



Metro Inner-South Joint Development Assessment Panel Agenda

Meeting Date and Time: Tuesday, 12 December 2023; 9:30am
Meeting Number: MISJDAP/167
Meeting Venue: City of Fremantle
151 High Street, Fremantle

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Attendance

DAP Members

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

Officers in attendance

Chloe Johnston (City of Fremantle)
Jonathan Dornan (City of Fremantle)

Minute Secretary

Kayla Goodchild (City of Fremantle)

Applicants and Submitters

Josh Watson (Planning Solutions)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

2. Apologies

Peter Lee (Third Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.



6. Disclosure of Interests

Member	Item	Nature of Interest
Cr Andrew Sullivan	10.1	Impartiality Interest – As an elected member on the Fremantle Council Cr Sullivan participated in Council meetings and discussions in relation to the original application, the subject of the SAT appeal. As a JDAP member, he is not bound by any previous decision or resolution of the Council and undertakes to exercise independent judgment in relation to this matter and will consider the application on its planning merits
Cr Benjamin Lawver	10.1	As an elected member on the Fremantle Council Cr Sullivan participated in Council meetings and discussions in relation to the original application, the subject of the SAT appeal. As a JDAP member, he is not bound by any previous decision or resolution of the Council and undertakes to exercise independent judgment in relation to this matter and will consider the application on its planning merits

7. Deputations and Presentations

- 7.1 Josh Watson (Planning Solutions) presenting in support of the recommendation for the application at Item 10.1. The presentation will address support for the officer's recommendation of conditional approval.

The City of Fremantle may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lot 363 & 364 (87-93) Queen Victoria Street, Fremantle

Development Description:	Service Station Redevelopment
Summary of Modifications:	Operational Management Plan submitted in support of the deletion of condition 16
Applicant:	Bass Management Pty Ltd
Owner:	Bass Management Pty Ltd
Responsible Authority:	City of Fremantle
DAP File No:	DAP/23/02455 (DR119/2023)



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01521 DR15/2023	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Use Not Listed: Third Party Signage	31/01/2023
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023

11. General Business

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



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Josh Watson
Company (if applicable)	Planning Solutions
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Inner South JDAP
Meeting Date	12 December 2023
DAP Application Number	DAP/23/02455
Property Location	No.87 -93 (Lot 363 & 364) Queen Victoria Street, Fremantle
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ☒
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☒ AGAINST ☐
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☒ AGAINST ☐
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Support for the officer's recommendation of conditional approval.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Refer to supporting presentation summary

Presentation Summary

To:	Metro Inner-South Joint Development Assessment Panel	From:	Josh Watson
Attention:	Mr Clayton Higham (Presiding Member)	Job No:	8369
Copy to:	DAP Secretariat	Date:	8 December 2023
Subject:	DAP Meeting Number: MISJDAP/167 Item 10.1 – Proposed service station redevelopment Lot 363 & 364 (87-93) Queen Victoria Street, Fremantle		

Planning Solutions acts on behalf of BP Australia Pty Ltd, in support of the proposed service station redevelopment at Lot 363 & 364 (87-93) Queen Victoria Street, Fremantle (**subject site**). We are pleased to receive the officer recommendation for **approval** for the modified wording of Condition 16.

We wish to express our support for the officer recommendation. We thank the City's officers for their collaboration throughout the assessment of the application.

BACKGROUND

We refer to the 14 June 2023 Metro Inner-South Joint Development Assessment Panel (JDAP) meeting where the approved development was considered and approved.

Following the imposition of Condition 16 relating to restriction in the sale of convenience good during nighttime hours, the applicant lodged an appeal at the State Administrative Tribunal (SAT). Mediation was subsequently held on 30 October 2023 with the Respondent invited to reconsider the decision.

To inform the reconsideration of Condition 16, we have prepared the draft Operation Management Plan (Draft OMP) to address the previous concerns surrounding the amenity of the locality and operational considerations.

OPERATIONAL MANAGEMENT PLAN

A Draft OMP has been prepared to demonstrate the measures proposed to be applied to the site to address amenity, safety, security and operational considerations associated with the proposed upgrades to the service station.

The Draft OMP addresses the following considerations:

- Emergency contact details.
- Responding to antisocial behaviour.
- Complaints register and procedures.
- Noise compliance and procedures to minimise external noise.
- Lighting compliance requirements with AS4882-1997.
- Deliveries / waste pick up times and procedures.
- Operational hours of the car wash.
- Closure of Quarry Road access between 10pm and 6am daily.

We understand the imposition of Condition 16 was driven by the concern on the impact of the approved development on the amenity of the area. We understand there were concerns the approved development is considered an intensification of the current use despite the retail offering being much the same. The approved development is simply a redevelopment, that brings the existing service station up to modern standards.

Key to the redevelopment, is the sites reconfiguration to be more intuitive and perceptive of nearby residential uses. Specifically, car parking on the eastern lot boundary has been removed and replaced with the retail building providing a buffer between the operations of the site and the nearby residential uses.

The retail sale of convenience goods is largely the same when you compare the existing store with the approved store. The approved store simply allows for greater space for shelving, fridges and prepared food. The new retail building will allow the coffee to be prepared by the store attendant, rather than from a machine.

Whilst the approved development does introduce seating it is not expected this will attract more customers or extend visit times. Service stations are colloquially referred to as 'rest-stops' and the approved development simply better facilitates this. This is a common feature in all new and refurbished service station sites owned and operated by BP across Australia.

Notwithstanding the above, the Draft OMP will ensure the amenity of the area is protected whilst allowing the approved development to continue trading without restriction during the nighttime period. Notably, the closure of the Quarry Road access during the nighttime period (10.00pm-6.00am) will ensure vehicular traffic is directed away from nearby residential properties, addressing any potential amenity impacts. Similarly, procedures regarding antisocial behaviour and noise (that are already in place) are formalised as part of the OMP.

