



Planning and Development Act 2005

Section 274(2)

APPROVAL OF FORM 17B SIGNIFICANT DETERMINATION

WAPC Ref: SDAU-062-23
Property Location: Lot 250 (18), Lot 114 (26) Dalgety Street, and Lot 116 (29) Fortescue Street, East Fremantle
Application Details: Proposed Partial Demolition of Existing Buildings, Residential Aged Care Facility, Medical Centre and Cafe

In accordance with Section 274(2) of the *Planning and Development Act 2005*, the above application for development approval was **APPROVED** by the Western Australian Planning Commission at its meeting held on 14 December 2023, subject to the following conditions:

Condition:

Approval Timeframe

1. This decision constitutes planning approval only and is valid until 17 August 2026. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.

Conformity with Plans

2. The development shall be undertaken in accordance with the approved plans and documents, date stamped 30 March 2023, attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage to the satisfaction of the Western Australian Planning Commission, with the following inclusion:
 - a) Refinement of the wellness centre façade and entrance to incorporate materials and finishes that reduce the extent of unobstructed glazing to provide privacy and be more compatible with the residential character of the area.
3. Prior to submission of the relevant building permit application, a copy of the final working drawings (prepared for submission of a building permit application) and all associated plans, reports and information that address the conditions of approval are to be submitted to and approved by the Western Australian Planning Commission.



4. The development is to be constructed with high quality and durable materials and finishes, and to a level of detailing that is consistent with the elevations and perspectives date-stamped 30 March 2023 to the satisfaction of the Western Australian Planning Commission (unless otherwise amended by conditions of approval).
5. Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building, to the satisfaction of the Western Australian Planning Commission.

Land Titles

6. Prior to occupation of the development, arrangements are to be made for Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street to be legally amalgamated on one Certificate of Title, or a suitable alternative, at the expense of the landowner, to the satisfaction of the Western Australian Planning Commission.
7. Prior to occupation of the development, the landowner shall register on the Certificate of Title(s) a notification pursuant to Section 70A of the Transfer of Land Act 1893. The notification is to be included on the diagram or plan of survey (deposited plan) and state:

"The lot is situated in the vicinity of a transport corridor and is currently affected or may in future be affected by transport noise."

The notification is to be registered at the applicant/landowner's expense, to the satisfaction of the Western Australian Planning Commission.

Land Use

8. Prior to occupation of the development, an Operational Management Plan shall be submitted to the satisfaction of the Western Australian Planning Commission, on the advice of the Town of East Fremantle, that includes but not limited to detailing:
 - a) the regular business hours of the wellness centre;
 - b) the regular business hours of the café;
 - c) measures to manage external patrons of the wellness centre that reduce car parking demand and minimise traffic outside of regular business hours; and
 - d) provisions to review and update the plan to address any issues arising from the review to the satisfaction of the Town and/or Western Australian Planning Commission.



The approved plan shall be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Construction

9. Prior to submission of the relevant building permit application, the applicant shall submit:

- a) a geotechnical engineering report certifying that the land is physically capable of accommodating the development; and
- b) in the event remediation works are required, a post-works geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report;

to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.

10. Prior to submission of the relevant demolition or building permit application, a Demolition and/or Construction Management Plan is to be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of East Fremantle to address the following:

- a) hours of construction;
- b) temporary fencing, hoardings, gantries, and signage;
- c) site access and egress;
- d) construction traffic management;
- e) pedestrian and cyclist management and any footpath obstructions;
- f) parking arrangements for staff and contractors;
- g) deliveries and storage of construction materials and machinery;
- h) management of vibration, dust, wind, and erosion;
- i) management of any site dewatering or stormwater discharge;
- j) management of construction noise and other site generated noise;
- k) demolition and construction waste management, recycling, and safe removal of asbestos and any hazardous materials;
- l) protection of public realm infrastructure;
- m) public communication and complaint handling procedures;
- n) an appropriate strategy for the protection of Woodside Hospital; and
- o) an appropriate strategy to monitor deformation, tilt, vibrations and existing cracks with a trigger level set at 2mm/s for the unit.

The Demolition and/or Construction Management Plan is to be adhered to at all times during demolition and construction, to the satisfaction of Western Australian Planning Commission.



