    - ii) Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or

Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.

18. Prior to the occupation of the development hereby approved, units 06-04, 03-01, 04-01, 04-02, 05-01, 05-02, and 06-01 are to demonstrate acoustic compliance that meets or exceeds the minimum standards of the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent) to the satisfaction of the City of Fremantle.
19. Prior to occupation of the development, all habitable rooms are to be fitted with ceiling fans to the satisfaction of the City of Fremantle.
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. 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.



22. 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.
23. Prior to the occupation of the development, the approved landscaping, including vegetation within the verge and Princess May Park, 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.
24. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
25. 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 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.
26. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

#### **ADVICE NOTES:**

- i. The applicant is advised that additional information in relation to the City's waste management requirements can be found here: <https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- ii. The applicant is advised that all works within the verge, including tree removal and crossovers, require a separate application 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. Removal of the street tree may require monetary compensation and/or planting of additional trees.



- iii. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site require separate approval from the City's Infrastructure Services. Works to the verge and/or streets are to be carried out at the applicant's expense and to the satisfaction of the City of Fremantle. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape, or the City's Traffic Engineers via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- iv. In regards to the amended awnings and the offsite landscaping, the verge and Princess May landscaping plan submitted to the City's Parks and Landscape is to:
- be of a scale not less than 1:200 illustrating all landscaped areas including the verge
  - show existing vegetation, trees, street furniture and other relevant site features
  - show proposed removal of existing trees or street furniture
  - show/indicate proposed awnings/roof structures adjacent to existing street trees:
    - design awning around the tree canopy;
    - design awnings to allow for the awning construction space (required scaffolding, gantry etc) without the need to remove or prune the tree
    - design the awnings for the trees' future growth
    - show proposed modifications to awnings/roof structures to accommodate new street trees
  - position new fire services associated with the proposed building/s so existing and proposed street trees do not obstruct access as per DFES requirements  
Refer to:  
[https://www.dfes.wa.gov.au/regulationandcompliance/buildingplanassessment/Guidelines/GL-11\\_DFES\\_site\\_planning\\_and\\_fire\\_appliance\\_specifications.pdf](https://www.dfes.wa.gov.au/regulationandcompliance/buildingplanassessment/Guidelines/GL-11_DFES_site_planning_and_fire_appliance_specifications.pdf)
  - position new services associated with the proposed building/s so they are outside the structural root zone of existing street trees as per AS4197.
  - show extent, location, sizes, species and planting detail drawings of proposed vegetation and trees
  - show extent, location, materials and specifications for proposed hard landscaping, pavements and levels
  - show areas to be irrigated including the water source (scheme or bore); need to be in line with COF Irrigation Specifications
  - show Tree Protection Zones (TPZ, refer to Construction Management Plan Section) around existing verge trees for protection during construction.
- v. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Adelaide Street, Cantonment Street or Point Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- vi. With regards to the bike racks, bicycle parking facilities are to be provided in accordance with the following standards:
- Class 1 – High security level – Fully enclosed individual locker;
  - Class 2 – Medium security level – Lockable compound fitted with class 3 facilities with communal access using duplicated keys;



- Class 3 – Low security level – Rails or racks to which both the bicycle frame and wheels can be locked.

For more information refer to 'Austroads Cycling Aspects to Austroads Guides'

- vii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.  
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>  
The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- viii. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in the condition that is located in a position clearly visible to the general public on the site of the development. Should artwork be incorporated in the development a public art strategy for the site must be submitted to and approved prior to the issue of a Building Permit, to the satisfaction of the City of Fremantle. Please contact the City's Public Arts Coordinator on 9432 9999 for further information on this process. Prior to occupation of the development, the approved artwork must be installed and thereafter maintained to the satisfaction of the City of Fremantle. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- ix. For further conformation relating to the process and staging to ensure compliance with this planning condition please, refer to for the 'Developers handbook' for percentage for public arts process - <https://www.fremantle.wa.gov.au/sites/default/files/City%20of%20Fremantle%20Percent%20for%20Art%20Guidelines%20Sep%202015.pdf>
- x. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- xi. In regards to the bike rack and locker provisions, should construction be staged, the Hotel will require 10 class 1 bike racks, 10 class 3 bike racks, and 10 lockers, based on the public bar and lounge areas of the hotel.