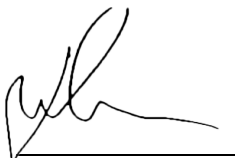
SUMMARY

In summary, the proposed development and amended Condition 16 is supported by the City's officers, is consistent with the relevant planning framework, has been designed to improve the services provided on site.

We respectfully request the application for development approval be considered on its merits and the Metro Inner-South JDAP approve the recommendation provided in the RAR.

Thank you for your time and consideration. I would be pleased to answer any questions from the JDAP members at the meeting on 12 December 2023.

Yours sincerely,



JOSH WATSON
SENIOR ASSOCIATE



LOT NO. 363 & 364 (STREET NO. 87-93) QUEEN VICTORIA STREET FREMANTLE - SERVICE STATION REDEVELOPMENT

State Administrative Tribunal Reconsideration – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Inner South	
Local Government Area:	City of Fremantle	
Summary of Modifications:	Operational Management Plan submitted in support of the deletion of condition 16	
Applicant:	Bass Management Pty Ltd	
Owner:	Bass Management Pty Ltd	
Value of Development:	\$2 million ☐ Mandatory (Regulation 5) ☒ Opt In (Regulation 6)	
Responsible Authority:	City of Fremantle	
Authorising Officer:	Manager Development Approvals	
LG Reference:	DAP003/23	
DAP File No:	DAP/23/02455	
SAT File No (DR reference):	DR 119/2023	
Date of Decision under Review:	14 June 2023	
Application for Review Lodgement Date:	12 July 2023	
Attachment(s):	1. SAT Orders DR 119/2023 2. Draft Operational Management Plan 3. Determination Letter and Notice 4. DAP Meeting Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes	Complete Responsible Authority Recommendation section
	☒ N/A	
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Inner South Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 119 of 2023, resolves to:

Reconsider its decision dated 14 June 2023 and **VARY** its decision for DAP Application reference DAP/23/02455 and accompanying plans 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:

Amended Conditions:

- A. Condition 16 of planning approval dated 14 June 2023 be deleted and replaced with the following condition:

16. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, an Operational Management Plan addressing the following:

- Emergency Contact Details
- Responding to Antisocial Behaviour
- Complaints Register
- Noise
- Lighting
- Deliveries / Waste Pick up
- Operational Hours of the Car Wash
- Closure of Quarry Road Access between 10pm and 6am

The Operational Management Plan must be implemented at all times to the satisfaction of the City of Fremantle for the life of the development.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme (MRS)
Region Scheme Zone/Reserve	Central City Zone
Local Planning Scheme	Local Planning Scheme 4 (LPS4)
Local Planning Scheme Zone	Mixed Use Zone
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (existing) and permissibility:	Service Station – A
Lot Size:	2435m ²
Existing Land Use:	Service Station
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Proposed Land Use	Service Station (continuation of existing land use)
Proposed Net Lettable Area	250m ²
Proposed No. Storeys	Single Storey
Proposed No. Dwellings	N/A

On 8 March 2023 a Development Assessment Panel (DAP) application was received seeking approval for the redevelopment of an existing service station located at 87-93 Queen Victoria Street, Fremantle. The development included the demolition and reconstruction of the existing service station building and included the addition of an internal 'Wild Bean' café. The redeveloped service station was proposed to operate 24 hours a day, seven (7) days a week which is consistent with the operating hours of the existing service station.

At the 14 June 2023 an additional condition was added to the approval limiting the sale of non-petroleum products to the hours of 6am to 10pm.

On 12 July 2023 an application to review the decision of the JDAP was lodged with the State Administrative Tribunal (SAT) seeking the removal of condition 16. The matter was referred for mediation which occurred on 30 October 2023. A draft Operational Management Plan (OMP), included as attachment 2, has been submitted by the applicant in support of the deletion of Condition 16. The OMP has sought to address how the service station will be operated to ensure a high standard of safety, security and amenity for customers, employees, adjoining properties, local residents and the wider community.

As a result, the City recommends the following:

- Delete condition 16.
- Include a new condition 16 to require the lodgement and implementation of an Operational Management Plan to address the concerns from JDAP as were intended to be dealt with via the previous condition.

These details are discussed in the below report.

Background:

History of Application

The application was approved at the 14 June 2023 DAP meeting. At the meeting, an amending motion was put forward that an additional condition 16 be added. This motion was carried unanimously, the condition stated as follows:

16. Anything other than the retail sale of petroleum products is restricted to the hours between 6.00am and 10.00pm each day.

The reason for this condition is as follows:

"The increased sales area of the convenience store coupled with the addition of take away meals and beverages to be sold through the 'Wild Bean Cafe' section of the convenience store is likely to generate additional unique visitations to the site over and above that already in existence as part of fuel sales. The increase in visitations solely associated with the sale of goods of a convenience nature, and especially the sale of take away food, drinks and meals, is likely to result in more visitations to the site. The increase in night-time activity would have a detrimental impact on existing adjoining residents in Quarry Street and the intended use of the precinct as a predominantly high-density residential area. While the sale of goods of a convenience nature can be expected to occur outside of normal retail hours to some

degree, it is considered inappropriate for this expanded component to operate 24 hours a day, seven days per week. In an area zoned for predominantly residential use, the reasonable operating times for the sale of goods of a convenience nature and for take away foods is considered to be from 6.00am to 10.00am.”

Application to the State Administrative Tribunal

On 12 July 2023 an application to review the decision of the JDAP was lodged with the State Administrative Tribunal. The application sought the variation of condition 2 (term of substantial commencement) and the deletion of condition 16. The matter was referred for mediation which occurred on 30 October 2023. The applicant has not provided any additional information in relation to condition 2 and it is therefore recommended to remain.