11. Prior to the commencement of development, a dilapidation report prepared by a suitably qualified professional shall be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle, detailing the current condition and status of all buildings, surrounding paved areas and ancillary structures located on, but not limited to, the following properties:

- a) 16 (Lot 10) Dalgety Street
- b) 17 (Lot 1) Dalgety Street
- c) 19 (Lot 1) Dalgety Street
- d) 21 (Lot 2) Dalgety Street
- e) 23 (Lot 58) Dalgety Street
- f) 25 (Lot 59) Dalgety Street
- g) 27 (Lot 60) Dalgety Street
- h) 28 (Lot 113) Dalgety Street
- i) 17 (Lot 9) Fortescue Street
- j) Townhouse 1 to 6 – 22 Fortescue Street
- k) 24 (Lot 173) Fortescue Street
- l) 26 (Lot 172) Fortescue Street
- m) 28 (Lot 171) Fortescue Street
- n) 30 (Lot 170) Fortescue Street
- o) 31 (Lot 117) Fortescue Street

A copy of the dilapidation report is to be provided to the landowner/s of the above mentioned properties.

In the event that access for undertaking the dilapidation survey is denied by a landowner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning Commission that all reasonable steps have been taken to obtain access and advise the affected property owners of the reason for the survey and that these steps have failed.

Landscape and Public Realm

12. Prior to commencement of development, a Tree Protection Plan shall be prepared in accordance with Australian Standard AS4970-2009: Protection of Trees on Development Sites that specifies tree protection zones for street trees and on-site trees nominated for retention as detailed within the approved Landscape Plans and Arborists Report, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle. The approved Tree Protection Plan shall be implemented thereafter to the satisfaction of the Western Australian Planning Commission.



13. Prior to submission of the relevant building permit application, final landscape plans including hard and soft landscape specifications and reticulation details aligned with the Landscape Schematic Design Report prepared by Hassell (dated stamped 30 March 2023) for both the subjectsite and the public realm, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle with the following inclusions;
 - a) detailed designs of the front and side fences which are responsive to the residential context and are visually transparent;
 - b) additional trees and vegetation to soften, screen and integrate the south-west landscaped terraces and both car park entries to the south-east and south-west corners of Lot 250 Dalgety Street; and
 - c) shade tolerant species for areas on the southern side of the residential aged care facility building.
14. Prior to occupation of the development, certification from a suitably qualified professional that all landscaping and reticulation has been established in accordance with the approved landscaping plans shall be submitted to the satisfaction of the Western Australian Planning Commission. The landscaping shall thereafter be maintained and any species which fails to establish within the first two planting seasons following implementation shall be replaced, to the satisfaction of the Western Australian Planning Commission

Heritage

15. Prior to submission of a demolition or building permit application, the following information shall be submitted to the satisfaction of the Western Australian Planning Commission on the advice of the Director Historic Heritage Conservation, Department of Planning, Lands and Heritage:
 - a) Information on any modifications to the heritage fabric and setting that arise from compliance with the National Construction Code, as well as structural, electrical, hydraulic and mechanical works to ensure that any modification has a minimal heritage impact;
 - b) An Archaeological Management Strategy prepared by a historical archaeologist for identifying and monitoring the impact on potential archaeological evidence before and during site works to ensure that any finds are appropriately managed;
 - c) A schedule of materials, colours and finishes for Woodside House;
 - d) Signage and lighting schedules for Woodside House;
 - e) A standard archival record prior to any works in accordance with the Guide to Preparing an Archival Record;



- f) Further detail on the implementation of the Heritage Interpretation Strategy, including the design, content and location of the proposed signage; and
- g) A dilapidation survey of the former Woodside Hospital prepared by a suitably qualified professional

Public Art

16. Prior to occupation of the development:

- a) a public art concept for the subject development to the value of 1% of the construction value must be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of East Fremantle; and
- b) the approved public art shall be installed by the developer and maintained thereafter by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Transport, Access and Parking

17. Prior to submission of the relevant building permit application, a Travel and Parking Plan is to be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of East Fremantle. The approved Travel and Parking Plan shall be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

18. Prior to occupation of the development, certification shall be provided by a suitably qualified professional confirming that all car parks, vehicle access-ways and bicycle bays have been constructed in accordance with Australian Standards AS2890.1 and AS2890.3 and are consistent with the approved plans, to the satisfaction of the Western Australian Planning Commission. All car parking spaces and access aisles shall be thereafter maintained to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle:

Stormwater Management

19. Prior to submission of the relevant building permit application, a Stormwater Management Plan detailing stormwater management and the retention of all stormwater on-site in accordance with water sensitive urban design principles, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle. The approved plan shall be thereafter implemented to the satisfaction of the Western Australian Planning Commission



Sustainability

20. The development is to be designed and constructed to achieve a minimum 5 Star Green Star rating, or an equivalent formally recognised sustainability rating certification. The rating system is to be holistic in nature and cover a range of sustainability issues. Prior to submission of the relevant building permit application, the applicant is to present proof of registration for the selected rating system and submit an updated Sustainability Report confirming the Environmentally Sustainable Design (ESD) strategy that will guide construction and demonstrate equivalent sustainable design ratings will be achieved, to the satisfaction of the Western Australian Planning Commission.
21. Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that all applicable sustainability initiatives identified in the approved Sustainability Report have been implemented in the construction of that stage, to the satisfaction of the Western Australian Planning Commission.