## AMENDING MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Rachel Pemberton

That a new Advice Note xii be added to read as follows:

*The applicant is advised that any costs associated with the preparation of any Public Art Strategy for previously approved development applications on the subject site cannot be claimed against the public art contribution as conditioned above unless these works are also fulfilled as part of this proposal.*



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

**REASON:** Given previous development applications have been conditionally approved for the subject site including a requirement to provide a public art contribution, the applicant is advised that any costs associated with the preparation of any previous Public Art Strategy cannot be claimed against the public art contribution of this approval unless those works are also fulfilled as part of this proposal.

**REPORT RECOMMENDATION (AS AMENDED)**

**Officer Recommendation:**

That the Metro South-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/1697 and accompanying plans Project 002 Drawing Nos 00-23, and CAPA Landscaping Plans 3-14, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

**Conditions**

1. This approval relates only to the development as indicated on the approved plans, dated 3 February 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. This development approval does not relate to any works within the road reserve other than awnings for weather protection and signage.
3. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
4. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
5. Prior to the issue of a Building Permit, the awnings within the road reserve to be amended to be designed around the existing and proposed trees to the satisfaction of the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
7. Prior to the issue of a Building Permit for the development hereby approved, 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.



8. Prior to the issue of a Building Permit for the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm 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 \$45 million the contribution to be made is \$450,000.
  
9. Prior to the issue of a Building Permit for the development hereby approved, thirteen (13) Class 1, and eleven (11) Class 3 (As defined in LPS4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development, the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
  
10. Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle as follows:
  - 1 male and 1 female (or 2 unisex) showers for the Hotel, and
  - 1 male and 1 female (or 2 unisex) showers for the other non-residential units,OR
  - 2 male and 2 female (or 4 unisex) showers for use of all non-residential units within the entire development.Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
  
11. Prior to the issue of a Building Permit for the development hereby approved, thirteen (13), lockers shall be provided, to the satisfaction of the City of Fremantle. The facilities must thereafter be retained for the life of the development to the satisfaction of the City of Fremantle.
  
12. Prior to the issue of a Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.
  
13. Prior to the issue of a Building Permit and Demolition Permit for the development hereby approved, a Construction and 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.

14. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
  - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
  - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
  
15. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
  
16. 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.
  
17. Prior to the issue of a Building Permit for the residential development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle *Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source*. Specifically, the development shall provide the following:
  - a) to all external openings (windows and doors):
    - i) airtight rubber seals to provide acoustic protection; and



- ii) sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
  - iii) standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
  - iv) standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;
- b) to all external walls:
- i) shall achieve a sound rating of  $R_w$  45 dB or greater;
- c) to all floors and ceilings:
- i) A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
  - ii) Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or

Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.

18. Prior to the occupation of the development hereby approved, units 06-04, 03-01, 04-01, 04-02, 05-01, 05-02, and 06-01 are to demonstrate acoustic compliance that meets or exceeds the minimum standards of the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent) to the satisfaction of the City of Fremantle.
19. Prior to occupation of the development, all habitable rooms are to be fitted with ceiling fans to the satisfaction of the City of Fremantle.
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. 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.
22. 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.
23. Prior to the occupation of the development, the approved landscaping, including vegetation within the verge and Princess May Park, 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.
24. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every



residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.