The SAT has made orders inviting the decision-maker, under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act) to reconsider its decision. The decision-maker may:

- affirm the previous decision,
- vary the decision, or
- set aside the decision and substitute a new decision.

In response, the applicant provided further information on 10 November 2023 in the form of a draft OMP. This further information forms the basis of this reconsideration.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- Metropolitan Region Scheme
- City of Fremantle Local Planning Scheme No. 4

State Government Policies

- State Planning Policy 7.0 – Design of the Built Environment

Local Policies

- Local Planning Policy 1.10 – Construction Sites
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.14 – Advertisement Policy
- Local Planning Policy 3.1.3 – Precinct 3

The development assessment was undertaken in accordance with the abovementioned legislation and policies.

Consultation:

Public Consultation

The DAP application involved the redevelopment of an existing service station. The proposed development did not include a change of use and did not seek significant discretions to any applicable planning controls. As such, advertising in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* was not required.

Planning Assessment:

At the 14 June 2023 JDAP meeting an amending motion was put forward that an additional condition 16 be added (refer below) which was carried unanimously.

16. Anything other than the retail sale of petroleum products is restricted to the hours between 6.00am and 10.00pm each day.

This condition can be summarised as being due to concerns regarding increased visitation to the site as well as an increase in nighttime activity having a detrimental impact on adjoining residents in Quarry Street and the surrounding area. Following mediation, a draft OMP was submitted by the applicant in support of the deletion of condition 16 and replacement with an alternate condition.

It is considered that the draft OMP suitably addresses the concerns which were raised at the 14 June 2023 DAP meeting for the following reasons:

- A complaints register will be implemented and maintained seeking to resolve potential complaints.
- Employees of the service station will be instructed to report suspicious behaviour to the duty manager and/police.
- Noise from speakers on the site will be limited to communication emergency situations to the public only. Any other noise emissions on the site will comply with the *Environmental Protection (Noise) Regulations 1997*.
- External lighting will comply with *AS 4882-1997 Control of the Obtrusive Effects Outdoor Lighting*.
- Access via Quarry Street will be restricted between the hours of 10pm and 6am which will effectively reduce any impact from vehicles entering and exiting the site during the late night/early morning hours.
- Fuel deliveries to the site will occur only when access to Quarry Street is unrestricted. Waste collection is limited to between 7am and 7pm Monday to Saturday.

These measures are considered to assist in reducing the potential for disruption to nearby residential properties. Further, they are reasonable and manageable measures for the applicant to implement as part of their business operations.

Conclusion:

The new condition 16 will require that a final OMP be submitted prior to the lodgement of a building permit application for the approved development. It is considered that this will provide a suitable mechanism to ensure that the service

station operates in a manner that will minimise any potential detrimental impact to the amenity of the surrounding area in perpetuity. City Officers are satisfied that the content of the draft OMP is satisfactory and will assist ensuring a reasonable level of residential amenity is maintained.

Jurisdiction:	<i>Planning and Development (Development Assessment Panels) Regulations 2011</i>
Application:	Review of a decision of a Development Assessment Panel
Parties:	BASS MANAGEMENT PTY LTD (Applicant) PRESIDING MEMBER OF THE METRO INNER-SOUTH JOINT DEVELOPMENT ASSESSMENT PANEL (Respondent)
Matter Number:	DR 119/2023
Application Lodged:	12 July 2023
Date of Decision:	30 October 2023
Decision of:	Member Charmian Barton

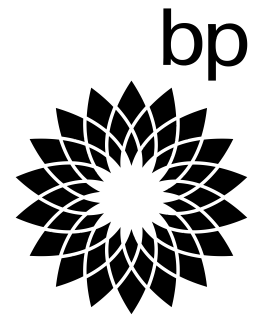
The Tribunal orders:

1. The respondent's name in this application is amended to Presiding Member of the Metro Inner-South Joint Development Assessment Panel.
2. By 10 November 2023 the applicant is to file with the Tribunal and give to the respondent any further information in support of its application.
3. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 22 December 2023.
4. The matter is adjourned to a directions hearing to commence at 11:00 AM on 2 February 2024 at 565 Hay Street, Perth, Western Australia.



BP Westgate

Lot 363 & 364 (87 – 93) Queen
Victoria Street, Fremantle



Operational Management Plan

DRAFT

Amendment Record

Issue	Prepared	Revision Description	Date
1	BP in consultation with Planning Solutions	Operational Management Plan	010/11/2023

Revision Descriptions shall be in accordance with LPR-R-4.3-0000-01.

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DRAFT

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In the event of a conflict between this document and a relevant law or regulation, the relevant law or regulation shall be followed. If this document creates a higher obligation, it shall be followed as long as this also achieves full compliance with the law or regulation.

Executive Summary

This Operational Management Plan (**OMP**) has been submitted to the City of Fremantle (**City**) as part of an application for the redevelopment of the BP Service Station on Lot 363 & 364 (87 – 93) Queen Victoria Street, Fremantle.

The OMP addresses the following operational matters and topics:

- Emergency Contact Details
- Responding to Antisocial Behaviour
- Complaints Register
- Noise
- Lighting
- Deliveries / Waste Pick up
- Operational Hours of the Car Wash
- Closure of Quarry Road Access

1. Purpose

The purpose of this Operational Management Plan (**OMP**) is to appropriately implement and manage the day-to-day operations of the BP Service Station, in order to ensure a high standard of safety, security and amenity for customers, employees, adjoining properties, local residents and the wider community.

The procedures contained within this OMP are to be carried out and/or monitored by employees, of BP Australia Pty Ltd (**BP**). BP are responsible for communicating and training employees with the procedures and information contained within this OMP.