Noise

22. Prior to submission of the relevant building permit the Acoustic Report prepared by Herring Storer Acoustics is to be updated to include a detailed assessment of the impact of road noise on the development from Canning Highway, with all recommended measures contained in the final Acoustic Report to be implemented in a manner that is consistent with the approved plans to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.
23. Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the final approved Acoustic Report have been implemented in that stage of development to the satisfaction of the Western Australian Planning Commission.

Waste Management

24. Prior to submission of the relevant building permit an updated Waste Management Plan which addresses bin capacity and FOGO separation shall be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of East Fremantle. The approved Waste Management Plan shall be implemented and adhered to at all times by the owners and/managers of the development, to the satisfaction of the Western Australian Planning Commission.



Utilities and Facilities

25. Prior to submission of the relevant building permit application, details of any proposed air- conditioning condensers, external building plant, piping, ducting, transformers and fire control rooms being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on nearby residents and the public realm, being submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of East Fremantle.

Signage

26. Prior to submission of the relevant building permit application, a Signage Strategy shall be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of East Fremantle. Once approved, the Signage Strategy shall inform the provision of all signage proposed to the external façade of the development. The approved strategy shall be implemented and adhered to at all times, unless otherwise approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle.

Lighting

27. Prior to submission of the relevant building permit application, a Lighting Plan shall be provided by a suitably qualified consultant and approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle, demonstrating that lighting is provided to all car parking areas, building facades and the communal areas is in accordance with the relevant Australian Standards AS1158.3.1 and AS4282.
28. Prior to occupation of the development, the applicant shall demonstrate the lighting has been installed in accordance with the approved Lighting Plan to the satisfaction of the Western Australian Planning Commission
29. Prior to submission of the relevant building permit application, detailed drawings are to be submitted demonstrating compliance with the National Construction Code (NCC) Building Code of Australia (BCA), Australian Standards AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010, by identifying access from car parking areas to the entrance of the building and throughout the building.



30. Prior to the submission of the relevant building permit application, a Road Safety Audit must be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle. Any recommendations of the Road Safety Audit shall be implemented to the satisfaction of the Western Australia Planning Commission in consultation with the Town of East Fremantle

Advice Notes

- a) This is a development approval only. It is the landowner/applicant's responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and licence or permit requirements that may relate to the development. The Town of East Fremantle should be approached for further advice on building, health, engineering and crossover requirements.
- b) With regard to Condition 1, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time.
- c) If the landowner/applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.
- d) With regard to the final working drawings, these are to comply with all of the relevant conditions of development approval, and any variations from the approved plans are required to be clearly identified. Once the Commission is satisfied that the working drawings and information are consistent with the approved development plans and conditions of approval, the Commission will provide a clearance letter and copies of the working drawings to the Town of East Fremantle to assist with the issuing of a building permit.

Where works and/or building permits are proposed to be staged, the Commission may agree to staged clearances of working drawings and associated conditions of approval. In such cases, a 'Conditions Staging Matrix' will need to be completed and submitted for the Commission's approval.

Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In an instance where interim documents or plans are accepted by the Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.