25. 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 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.
26. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

#### **ADVICE NOTES:**

- i. The applicant is advised that additional information in relation to the City's waste management requirements can be found here:  
<https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- ii. The applicant is advised that all works within the verge, including tree removal and crossovers, require a separate application 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. Removal of the street tree may require monetary compensation and/or planting of additional trees.
- iii. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site require separate approval from the City's Infrastructure Services. Works to the verge and/or streets are to be carried out at the applicant's expense and to the satisfaction of the City of Fremantle. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape, or the City's Traffic Engineers via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- iv. In regards to the amended awnings and the offsite landscaping, the verge and Princess May landscaping plan submitted to the City's Parks and Landscape is to:
  - be of a scale not less than 1:200 illustrating all landscaped areas including the verge
  - show existing vegetation, trees, street furniture and other relevant site features
  - show proposed removal of existing trees or street furniture



- show/indicate proposed awnings/roof structures adjacent to existing street trees:
  - design awning around the tree canopy;
  - design awnings to allow for the awning construction space (required scaffolding, gantry etc) without the need to remove or prune the tree
  - design the awnings for the trees' future growth
  - show proposed modifications to awnings/roof structures to accommodate new street trees
  - position new fire services associated with the proposed building/s so existing and proposed street trees do not obstruct access as per DFES requirements Refer to:  
[https://www.dfes.wa.gov.au/regulationandcompliance/buildingplanassessment/Guidelines/GL-11\\_DFES\\_site\\_planning\\_and\\_fire\\_appliance\\_specifications.pdf](https://www.dfes.wa.gov.au/regulationandcompliance/buildingplanassessment/Guidelines/GL-11_DFES_site_planning_and_fire_appliance_specifications.pdf)
  - position new services associated with the proposed building/s so they are outside the structural root zone of existing street trees as per AS4197.
  - show extent, location, sizes, species and planting detail drawings of proposed vegetation and trees
  - show extent, location, materials and specifications for proposed hard landscaping, pavements and levels
  - show areas to be irrigated including the water source (scheme or bore); need to be in line with COF Irrigation Specifications
  - show Tree Protection Zones (TPZ, refer to Construction Management Plan Section) around existing verge trees for protection during construction.
- v. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Adelaide Street, Cantonment Street or Point Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- vi. With regards to the bike racks, bicycle parking facilities are to be provided in accordance with the following standards:
- Class 1 – High security level – Fully enclosed individual locker;
  - Class 2 – Medium security level – Lockable compound fitted with class 3 facilities with communal access using duplicated keys;
  - Class 3 – Low security level – Rails or racks to which both the bicycle frame and wheels can be locked.
- For more information refer to 'Austroads Cycling Aspects to Austroads Guides'
- vii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.  
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:  
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>  
The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.



- viii. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in the condition that is located in a position clearly visible to the general public on the site of the development. Should artwork be incorporated in the development a public art strategy for the site must be submitted to and approved prior to the issue of a Building Permit, to the satisfaction of the City of Fremantle. Please contact the City's Public Arts Coordinator on 9432 9999 for further information on this process. Prior to occupation of the development, the approved artwork must be installed and thereafter maintained to the satisfaction of the City of Fremantle. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- ix. For further conformation relating to the process and staging to ensure compliance with this planning condition please, refer to for the 'Developers handbook' for percentage for public arts process - <https://www.fremantle.wa.gov.au/sites/default/files/City%20of%20Fremantle%20Percent%20for%20Art%20Guidelines%20Sep%202015.pdf>
- x. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- xi. In regards to the bike rack and locker provisions, should construction be staged, the Hotel will require 10 class 1 bike racks, 10 class 3 bike racks, and 10 lockers, based on the public bar and lounge areas of the hotel.
- xii. The applicant is advised that any costs associated with the preparation of any Public Art Strategy for previously approved development applications on the subject site cannot be claimed against the public art contribution as conditioned above unless these works are also fulfilled as part of this proposal.

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

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motion.

**9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil

**10. Appeals to the State Administrative Tribunal**

Nil



## 11. General Business / Meeting Close

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the A/Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the A/Presiding Member declared the meeting closed at 12.08pm.