2. Emergency Contact Details

In the event of a life-threatening emergency, call triple zero (000) and ask for Police, Ambulance or Fire Brigade as required.

If emergency services are required, but it is not an emergent situation, call 131 444. If unsure, call triple zero (000).

Once emergency services have been contacted and it is safe to do so, please contact BP incident response on 1800 182 727.

3. Complaints Register

All complaints received are to be recorded in the Complaints Register by the Duty Manager / staff member and are to include the following details:

- Name and contact details of person making complaint.
- Date of complaint occurrence and description of complaint.
- Outcome of the complaint, including monitoring of any follow up actions.

All complaints received will be followed up by Duty Manager to ensure complaints are resolved in the most appropriate manner.

BP services all enquiries (including complaints) online or via telephone. Provided below are the relevant details:

- 1300 1300 27 (Monday to Friday 9am - 5pm AEST)
- [Contact Us Form \(salesforce-sites.com\)](https://salesforce-sites.com)

Following receipt of a complaint, BP will always strive to work with complainants to achieve an equitable outcome and maintain relationships.

4. Antisocial Behaviour

BP employees are to ensure acceptable standards of safety, security and amenity are maintained.

Employees are instructed to report any suspicious activity or persons around the premises to the Duty Manager and/or Police services.

In the event of an emergency or serious incident refer to Section 2 of the OMP.

Employees are required to verbally communicate emergency situations to customers at the premises, as required to ensure their safety and well-being. The public announcement speakers located in the canopies can be utilised to communicate emergency warnings only and no music or other communication is to be played through them.

5. Noise

The public announcement speakers (located in the canopies) are to be used for communicating emergency warnings and for patron management only. No music, broadcast radio, advertisements or other communication is to be played through them.

BP are responsible for ensuring the noise emitted by the service station operates within the relevant acoustic requirements. Noise complaints will be managed as per Section 3..

Noise on site to comply with the Environmental Protection (Noise) Regulations 1997.

6. Lighting

All external lighting is to be maintained to ensure compliance with AS 4882-1997 *Control of the Obtrusive Effects Outdoor Lighting*. While all external lighting will be 'baffled' and properly sited to ensure compliance, it is the responsibility of staff and management to ensure compliance is maintained and undertake necessary maintenance where required.

7. Deliveries / Waste Pick Up

Delivery times will vary as per the operational requirements of a service station. The delivery of goods for will occur unrestricted, 24 hours a day. The loading will occur within the loading bay adjacent to the retail building.

Fuel deliveries will occur whilst access to Quarry Road is unrestricted, between 6.00am – 10.00pm.

Waste collection is to be limited to between 7.00am and 7.00pm – Monday to Saturday.

8. Operational Hours of the Car Wash

The carwash will only operate from 7.00am-7.00pm, Monday-Friday and 9.00am-5.00pm Sunday and public holidays.

9. Closure of Quarry Road Access

Access via Quarry Road is to be closed from 10.00pm-6.00am. A physical barrier will be installed at the Quarry Road crossover to ensure access is restricted during the above-mentioned hours. Staff will maintain control of the barrier should access be required in the event of an emergency.

10. Review of the Operational Management Plan

A review of the OMP will be undertaken on an annual basis to ensure it remains effective and consistent with relevant regulatory requirements. Any future updated version of the OMP will be submitted to the City of Fremantle for their records.

DRAFT



LG Ref: DAP003/23
DAP Ref: DAP/23/02455

Enquiries: (08) 6551 9919

Mr Nic Watson
Planning Solutions
GPO Box 2709 Cloisters Square 6850

Dear Mr Watson

**METRO INNER-SOUTH JDAP - CITY OF FREMANTLE - DAP APPLICATION -
DAP003/23 - DETERMINATION**

Property Location:	No.87 - 93 (Lot 363 & 364) Queen Victoria Street, Fremantle
Application Details:	Service Station Redevelopment

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Fremantle on 14 March 2023 for the above-mentioned development.

This application was considered by the Metro Inner-South JDAP at its meeting held on 14 June 2023, where in accordance with the provisions of the City of Fremantle Local Planning No.4, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Mr Jonathan Dornan on behalf of the City of Fremantle on 08 9432 9987.

Yours sincerely,

DAP Secretariat

21 June 2023

Encl. DAP Determination Notice
Approved Plans

Cc: Mr Jonathan Dornan
City of Fremantle



Planning and Development Act 2005

City of Fremantle Local Planning No.4

Metro Inner-South Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: No.87 - 93 (Lot 363 & 364) Queen Victoria Street, Fremantle
Application Details: Service Station Redevelopment

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 14 June 2023, subject to the following:

1. **Accept** that the DAP Application reference DAP/23/02455 is appropriate for consideration as a "Service Station" 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/23/02455 and accompanying plans (attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of 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 lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.
4. Prior to the lodgement of a Building Permit application 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.



5. Prior to the issue of a Building Permit or Demolition Permit a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
- 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.

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.

6. Prior to the lodgement of a Building Permit application 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.
7. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428.
8. Prior to the lodgement of a Building Permit application for 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 must be implemented at all times to the satisfaction of the City of Fremantle.



9. Prior to the lodgement of a Building Permit application 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 to the satisfaction of the City of Fremantle:
 - 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.
10. Prior to the lodgement of a Building Permit application for the development hereby approved, any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings.
11. 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.
12. 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.
13. Prior to the occupation of the development hereby approved, No. 87-93 (Lot 363) and No. 93 (Lot 364) are to be legally amalgamated into one lot on the Certificate of Title. Alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City’s solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
14. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
15. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.
16. Anything other than the retail sale of petroleum products is restricted to the hours between 6.00am and 10.00pm each day.