- e) With reference to Condition 8, the wellness centre should be open to residents of the aged care facility and no more than 40 external patrons per day.
- f) The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. In particular, other approvals will be required for:
 - i. the hydrotherapy pool will require approval from the Department of Health; and
 - ii. further approvals and assessments are required from the Town of East Fremantle's Environmental Health Officer in relation to:
 - public building approval, such as the studio in the wellness centre and the general purpose room in the Woodside House building;
 - the salon will also require approval for hairdresser/beauty services; and
 - the café and main kitchen will require a Certificate of Registration of a food business and approval.
- g) With regard to Condition 10, temporary structures, such as pre-fabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are to be located so as not to obstruct vehicle sight lines on the subject site, the adjacent road network or adjoining properties and are to be removed prior to final occupation of the development.
- h) With regard to conditions 13 and 14, the final landscaping plan shall be generally consistent with the species selection theme on the landscape plans submitted with the Development Application. The information provided should outline the following information (as a minimum):
 - i. The location, number and type of proposed trees and shrubs including planter size and planting density;
 - ii. Suitable tree species that are not known hosts to the Polyphagous Shot Hole Borer (PSHB);
 - iii. Reticulation details;
 - iv. Existing vegetation to be retained or relocated;
 - v. Details of all front fencing;
 - vi. Locations of all street trees, including proposed street tree replacement;
 - vii. The provision of hard landscaped features, including seating, shade structures and paving treatments;
 - viii. Details of ongoing management and maintenance;
 - ix. All verge treatments, including kerbing and reinstatement works from the removal of any redundant vehicle crossovers; and
 - x. Demonstrated consideration of the Department of Planning, Lands and Heritage – Safer Places by Design Crime: Prevention through Environmental Design Planning Guidelines; and
 - xi. Integration of the landscaping strategy with the public art strategy.



- i) The landowner/applicant is advised that any proposed landscape works, including verge reinstatement from the removal of redundant vehicle crossovers and removal of street trees that are outside the development lot boundaries will require agreement from the Town of East Fremantle as the landowner/manager, prior to implementation of the works.
- j) With regard to Condition 17, the Travel and Parking Plan shall include but not be limited to the following:
 - a) the allocation of eight parking bays for the exclusive use of wellness centre patrons;
 - b) identification and management of resident, visitor, customer, staff and special use carparking facilities;
 - c) the identification of clear, safe and accessible pedestrian paths through the car parking areas;
 - d) plans and dimensions of adequate visitor and staff bicycle parking and end-of-trip facilities;
 - e) the protection of cyclist routes within and around the development;
 - f) details of the charging facilities for electric vehicles, bicycles and scooters;
 - g) identification of ACROD bays;
 - h) the operation of the car sharing scheme;
 - i) promotion of public transport and alternative transport options;
 - j) signage identifying and explaining the use of any shared car parking and motorcycle bays;
 - k) effective and safe management of traffic movements to, from and within the car parking areas, including wayfinding and directional signage for residents, deliveries and visitors; and
 - l) The identification of parking, loading, delivery and waste management areas.
- k) The landowner/applicant is advised that a crossover application shall be submitted to and approved by the Town of East Fremantle to confirm that all proposed crossovers are designed to the specifications and satisfaction of the local government.
- l) With regard to Condition 24, the Waste Management Plan shall be updated to include the following considerations:
 - i. increased bin capacity is recommended to reduce the number of waste collections and associated vehicle movements required per week. Currently the plan indicates 660L bins collected three days per week which could be altered to 1100L to reduce collection frequency and reduce vehicle movements;
 - ii. there will need to be FOGO separation in the kitchens and dining areas where food is prepared. This will require receptacles for General Waste, FOGO and Recycling that will need to be managed on-site by staff; and
 - iii. additional information confirming whether the two Supported Independent Living (SIL) dwellings will be serviced by the Town or managed as part of the overall aged care facility. These properties will need to have FOGO separation in the kitchen and receptacles for both recycling and general waste as well.



- m) With regard to Condition 30, the Road Safety Audit should be prepared in accordance with the WAPC Transport Impact Assessment Guidelines, Volume 4. Remedial measures should be put in place to address any safety issues, with modifications within the road reserve being to the specifications of the Town of East Fremantle.
- n) With regard to Condition 27, lighting should be unobtrusive and be designed to avoid excessive light spill into neighbouring properties and to minimise impacts on night sky visibility.
- o) The landowner/applicant is advised that a demolition permit application and building permit application shall be submitted to and approved by the Town of East Fremantle in accordance with the Building Act 2011 and Building Regulations 2012. An application should only be made where the relevant clearances have first been obtained from the Western Australian Planning Commission.
- p) The Water Corporation has advised that the subject land is currently connected to the 75mm diameter cast iron water mains via two 50mm water meters in Dalgety and Fortescue Street. If the development necessitates an increase in size of these meters, an upgrade of the water main will be required. As the installation of fire services may also necessitate an increase in the diameter of the water main, it is recommended that the proponent engage an appropriately qualified consultant to carry out testing and advise on flow requirements. Any upgrade of the water main will be at the applicant's expense.
- q) ATCO Gas has advised that prior to carrying out construction or excavation works, the landowner/applicant must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Construction and excavation works must be managed in accordance with ATCO guidance document "Additional Information for Working Around Gas Infrastructure" (AGA-O&M-PR24).