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. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
3. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
4. 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.
5. 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.

6. 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 Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* 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 Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce. <https://www.commerce.wa.gov.au/worksafe/>.

7. 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.



8. 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.

OR

The proponent is required to submit an acoustic report, from an appropriately qualified and competent acoustic consultant, that demonstrates how environmental noise from the proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All recommendations of the Report, required to comply with the aforementioned Regulations, must be incorporated into the approved plans and/or operational management controls for the development.

9. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

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

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.

10. Levels as per existing footpath and/or ROW

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

11. The applicant is advised that where contamination is detected within the site, the site is required to be remediated in accordance with the requirements of the Department of Water and Environmental Regulation for the remediation of contaminated sites.

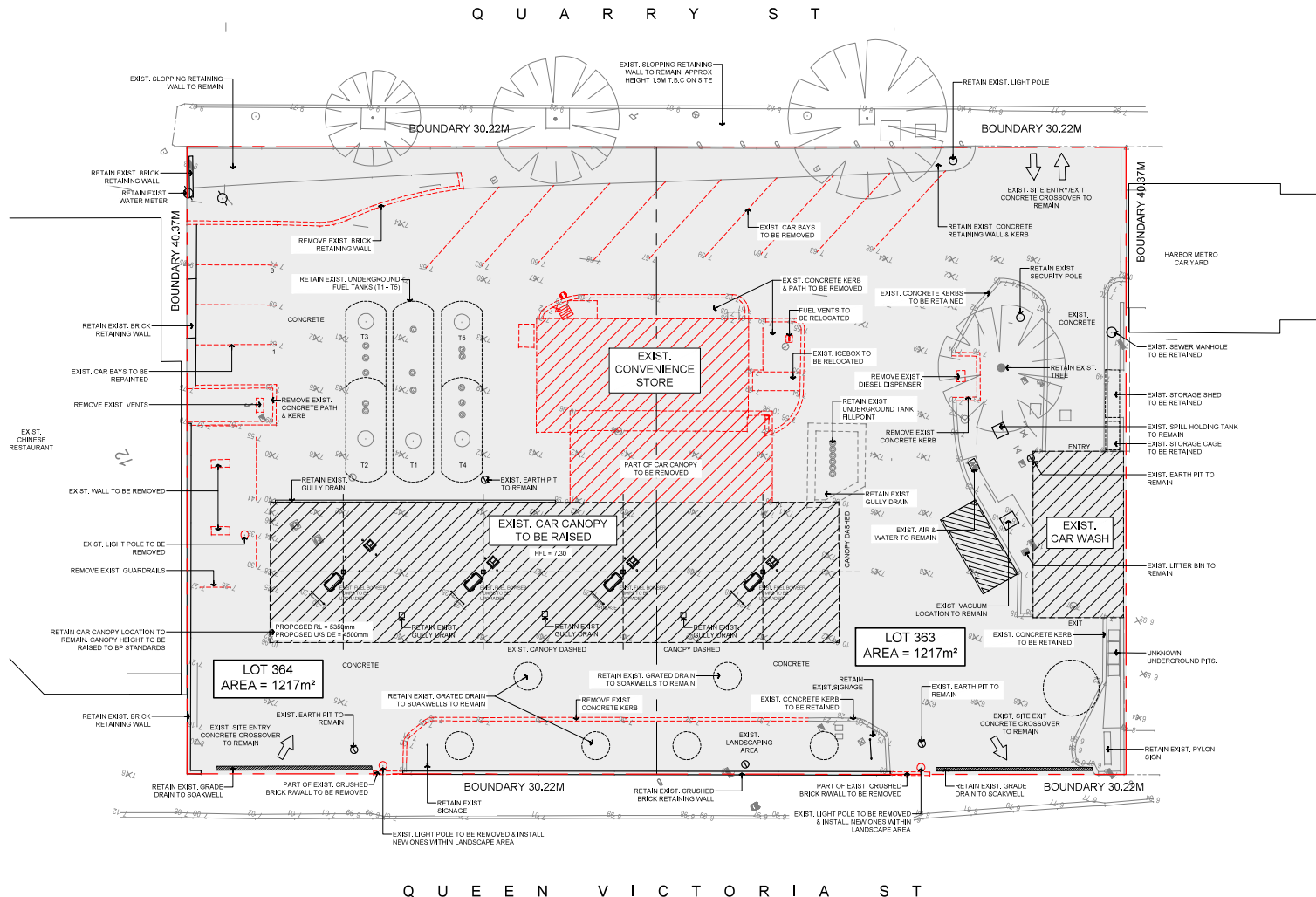
Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

LEGEND:

— EXISTING BUILDING, PART OF CAR CANOPY, CONCRETE
— PATH, KERBS ETC TO BE DEMOLISHED SHOWN IN RED
DASHED.

DEVELOPMENT
ASSESSMENT PANEL

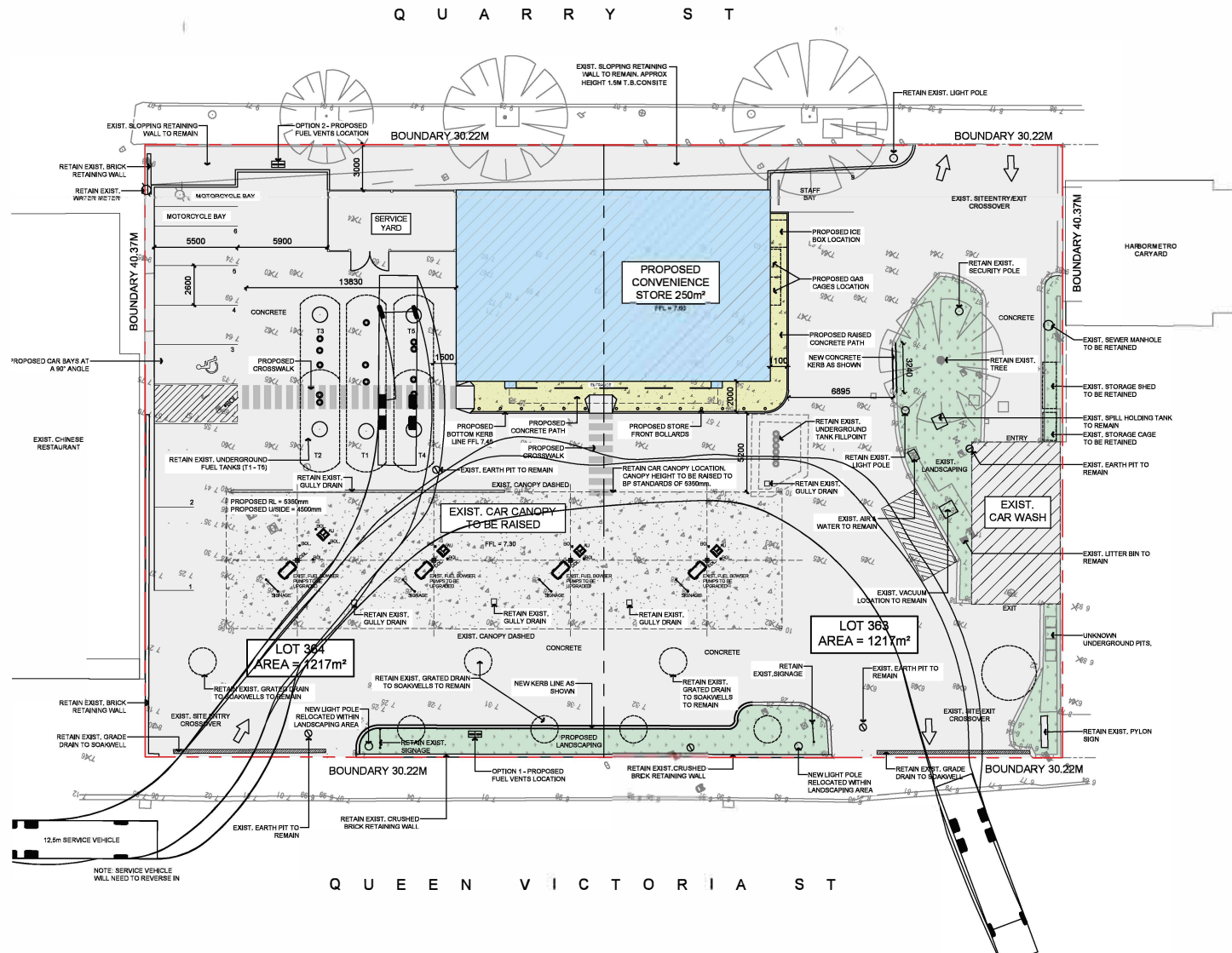
APPROVED
14-Jun-2023



PROPOSED DEMOLITION PLAN
SCALE 1:150 @A1



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87 - 93 QUEEN VICTORIA STREET, FREMANTLE		checked	AK	
		AS	IND	
Hodge Collard Preston ARCHITECTS	scale	date	27.02.2023	
		project no	140.22	DA02
10th Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 745, West Perth, WA 6872 Ph: (08) 9332 5144 Fax: (08) 9332 5740 Email: admin@hpcarch.com		dwg no	140.22	DA02
		rev		A



PROPOSED SITE PLAN
SCALE 1:150 @A1

LEGEND:

EXISTING LANDSCAPING

PROPOSED LANDSCAPING

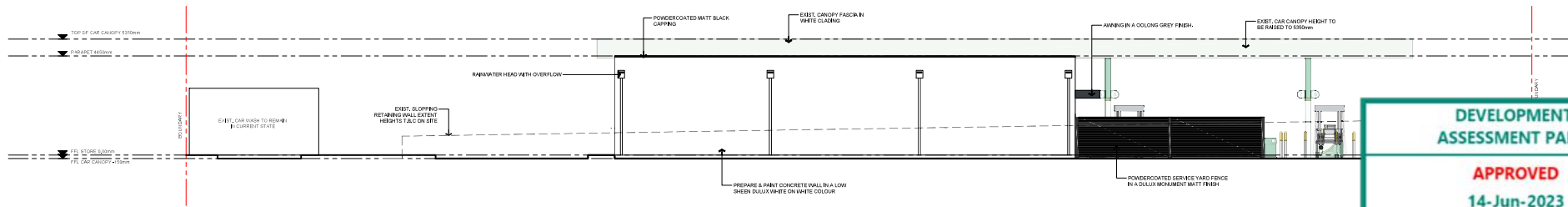
DEVELOPMENT ASSESSMENT PANEL

APPROVED
14-Jun-2023

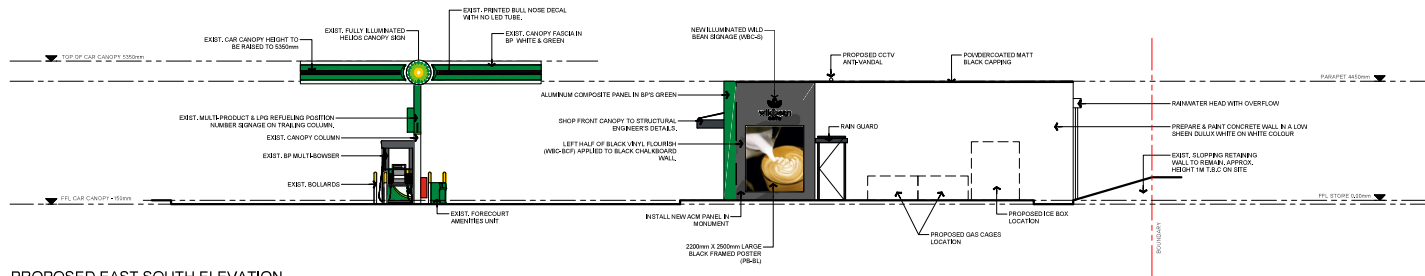
PROPOSED CONVENIENCE STORE (RETAIL FLOOR AREA)	105m²
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CARPARKING SCHEDULE	
CAR BAYS PROVIDED	8
DISABLED BAY PROVIDED	1
MOTORCYCLE BAYS PROVIDED	2
STAFF BAY PROVIDED	1
TOTAL BAYS PROVIDED	12

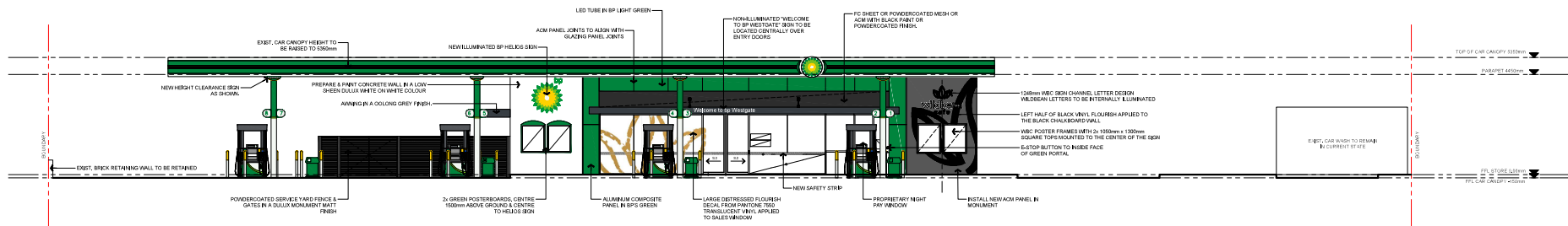
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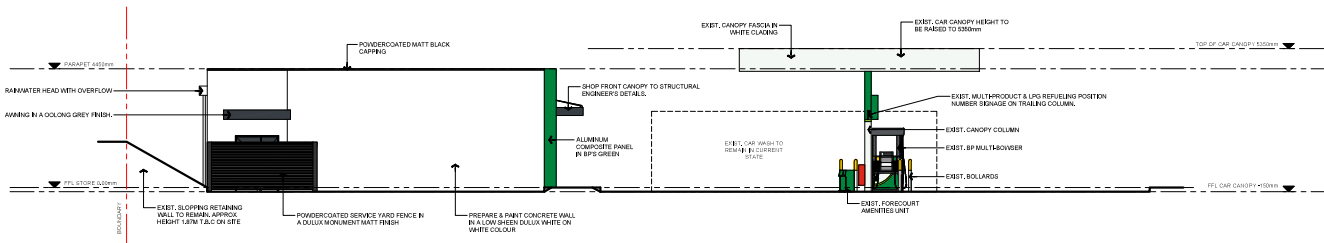
PROPOSED NORTH EAST ELEVATION
SCALE 1:100 @A1



PROPOSED EAST SOUTH ELEVATION
SCALE 1:100 @A1



PROPOSED SOUTH WEST ELEVATION
SCALE 1:100 @A1



PROPOSED WEST NORTH ELEVATION
SCALE 1:100 @A1

revision/issue	description	KD	AK	27.02.2023
1	ISSUED FOR DA	drawn	checked	date
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Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 14 June 2023; 9:30am
Meeting Number: MISJDAP/145
Meeting Venue: City of Fremantle
151 High Street, Fremantle

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Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



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 Jonathan Dornan (City of Fremantle)

Minute Secretary

Ms Kayla Goodchild (City of Fremantle)

Applicants and Submitters

Mr Josh Watson (Planning Solutions)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.46am on 14 June 2023 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.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



2. Apologies

Mr Peter Lee (Third Specialist Member)
Mr Justin Page (Third Specialist Member)
Ms Shelley Shepherd (Third Specialist Member)
Ms Diana Goldswain (Third Specialist Member)
Cr 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 9 June 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Chloe Johnston (City of Fremantle) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Bryn Jones

That the Metro Inner-South JDAP consider legal advice received from representatives of the Department of Planning, Lands and Heritage and that such discussion 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.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



REASON: The meeting was closed to the public for the panel to discuss legal advice received from the Department of Planning, Lands and Heritage.

The meeting was closed to the public at 10.24am.

The meeting was reopened to the public at 10.41am.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No.87 -93 (Lot 363 & 364) Queen Victoria Street, Fremantle

Development Description:	Service Station Redevelopment
Applicant:	Planning Solutions
Owner:	Bass Management Pty Ltd
Responsible Authority:	City of Fremantle
DAP File No:	DAP/23/02455

REPORT RECOMMENDATION

The Presiding Member declared that the Report Recommendation be separated into two (2) parts in accordance with Section 5.5.3 of the DAP Standing Orders 2017.

SEQUENTIAL MOTION 1

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

That the Metro Inner South JDAP resolves to:

- 1. Accept** that the DAP Application reference DAP/23/02455 is appropriate for consideration as a “Service Station” land use and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4.

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

For: Mr Clayton Higham
Mr John Syme
Ms Rachel Chapman

Against: Cr Andrew Sullivan
Cr Bryn Jones

REASON: The majority of the panel members considered that the proposal fitted within the Service Station land use and was capable of being considered.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



SEQUENTIAL MOTION 2

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

2. **Approve** DAP Application reference DAP/23/02455 and accompanying plans (attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of 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 lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.
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 - 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.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



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.

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 - 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.



10. Prior to the lodgement of a Building Permit application for the development hereby approved, any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings.
11. 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.
12. 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.
13. Prior to the occupation of the development hereby approved, No. 87-93 (Lot 363) and No. 93 (Lot 364) are to be legally amalgamated into one lot on the Certificate of Title. Alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
14. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
15. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

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. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
3. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.


Mr Clayton Higham
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4. 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.

5. 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.

6. 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 Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* 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 Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce. <https://www.commerce.wa.gov.au/worksafe/>.

7. 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.
8. 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.

OR


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



The proponent is required to submit an acoustic report, from an appropriately qualified and competent acoustic consultant, that demonstrates how environmental noise from the proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All recommendations of the Report, required to comply with the aforementioned Regulations, must be incorporated into the approved plans and/or operational management controls for the development.

9. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>
The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.
10. Levels as per existing footpath and/or ROW
- Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
 - Any adjustment in levels is to be achieved within the property boundaries;
 - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.
11. The applicant is advised that where contamination is detected within the site, the site is required to be remediated in accordance with the requirements of the Department of Water and Environmental Regulation for the remediation of contaminated sites.

AMENDING MOTION 1

Moved by: Cr Andrew Sullivan

Seconded by: Cr Bryn Jones

That a new Condition No.16 be added to read as follows:

The sale of fast food (the 'Wild Bean Café' component and associated back of house facilities) does not form part of this approval as it is an 'X' use for this site under LPS4.

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

For: Cr Andrew Sullivan
Cr Bryn Jones

Against: Mr Clayton Higham
Mr John Syme
Ms Rachel Chapman


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



AMENDING MOTION 2

Moved by: Cr Andrew Sullivan

Seconded by: Cr Bryn Jones

That a new Condition No.16 be added to read as follows:

Anything other than the retail sale of petroleum products is restricted to the hours between 6.00am and 10.00pm each day.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The increased sales area of the convenience store coupled with the addition of take away meals and beverages to be sold through the 'Wild Bean Cafe' section of the convenience store is likely to generate additional unique visitations to the site over and above that already in existence as part of fuel sales. The increase in visitations solely associated with the sale of goods of a convenience nature, and especially the sale of take away food, drinks and meals, is likely to result in more visitations to the site. The increase in night-time activity would have a detrimental impact on existing adjoining residents in Quarry Street and the intended use of the precinct as a predominantly high-density residential area. While the sale of goods of a convenience nature can be expected to occur outside of normal retail hours to some degree, it is considered inappropriate for this expanded component to operate 24 hours a day, seven days per week. In an area zoned for predominantly residential use, the reasonable operating times for the sale of goods of a convenience nature and for take away foods is considered to be from 6.00am to 10.00am.

SEQUENTIAL MOTION 2 (AS AMENDED)

2. **Approve** DAP Application reference DAP/23/02455 and accompanying plans (attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of 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 lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



4. Prior to the lodgement of a Building Permit application 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.
5. Prior to the issue of a Building Permit or Demolition Permit a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - n) Use of City car parking bays for construction related activities;
 - o) Protection of infrastructure and street trees within the road reserve;
 - p) Security fencing around construction sites;
 - q) Gantries;
 - r) Access to site by construction vehicles;
 - s) Contact details;
 - t) Site offices;
 - u) Noise - Construction work and deliveries;
 - v) Sand drift and dust management;
 - w) Waste management;
 - x) Dewatering management plan;
 - y) Traffic management; and
 - z) Works affecting pedestrian areas.

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.

6. Prior to the lodgement of a Building Permit application 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.
7. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



8. Prior to the lodgement of a Building Permit application for 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 must be implemented at all times to the satisfaction of the City of Fremantle.

9. Prior to the lodgement of a Building Permit application 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 to the satisfaction of the City of Fremantle:
- d) 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.
 - e) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - f) Roof insulation in accordance with the requirements of the Building Codes of Australia.
10. Prior to the lodgement of a Building Permit application for the development hereby approved, any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings.
11. 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.
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14. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
15. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.
16. Anything other than the retail sale of petroleum products is restricted to the hours between 6.00am and 10.00pm each day.

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.
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3. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
4. 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.



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Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce. <https://www.commerce.wa.gov.au/worksafe/>.

7. 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.

8. 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.

OR

The proponent is required to submit an acoustic report, from an appropriately qualified and competent acoustic consultant, that demonstrates how environmental noise from the proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All recommendations of the Report, required to comply with the aforementioned Regulations, must be incorporated into the approved plans and/or operational management controls for the development.

Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



9. 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>
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 - 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.
11. The applicant is advised that where contamination is detected within the site, the site is required to be remediated in accordance with the requirements of the Department of Water and Environmental Regulation for the remediation of contaminated sites.

Sequential Motion 2 (as amended) was put and CARRIED (4/1).

For: Mr Clayton Higham
Mr John Syme
Ms Rachel Chapman
Cr Bryn Jones

Against: Cr Andrew Sullivan

REASON: The majority of the panel members were satisfied that the proposal is primarily an upgrade to the existing service station activity currently in operation at the site and therefore can be considered to meet the requirements of the planning framework.

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

Nil


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



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/22/02244 DR121/2022	City of Fremantle	Nos. 34-38 (Lots 1823, 1209, 1212 and 1217) Amherst Street and Nos. 2-4 (Lots 1223 and 1222) Stack Street, Fremantle	56 Grouped Dwellings	30/11/2022
DAP/22/02290 DR234/2022	Town of Victoria Park	No.384 (Lot 3) Berwick Street, East Victoria Park	Proposed 13 Grouped Dwellings	23/12/2022
DAP/18/01521 DR15/2023	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Use Not Listed: Third Party Signage	31/01/2023

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.44am.


Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP