



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 29 April 2025; 9:30am  
**Meeting Number:** MIDAP/69  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*  
[MIDAP/69 - 29 April 2025 - City of Stirling - City of Fremantle](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### **PART B – CITY OF STIRLING**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 500 (No.12) Reserve Street, Scarborough - Mixed Use Development 235 Multiple Dwellings, Six Commercial Tenancies And Eight Community Uses – DAP/25/02855
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF FREMANTLE**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 201 (No.1) Goldsbrough St and Part Lot 40 (Nos.48-68) Cantonment St, Fremantle - Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop And Tavern Land Uses – DAP/25/02837
  - 3.2 Lot 116 (No.47) Pakenham Street, Fremantle - Mixed Use Development – DAP/25/02841
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

**Clayton Higham**  
Presiding Member, Metro Inner DAP



**PART D – OTHER BUSINESS**

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

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

**Clayton Higham**  
Presiding Member, Metro Inner DAP



<b>ATTENDANCE</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Kristen Parker
Francesca Lefante (Deputy Presiding Member)	Claire Ortlepp
John Syme	
<i>Part B – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Suzanne Migdale	Michael Italiano
Cr Michael Dudek	Karina Bowater
	Sam Michie
	James Fletcher
	Jaydon Catlin
<i>Part C – City of Fremantle</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Andrew Sullivan	Chloe Johnston
Cr Jemima Williamson-Wong	Jonathan Dornan

**Clayton Higham**  
Presiding Member, Metro Inner DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Stirling</i>
Dan Lees (Element Advisory) Cale Otter (Element Advisory) Daniel Visser (Edge Visionary Living) Tayah Geneff (Edge Visionary Living) Greg Ewart (Hillam Architects) Samira Ghani (Hillam Architects)
<i>Part C – City of Fremantle</i>
<i>Item 3.1</i>
Megan Gammon (Urbis) Declan Creighan (Urbis) Phil Griffiths (Griffiths Architecture) Michael Patroni (Space Agency Architecture) Corey Scidone (Human Urban) Sarah Booth (Human Urban) Catherine Young (Human Urban) Zoe Tsagalis (Human Urban) Roel Loopers (Freo Blog) John Dowson (The Fremantle Society) Matthew McNeilly (Sirona Urban) Sylvain Tognelli (West Australian Skateboarding Association) Michael Kordas (West Australian Skateboarding Association) Connor McLeod (West Australian Skateboarding Association) Zachary Tilghman (West Australian Skateboarding Association) Ben Bowring (West Australian Skateboarding Association) Rowan Wright (West Australian Skateboarding Association) Gustav Svanborg Eden Morgan Campbell Gasseng Jack Morellini Rachel Salmon-Lomas Ken Adam

**Clayton Higham**  
Presiding Member, Metro Inner DAP



Chrissie Maus (Fremantle Chamber of Commerce)

Jo Smith (Circus WA)

*Part C – City of Fremantle*

*Item 3.2*

Ben Doyle (Planning Solutions)

Felipe Soto

Katrina Cinanni

Frank Tyson

Stacey Towne

Pamela Cattalini

John Dowson (The Fremantle Society)

Kate Pearson

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

There were 17 members of the public in attendance.

### **Observers via livestream**

There were 51 persons observing the meeting via the livestream.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 29 April 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

### 2. Apologies

Cr Ingrid Van Dorssen (Local Government DAP 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](#).

Clayton Higham  
Presiding Member, Metro Inner DAP



## PART B – CITY OF STIRLING

### 1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in Part B of the Related Information in relation to Item 3.1, received on 28 April 2025.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 500 (No.12) Reserve Street, Scarborough - Mixed Use Development 235 Multiple Dwellings, Six Commercial Tenancies And Eight Community Uses – DAP/25/02855

##### Deputations and Presentations

Dan Lees (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Stirling addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Cr Suzanne Migdale

**Seconded by:** Francesca Lefante

*With the agreement of the mover and seconder, the following changes were made to the report recommendation as follows;*

- (i) That Condition No. 23 be amended to read as follows;

~~Prior to the submission of a Building Permit application,~~ **Prior to the commencement of the Main Works**, a revised Bushfire Attack Level Assessment Report prepared by an Accredited BPAD Practitioner is to be submitted to the City of Stirling, incorporating the BAL rating of the development in accordance with Australian Standard AS3959 and State Planning Policy 3.7 and Guidelines

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- (ii) That a new Advice Note No. 25 be added to read as follows;

The main works refer to the construction of the actual building structure, and does not include forward works, such as earthworks, excavation, site levelling, land preparation, drainage systems, and foundation groundwork.

**REASON:** To reflect the requested changes by the City of Stirling and agreed by the applicant in the addendum provided.

That the Metro Inner DAP resolves to:

**Approve** DAP Application reference DAP/25/02855 and accompanying plans as listed in Condition 3 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the proposed Mixed Use Development on Lot 500, House Number 12, Reserve Street, Scarborough 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 four (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. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the planning approval issued (including any modifications required by conditions of approval).

PLAN TITLE	REV	DRAWING No.	DRAWN BY
OVERALL BASEMENT 02	9	A01 - 102	Hillam Architects
OVERALL BASEMENT 01	9	A01 - 103	Hillam Architects
OVERALL LOWER GROUND 02	8	A01 - 104	Hillam Architects
OVERALL LOWER GROUND 01	8	A01 - 105	Hillam Architects
MEZZANINE LEVEL	7	A01 -106	Hillam Architects
OVERALL GROUND FLOOR	6	A01 - 107	Hillam Architects
OVERALL LEVEL 01	4	A01 - 108	Hillam Architects
OVERALL LEVEL 02	4	A01 - 109	Hillam Architects
OVERALL LEVEL 03	2	A01 - 110	Hillam Architects
OVERALL LEVEL 04	2	A01 - 111	Hillam Architects

**Clayton Higham**  
Presiding Member, Metro Inner DAP



PLAN TITLE	REV	DRAWING No.	DRAWN BY
OVERALL LEVEL 05	2	A01 - 112	Hillam Architects
OVERALL LEVEL 06	2	A01 - 113	Hillam Architects
OVERALL LEVEL 07	2	A01 - 114	Hillam Architects
OVERALL LEVEL 08	2	A01 - 115	Hillam Architects
OVERALL LEVEL 09	2	A01 - 116	Hillam Architects
OVERALL LEVEL 10	2	A01 - 117	Hillam Architects
OVERALL LEVEL 11	2	A01 - 118	Hillam Architects
OVERALL LEVEL 12	2	A01 - 119	Hillam Architects
OVERALL LEVEL 13	2	A01 - 120	Hillam Architects
OVERALL LEVEL 14	2	A01 - 121	Hillam Architects
OVERALL LEVEL 15	2	A01 - 122	Hillam Architects
OVERALL LEVEL 16	2	A01 - 123	Hillam Architects
OVERALL LEVEL 17	2	A01 - 124	Hillam Architects
OVERALL ROOF	2	A01 - 125	Hillam Architects
EXTERNAL EAST ELEVATIONS OVERALL	0	A03 - 001	Hillam Architects
EXTERNAL NORTH ELEVATIONS OVERALL	0	A03 - 002	Hillam Architects
EXTERNAL SOUTH ELEVATIONS OVERALL	0	A03 - 003	Hillam Architects
EXTERNAL WEST ELEVATIONS OVERALL	0	A03 - 004	Hillam Architects
OVERALL CROSS SECTION OVERLAY OVERLAY	0	A04 - 001	Hillam Architects
OVERALL CROSS SECTION OVERLAY	1	A04 - 001	Hillam Architects
OVERALL SECTIONS SHEET 01	4	A04 - 001A	Hillam Architects
PRE CONSTRUCTION FEATURE SURVEY	-	A00 - 000	Hillam Architects

- An easement(s) or other legal agreement confirming in perpetuity public access rights, generally consistent with the extent shown on the approved Basement 01 Floor Plan (A01 – 103), Basement 02 Floor Plan (A01 - 102), Lower Ground 02 (A01 - 104), Lower Ground 01 (A01 - 105) and Level 01 Floor Plan (A01 - 108) is to be provided prior to planning condition clearance (working drawings stage), and executed prior to occupancy, to the satisfaction of the City of Stirling.
- A legal agreement confirming the operation and management of the identified Community Offerings shown on the approved Basement 01 Floor Plan (A01 – 103), Basement 02 Floor Plan (A01 - 102), Lower Ground 02 (A01 - 104), Level 01 Floor Plan (A01 - 108) and Level 02 Floor Plan (A01 - 109) in perpetuity, including public access rights, to be provided prior to planning condition clearance (working drawings stage), and executed prior to occupancy, to the satisfaction of the City of Stirling.

Clayton Higham  
Presiding Member, Metro Inner DAP



6. The provision of an easement for existing infrastructure as may be required by the City of Stirling, or other relevant statutory entity, being granted free of cost to that body, to the satisfaction of the City of Stirling.
7. Elevations and specification detailing high quality materials, finishes and colours for the development (including "colour swatches" or material samples are to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.
8. A report and certification from the Green Building Council of Australia is to be provided within 12 months of practical completion, confirming each building has achieved the minimum 5 Star Green Star 'As-Built' rating, to the satisfaction of the City of Stirling.
9. Affordable Housing is to be provided in accordance with Development Policy 9 - Affordable and Diverse Housing, details of which are to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling in consultation with the Department of Communities.
10. Public art is to be provided in accordance with Development Policy 4 - Providing Public Art, details of which are to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.
11. A report and certification from a qualified acoustic consultant is to be submitted at practical completion stage and prior to occupation of the building, confirming that all recommendations of the Acoustic and Vibration Report integral to achieving compliance with Development Policy 3 - Sound and Vibration Attenuation, have been implemented, to the satisfaction of the City of Stirling.
12. A Signage Strategy, detailing the proposed location and size of all external signage consistent with Development Policy 6 - Signage, is to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.
13. A Lighting Strategy, detailing lighting of the building exterior and ground floor public areas to enhance building features, amenity and security, is to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.
14. A Venue Management Strategy for the Dining and Entertainment tenancies of the development is to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling and implemented thereafter by each venue operator.
15. A Demolition and Construction Management Plan is to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



16. All service areas, service related hardware and piped or wired services (such as car park gates, plant areas, fire booster cabinets, service meters, exhaust systems and air-conditioning units) are to be designed as an integral component of the development or screened from public view, to minimise any detrimental impact on the architectural quality of the building and the public realm, details of which are to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.
17. All building and tenancy entrance levels are to be consistent with the constructed paving levels of the adjoining public realm, details of which are to be provided prior to planning condition clearance (working drawings stage) to the satisfaction of the City of Stirling.
18. A development contribution payment, in accordance with the Scarborough Development Contribution Plan, is to be provided prior to planning condition clearance (working drawings stage), to the satisfaction of the City of Stirling.
19. Prior to the occupation of the development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificates of Title of future residential lots at the site. The notification is to state as follows: 'The lot is situated in the vicinity of a transport corridor and is currently affected, or may in future be affected by transport noise.'
20. Redundant vehicle crossover(s) are to be removed, and the kerbing, verge, and footpath (where relevant) made good to the satisfaction of the City of Stirling.
21. All exposed parapet walls and walls adjacent to boundaries are to be finished to the same standard as the remainder of the development, to the satisfaction of the City of Stirling.
22. Prior to the occupation of the development, a Bushfire Management Plan (BMP) prepared by an Accredited BPAD Practitioner is to be submitted to the City of Stirling, incorporating Management measures in accordance with Australian Standard AS3959 and State Planning Policy 3.7 and Guidelines.
23. Prior to the commencement of the Main Works, a revised Bushfire Attack Level Assessment Report prepared by an Accredited BPAD Practitioner is to be submitted to the City of Stirling, incorporating the BAL rating of the development in accordance with Australian Standard AS3959 and State Planning Policy 3.7 and Guidelines.

#### Advice Note

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the Development Assessment Panel or City of Stirling having first been sought and obtained.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



2. If an applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.
3. This is a Development Approval under the City of Stirling Local Planning Scheme and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Development Assessment Panel or City of Stirling to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Development Assessment Panel or City of Stirling's attention.
5. Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Stirling.
6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
7. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.
8. In relation to the light pole's relocation, the relocation of the light poles is to comply with Australian Lighting Standards, to the satisfaction of the City of Stirling and Western Power.
9. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval require significant modifications to the approved plans, a Form 2 application will be required for consideration in accordance with Clause 17 or 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
10. All construction works to comply with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Noisy construction work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



11. With regard to the public access easement, this is to be registered on the Certificate of Title for the property in accordance with sections 195 and 196 of the Land Administration Act 1997 and notice of the easement is to be included on the diagram or plan of survey (deposited plan), unless subject to an alternative legal agreement agreed to the City of Stirling. The public access easement(s) or alternative legal agreement are to include the following, generally noted on the approved plan(s) Basement 01 Floor Plan (A01 – 103), Basement 02 Floor Plan (A01 - 102), Lower Ground 02 (A01 - 104), Lower Ground 01 (A01 - 105) and Level 01 Floor Plan (A01 - 108)
- The central Right of Way (ROW), generally described as 9m in width with a 1.5m pedestrian path, connecting Reserve Street to adjacent sites described as No. 1 (SP5210) and No. 5 (SP62323) Reserve Street, Scarborough;
  - The northern pedestrian access linking West Coast Highway and the central ROW;
  - The 102 public car bays, and associated infrastructure, located on Basement 02 and, and connecting to The Esplanade carpark;
  - The raised footpath, generally 1.5m in width, traversing the western boundary in a north-south direction; and
12. With regard to the legal agreement, is to address the long term operation, management, maintenance and costs associated with the Community Benefit Areas. The legal agreement is to be prepared by the applicant in consultation with the City of Stirling with all costs to be borne by the applicant. The legal agreement is to include the following areas.
- Basement 2 (A01-102 E): 51 public car bays
  - Basement 1 (A01-103 E): 49 public car bays
  - Lower Ground Floor 2 (A01-104 D): Public Lobby, Public Facilities and Public Stairs;
  - Lower Ground Floor 1 (A01-105 E): Multi-Purpose Room, Public Lobby, Public Lookout
  - Level 1 (A01 -107 D): Public Lobby

The legal agreement shall also consider the inclusion of the proposed pocket park and in particular full details of redevelopment, long term maintenance and operation consistent with the high standard provided within the submitted development application and further detailed as a component of the landscaping plan.

13. With regard to the easement for infrastructure, nominally located along the northern boundary of Lot 500 Reserve Street, Scarborough is to be prepared by the Landowner in consultation with the affected operator, with all costs to be borne by the Landowner.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



14. With regard to all the elevations, specifications, details and information of external colours and finishes, including specifications and samples, are to be provided for all external elevations, demonstrating a well resolved high-quality materials palette for the whole project, which has been further detailed and/or enhanced from development application stage through to the final constructed outcome. Elevations and specifications shall confirm the use of pre-cast concrete for all edge conditions and architectural expression. To demonstrate that an exemplary design outcome will be achieved through to construction, detailed information regarding the tower facade glazing types, colours and level of transparency is to be provided. The facade glazing should achieve a high level of solar performance without a dark or highly reflective finish, demonstrating a level of visual permeability generally consistent with the development application perspectives.
15. With regard to the development application has committed to providing a minimum 15% affordable housing in accordance with section 4.1 of the Scarborough Design Guidelines, over and above the requirement under Development Policy 9 - Affordable Housing. Unless otherwise agreed the following shall be provided:
  - the affordable housing units are to be sold by the developer to the Department of Communities (or alternative housing provider approved by the City of Stirling) at construction cost (based on the Development WA Authority's construction cost chart dated July 2016), at the time of practical completion of the development;
  - a draft strata plan and management statement is to be prepared at the Landowner's expense and provided at working drawings stage demonstrating how ongoing costs of the affordable housing units will be minimised including but not limited to:
    - minimising unit entitlements; and
    - restricted access to common amenity areas (with potential to opt in).
16. With regard to public art, the provision of public art is to be in accordance with Development Policy 4 - Providing Public Art, with a minimum contribution, either as public art or cash-in-lieu, of \$850,000.00 based on the development value of \$120 million.
17. With regard to the acoustic report, the certifications to be submitted at practical completion stage should include results of onsite testing to confirm appropriate levels of sound attenuation mitigation have been achieved.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



18. With regard to the Signage Strategy, this should provide an indicative plan of all proposed signage (including wayfinding signage) outlining the locations and dimensions demonstrating that such signage will be complementary to the architectural design. Consideration shall be given to the integration of wayfinding signage to and from the public car park, including 24 hour access, as well as the central ROW connecting No. 1 (SP5210) and No. 5 (SP62323) Reserve Street, Scarborough to Reserve Street, with a view to enhance overall legibility to these separate entities. Development Policy 6- Signage requires signage to demonstrate restraint in scale, size and collective amount of signage installed, in order to minimise visual clutter, protect amenity, and support a safe, attractive and legible,
19. With regard to the Lighting Strategy this should:
  - include a plan which illustrates how the building will be illuminated to highlight architectural elements, to provide an attractive building at night;
  - demonstrate how lighting and safe access will be provided between the development and the public realm and within loading areas and pedestrian pathways; and
  - be designed to comply with Australian Standard 1158 (Public Lighting Code) and Australian Standard 4282 (Control of the Effects of Outdoor Lighting) in order to ensure that any nuisance light to adjoining properties and to passing vehicular traffic are controlled to an acceptable level.
20. With regard to the Venue Management Strategy, this is intended to provide guidance for all future tenancies and may inform the development of individual Venue Management Plans as required. The Strategy is to include, but not be limited to the following:
  - hours of operation, including the operation of the public lobby for 24 hours a day;
  - types of proposed liquor licences;
  - location of alfresco/service/back of house areas for each tenancy, ensuring an active interface between the tenancies and the street is maintained, including unobstructed pedestrian movement;
  - any proposed entertainment or music, including noise attenuation reports and plans for any premises proposing live music, amplified music or other entertainment with noise levels above ordinary background music;
  - management of noise and patron behaviour to minimise adverse impacts on residents within the development and the locality;
  - alfresco management, including location of alfresco, proposed temporary structures and furniture, wind impact management, operating times, alcohol service and any music/entertainment; and
  - any other matters deemed appropriate by the Authority.
21. With regard to the Demolition and Construction Management Plan, this should address the following matters, which are to address all phases of development including demolition and construction:
  - establishment and continuation of tree protection zones for all street trees, maintained throughout the period of demolition and construction;
  - continuous and unobstructed access for No. 1 (SP5210) and No. 5 (SP62323) Reserve Street, consistent with the Staging Plan;

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- construction operation days / hours, with consideration for surrounding premises and residents;
  - management of dust, noise, vibration and other construction activities;
  - details of construction deliveries, collections and on-site storage;
  - workers car parking arrangements;
  - traffic management, including management of all construction works traffic and all measures to minimise disruption to traffic and pedestrian movements within the vicinity of the site;
  - details of construction signage and fencing, including high quality site hoardings;
  - community consultation plan and details to notify surrounding premises of the works and outlining procedures to manage enquiries and complaints;
  - measures to limit the impact of disturbance to the operation and amenity of surrounding buildings; and
  - any other matters deemed appropriate by the Authority and/or the City of Stirling.
22. With regard to the requirement to screen services and service related infrastructure, this includes but is not limited to all piped and wired services, car parking areas and associated ventilation, roof plant / plant areas, bin storage areas, service meters and related infrastructure, fire booster cabinets, exhaust systems, air-conditioning units, antennae and satellite dishes. Fire booster hydrants and service meter boxes should be designed, located, oriented and finished to minimise any visual impact on the adjacent streetscape and maximise visual interaction between the development and the street. The landowner is advised to liaise with service authorities to rationalise and consolidate service infrastructure, where possible.
23. With regard to the development contribution payment is calculated on the total site area (excluding areas required to be ceded for road widening or otherwise) and the maximum 'base height' permitted to be delivered on the site, in accordance with the following table and Schedule 2 - Maximum Building Heights Plan in the Scarborough Development Contribution Plan.
- The contribution payable for the site is calculated at \$430,454.13, based on an estimated site area of 6,397m<sup>2</sup> and permitted maximum (base) building height of 8 storeys. Excluding areas to be ceded for road widening.

Maximum Building Height (Base)	Cost/Site Area (\$/m <sup>2</sup> )
2 storeys/ 8 metres	\$16.82
3 storeys/ 11.5 metres	\$25.23
4 storeys / 15 metres	\$33.64
8 storeys / 29 metres	\$67.29
12 storeys / 43 metres	\$100.93

24. With regard to the BMP, details of the Bushfire Management Plan measures are to be submitted to and approved by the City of Stirling on the advice from Department of Fire and Emergency Services to the satisfaction of the City.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



25. The main works refer to the construction of the actual building structure, and does not include forward works, such as earthworks, excavation, site levelling, land preparation, drainage systems, and foundation groundwork.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** the proposal is appropriate under the planning framework, including the Scheme (LPS) and Scarborough Special Control Area (SSCA), design guidelines, policies, provisions and RAR. The minor increase in building height is considered to have no impact on adjoining sites. The proposal responds positively to the location context, incorporating an exceptional design with pedestrian activation facing the beach reserve, inclusive of significant community infrastructure for the general public. Members supported the proposal inclusive of the exercise of discretion for the minor height variation.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Suzanne Migdale & Cr Michael Dudek (Local Government DAP Members, City of Stirling) left the panel at 9:52am.*

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## PART C – CITY OF FREMANTLE

*Cr Andrew Sullivan & Cr Jemima Williamson-Wong (Local Government DAP Members, City of Fremantle) and joined the panel at 9:59am.*

### 1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

### 2. Disclosure of Interests

DAP Member, Cr Jemima Williamson-Wong, declared an impartiality interest in Item 3.1. Cr Williamson-Wong's godmother works for Space Agency.

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Andrew Sullivan and Cr Jemima Williamson-Wong, declared that they had participated in a prior Council meeting in relation to the application at Items 3.1 and 3.2. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Sullivan and Cr Williamson-Wong acknowledged that they are not bound by any previous decision or resolution of the local government and undertake to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that Cr Williamson-Wong, who had disclosed impartiality interests, was permitted to participate in the discussion and voting on the items and the DAP Executive Director determined that Cr Sullivan, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the items.

### 3. Form 1 DAP Applications

#### 3.1 Lot 201 (No.1) Goldsbrough St and Part Lot 40 (Nos.48-68) Cantonment St, Fremantle - Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop And Tavern Land Uses – DAP/25/02837

#### Deputations and Presentations

John Dowson (The Fremantle Society) addressed the DAP against the recommendation for the application at Item 3.1.

Matthew McNeilly (Sirona Urban) addressed the DAP against the recommendation for the application at Item 3.1.

Clayton Higham  
Presiding Member, Metro Inner DAP



Michael Kordas (West Australian Skateboarding Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Sylvain Tognelli (West Australian Skateboarding Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jo Smith (Circus WA) addressed the DAP in support of the recommendation for the application at Item 3.1.

Zachary Tilghman (West Australian Skateboarding Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Gustav Svanbvorg Eden addressed the DAP against the recommendation for the application at Item 3.1.

Morgan Campbell Gasseng addressed the DAP against the recommendation for the application at Item 3.1.

Jack Morellini addressed the DAP against the recommendation for the application at Item 3.1.

Connor McLeod addressed the DAP against the recommendation for the application at Item 3.1.

Rachel Salmon-Lomas addressed the DAP against the recommendation for the application at Item 3.1.

Ben Bowring (West Australian Skateboarding Association) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Ken Adam addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Chrissie Maus (Fremantle Chamber of Commerce) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Corey Scidone (Human Urban) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Michael Patroni (Space Agency Architects) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



Phil Griffiths (Griffiths Architects) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Megan Gammon (Urbis) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission in support of the recommendation for the application at Item 3.1 was received from The Department Planning, Lands and Heritage.

The City of Fremantle addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

### PROCEDURAL MOTION

**Moved by:** Clayton Higham

**Seconded by:** John Syme

That the meeting be adjourned for a period of 10 minutes.

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

**REASON:** To allow members a comfort break.

*The meeting was adjourned at 12:25pm.*

*The meeting was reconvened at 12:34pm.*

### REPORT RECOMMENDATION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Jemima Williamson-Wong

*An administrative amendment was made to correct the numbering of advice notes.*

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/02837 is appropriate for consideration as “Multiple Dwelling”, “Residential Building”, “Office”, “Restaurant/Café and “Tavern” land uses and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4
2. **Approve** DAP Application reference DAP/25/02837 and accompanying plans DA002 (Rev A), DA003 (Rev A), DA004 (Rev A), DA101 (Rev A), DA102 (Rev B), DA0103 (Rev B), DA0104 (Rev B), DA0105 (Rev B), DA0106 (Rev B), DA0107 (Rev B), DA0108 (Rev B), DA0109 (Rev A), DA0201 (Rev A), DA202 (Rev A), DA301 (Rev A), DA302 (Rev A), dated 3 January 2025 (City of Fremantle received date) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## Conditions

### *Validity / Works Forming Part of Approval*

1. This decision constitutes planning approval only and is valid for a period of four (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.
2. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
3. This approval does not relate to any proposed work(s) located outside of the cadastral boundaries of the subject site including the adjacent Goldsborough Street, Cantonment Street and Elder Place road reserves with the exception of awnings for weather protection. Any required or proposed works within these road reserves will be subject to separate approval from the City of Fremantle. Any costs associated with the design and construction of works within the road are to be borne by the landowner in full.

### *Materials / Finishes*

4. Prior to the lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials, is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
5. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
6. Prior to lodgement of a Building Permit application, storm water disposal and management 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.

### *Landscaping / Tree Planting*

7. Prior to the lodgement of a building permit application, the detailed landscaping plans shall be updated to the satisfaction of the City of Fremantle. Additional detail shall be provided with regards to deep soil areas, on-structure planting, species selection, tree planting and irrigation. The revised landscaping plans shall be submitted to, and approved by the City of Fremantle.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



8. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans or any approved modifications thereto and be maintained for the life of the development, to the satisfaction of the City of Fremantle.
9. Prior to the occupation of the development, the proposed on-site tree planting (including the provision of 41 small trees) 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.

#### *Lighting*

10. 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.

#### *Parking and Traffic*

11. Prior to the submission of a Building Permit, the applicant is to submit detailed plans for the provision of three (3) loading/service bays within the road reserves immediately adjacent the subject site for approval by the City of Fremantle.

Prior to the occupation of the development hereby approved, the three (3) loading/service bays are to be constructed in agreement with the City of Fremantle. All costs associated with the design and construction of the parking bays are to be borne by the landowner in full.

12. Prior to the lodgement of a building permit application for the works hereby approved, a traffic impact study addressing any need resulting from the development for the upgrading of the adjacent roads, including the location of access points to the on-site parking with particular attention to queuing, sight lines for exiting vehicles, weaving and gap analysis at the development's vehicle entries, being submitted and approved by the City of Fremantle.

The recommendations of the approved Plan are to be implemented at the developer's cost, prior to the occupation of building(s) to the satisfaction of the City of Fremantle.

13. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle for the life of the development.
14. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



15. Prior to occupation of the development hereby approved, a detailed Car Parking Management Plan shall be submitted to, and approved by the City of Fremantle. The approved car parking management plan shall be implemented for the life of the development unless otherwise approved.
16. Prior to the lodgement of a Building Permit 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, including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress.
17. Prior to occupation of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
18. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter 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.
19. Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle as follows:
  - 3 male and 3 female (or 6 unisex) shower facilities for the non-residential uses, and four (6) lockers.

Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

#### *Management Plans*

20. Prior to occupation of the development hereby approved, a detailed Management Plan for the 'Co-Living' units and use shall be submitted to, and approved by the City of Fremantle. The management plans will outline operational management plans for the units and the operator, including, but not be limited to: access to units and car/bicycle bays for tenants, visitors, deliveries, mitigation of noise and other potential nuisance.

The approved management plan shall be implemented for the life of the development unless otherwise approved.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



21. Prior to the lodgement of a Building Permit application, an updated Waste Management Plan shall be prepared in accordance with advice from the City and subsequently be submitted to, and approved by the City of Fremantle.

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

22. Prior to the lodgement of a Building Permit application, a Demolition and Construction Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management;
- m) Works affecting pedestrian areas;
- n) Asbestos removal management plan;
- o) Dilapidation reports of nearby properties; and
- p) Any other matter deemed to be relevant by the City of Fremantle.

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

### *Heritage*

23. Prior to the lodgement of a Building Permit, the following information and/or additional detail, pertaining to the 1927 State Registered building, is to be provided to the satisfaction of the City of Fremantle on the advice of the Heritage Council of Western Australia:

- i. All columns and beams to the 1927 building to be retained to maximum extent, inclusive of the proposed internal courtyard/lightwell area currently proposed for demolition, to the satisfaction of the Director, Historic Heritage Conservation.
- ii. All original external signage is to be retained and exposed.
- iii. The following further information is to be provided to the satisfaction of the Director, Historic Heritage Conservation, prior to the application of a Building Permit:

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- a. Further details of the proposed ramps and external landscaping to Goldsborough St.
  - b. Further information of proposed works, and associated impact on heritage fabric, required to comply with the National Construction Code.
  - c. An Interpretation Plan for the Elders Wool Store that outlines interpretation strategies and implementation proposals to communicate the history, heritage significance and stories of the place, including those associated with the more recent use of the place by the Western Australian and international skateboarding community.
  - d. Prior to application for an Occupancy Permit, a signage strategy that provides for a coordinated approach for tenancy and wayfinding signage is to be provided to the satisfaction of the Director, Historic Heritage Conservation. The strategy is to include method of fixing, location, dimensions, and design for new signage.
24. Prior to the submission of a Building Permit application, the following further information and detail is to be submitted to, and approved by the City of Fremantle:
- i. A detailed Conservation Plan for the entire building.
  - ii. A conservation methodology which specifically details the immediate protection, management and conservation, the during demolition and during construction protection, management and conservation and the ongoing protection, management and conservation of the retained heritage fabric, relocated heritage fabric, interpretation elements and machinery.
  - iii. A detailed archival record of the entire building photographing and noting in detail the location, type and condition of all material to be demolished and all material to be reused.
  - iv. A detailed plan for the retention / relocation / conservation and interpretation of all machinery, chutes and signage that are related to the wool use of the building.
  - v. A detailed schedule of materials and finishes.
25. Prior to the submission of an occupation of the development hereby approved, the following further information and detail is to be submitted to, and approved by the City of Fremantle:
- i. The full implementation of the conservation methodology as per the City of Fremantle approved Conservation Methodology plan.
  - ii. The installation of all interpretation elements as per the City of Fremantle on the advice of the Director, Historic Heritage Conservation, DPLH approved Interpretation Plan.
  - iii. The retention / relocation / conservation and interpretation of all machinery, chutes and signage that are related to the wool use of the building as per the City of Fremantle approved plan.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



### *Acoustics and Noise*

26. Prior to the lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (prepared by Lloyd George Acoustics Pty Ltd, ref. 242028739) are to be implemented, are to be submitted to, and approved by the City of Fremantle. The measures shall be constructed, implemented and maintained for the life of the development. Any necessary works require additions, alterations and/or treatments of existing heritage building fabric, will require details to be submitted to, and approved by the City of Fremantle, prior to the commencement of such works.
27. Prior to the lodgement of a Building Permit application for the development hereby approved, details are to be submitted and approved by the City of Fremantle that demonstrate that the development incorporates the noise mitigation 'Quiet House Requirements' Category (A) of Table 2 of the State Planning Policy 5.4 'Road and Rail Noise Guidelines', or designs and implements an approved noise management plan by a qualified acoustic consultant, to the satisfaction of the City of Fremantle.
28. Prior to the lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall demonstrate compliance with the requirements set out within City of Fremantle policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within 'Area 2'.
29. Prior to the lodgement of a Building Permit application for the residential development hereby approved, the design and materials of the development is to demonstrate adherence to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following, at a minimum:
  - a) to all external openings (windows and doors):
    - i. airtight rubber seals to provide acoustic protection; and
    - ii. sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
    - iii. standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
    - iv. standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;
  - b) to all external walls:
    - i. shall achieve a sound rating of Rw 45 dB or greater;

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- c) to all floors and ceilings:
  - i. A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
  - ii. Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or
  - iii. Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.

#### *Notifications on Titles*

- 30. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
- 31. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
- 32. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that "this development is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise and vibration. Road and rail transport noise and vibration levels may rise and fall over time depending on the type and volume of traffic.". The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

#### *Sustainability*

- 33. Prior to the lodgement of a building permit application, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



34. Prior to occupation, a Green Star 'Certified' rating with certification from the Green Building Council of Australia (GBCA) confirming the building's design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.

*Public Art*

35. Prior to the occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works to enhance the public realm. Based on the estimated cost of the development being \$110 million dollars the contribution to be made is \$1.1 million dollars.

*Liveable Housing*

36. Prior to the issue of a building permit, amended development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of:
- i. 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia), OR
  - ii. 5 per cent of dwellings to be designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).

The dwellings shall be maintained as such for the life of the development.

*Water Metering*

37. Prior to the issue of a building permit, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.
38. 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



### *Cantonment Street*

39. Prior to the lodgement of a building permit, a revised plan for the Cantonment Street elevation shall be provided that demonstrates the following to the satisfaction of the City of Fremantle:
- Replacement of the glazed doors for the southern most F+B/Retail outlet with fixed glazing, and entry to the tenancy to be taken from the central lobby.
  - Replacement of the glazed doors for the second F+B/Retail outlet with fixed glazing, retention of the ledge in front of the opening, and entry to the tenancy to be taken from the central lobby.

Reason for Condition 39: condition is requested to ensure ongoing skateability of the ledge in recognition of the cultural significance of the place and to ensure skateboarding can occur safely by removing potential conflict between skaters and people accessing the commercial tenancies

### **Advice Notes**

- 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.
- 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.
- The applicant is advised of the requirement to prepare a 'Planning Condition Schedule' that outlines how each of the above conditions have been addressed, with specific reference to plans and/or other supporting documentation where relevant and share this with officers to assist City officers in the process of clearance of relevant conditions.  
  
The applicant will need to submit an application for request for condition clearance and the pay the requisite fee to commence this process.
- This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- Prior to commencement of the development, or any works associated with the development, the applicant/owner is required to submit an application to the satisfaction of the Public Transport Authority (PTA) and must obtain approval from the PTA for works in and around the operating Railway Corridor in accordance with the PTA's 8810-450-003 – Procedure – Working In and around the PTA Rail Corridor, Assets and Infrastructure.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- vi. The development is within 50m of the PTA Railway Reserve, this places the proposed development within the PTA Protection Zone. An application to PTA third party access is required prior to the commencement of any development/construction works within the Protection Zone.
- vii. The applicant is advised of the need to liaise with the Water Corporation to obtain and necessary approvals in relation to the development and the relocation/alteration of water infrastructure.
- viii. The proponent must:
  - i. make application to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*;
  - ii. once construction has been completed, make application to Environmental Health Services via Form 2 - Application for a public building certificate;

AND

  - iii. once construction has been completed, complete and submit Form 5 - Certificate of Electrical Compliance for a Public Building to Environmental Health Services.

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

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

- ix. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – Application for registration of a lodging house as a requirement of the City of Fremantle’s Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- x. The Co-Living Apartments in the proposal do not appear to be self-contained dwellings (i.e. residential flats). As such, their operation constitutes a lodging house under the *Health (Miscellaneous Provisions) Act 1911*. Facilities and services for the lodging house must adhere to the registration, design and management requirements detailed in the *Health (Miscellaneous Provisions) Act 1911* and the City’s Health Local Laws 1997. In particular, please note and implement the design requirements for laundries, kitchen and dining room:
  - i. Laundry – 1 laundry unit consisting of a washing machine, wash trough and clothes dryer, for every 15 lodgers.
  - ii. Kitchen – minimum floor area of 0.65 square meters per lodger.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- iii. Cooking facilities – 2x ovens and 4x four burner stoves for the first 60 lodgers+ 1 four burner stove for each additional 15 lodgers (or part thereof) over the initial 60 lodgers.
- iv. Dining Room – minimum floor area of 0.5 square meters per lodger with adequate furnishings to accommodate ½ the lodgers at any one time.
  
- xi. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
  
- xii. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
  
- xiii. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the *Health (Air-handling and Water Systems) Regulations 1994*. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
  
- xiv. Any removal of asbestos is to comply with the following –  
  
Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*. Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
  
- xv. 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.
  
- xvi. 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.

Clayton Higham  
Presiding Member, Metro Inner DAP



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

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

- xviii. 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 via an [application to notify/register a food business](#). The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).

- xix. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at [https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact sheets tech advice/Fact sheet 1.pdf](https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact_sheets_tech_advice/Fact_sheet_1.pdf)

- xx. The owner is advised that an obstruction permit will be required from the City for any future obstruction of the Goldsbrough, Elder or Cantonment Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).

- xxi. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: [https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge Bonds](https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge_Bonds)

- xxii. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Parks and Landscape team via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

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

The applicant is advised, with regard to stormwater management, to implement an on-site stormwater management solution, to the maximum available capacity in line with the city's requirements.

Clayton Higham  
Presiding Member, Metro Inner DAP



- xxiv. With regard to the GBCA Green Star project registration and design assessment demonstrate sustainable built design performance requirements in accordance with Local Planning Policy 2.13.

A Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), and that includes, but is not limited to:

1. Statement of compliance that the building's design will achieve, or has achieved in construction, the performance requirements of a 4 Star Green Star building using the current GBCA Green Star Buildings rating tool.
2. A comprehensive report detailing the sustainability initiatives incorporated in the building design described in full with referenced supporting documentation.
3. A Green Star Scorecard matrix showing targeted credit points with detailed comments documenting how the credit is satisfied and referenced to supporting documentation.
4. Report author GSAP credentials.
5. Evidence to substantiate each credit claim and to demonstrate the level of performance as per the Green Star Buildings rating tool Submission Guidelines.
6. List of supporting documentation referencing information used such as calculators, modelling, specifications, contracts, brief requirements, client instructions, plans, reports, and drawings including working drawing stages.

Note 1: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

Note 2: Minimum expectations of the current Green Star Buildings rating tool need to be met. Partial points can not be awarded under Green Star 'Buildings' rating tool, and the total credit points targeted to include a reasonable buffer of points.

- xxv. The GBCA Green Star final certification demonstrates sustainable built design and construction performance requirements in accordance with Local Planning Policy 2.13. The Green Star certification may be submitted within 2 years from practical completion of the project.

Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), demonstrating that the Green Star rating outcomes have been achieved for the building as constructed with a supporting documentation produced as part of the design, procurement, construction or commission process.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



Note: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

xxvi. 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](mailto:info@fremantle.wa.gov.au) or 9432 9999.

xxvii. Any existing tree(s) within the adjacent road reserve(s) shall be protected through the implementation of a Tree Protection Zone for protection during construction.

Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>

xxviii. In relation to the contribution required for LPP 2.19 Contributions for Public Art and/or Heritage Works, the applicant is encouraged to continue working with the City of Fremantle, and are provided with the following guidance as to what is reasonable in complying with the policy:

- The required contribution shall not be spent on general urban or streetscape improvement works.

The contribution must:

- Include public art works for the purpose of providing public art within the locality or area of the development that are responsive to site and that draw on the cultural, social and historical context of place. These influences may include the existing skate culture and former wool trade for example; and/or
- Include heritage interpretation works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance (for example – former schools at Princess May Park). This does not include the subject development site; and/or
- Provide funds to be accrued for public art projects led by the City of Fremantle.

## AMENDING MOTION 1

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Francesca Lefante

That Condition No. 12 be deleted and the remaining conditions be renumbered accordingly.

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

**REASON:** The TIS prepared by Flyt concludes that the proposal introduces low traffic generation during the morning and afternoon peak periods, which result in minimal level of impact on the road network. Members were satisfied that an additional traffic study was not necessary.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## AMENDING MOTION 2

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Francesca Lefante

That Condition No. 36 (now Condition No. 35) be amended to read as follows:

*Prior to the issue of a building permit, amended development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of:*

- i. 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia), OR*
- ii. 5 per cent of dwellings to be designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).*

*The dwellings shall be maintained as such for the life of the development. **This condition does not relate to the co-living units on site.***

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

**REASON:** To provide certainty and clarity that the provisions do not relate to the co-living elements, which are a residential building land use.

## AMENDING MOTION 3

**Moved by:** Francesca Lefante

**Seconded by:** NIL

That Condition No. 39 (now Condition No. 38) be deleted and the remaining conditions be renumbered accordingly.

**The Amending Motion was put and LAPSED for want of a Seconder.**

## AMENDING MOTION 4

**Moved by:** John Syme

**Seconded by:** Clayton Higham

*The following amendments were made en bloc:*

- (i) That Condition No. 35 (now Condition No. 34) be amended to read as follows:

*Prior to the occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, **or otherwise approved by the City in accordance with Local Planning Policy 2.19**, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art ~~works~~, **heritage and/or external public realm upgrade works** to enhance the public realm. Based on the estimated cost of the development being \$110 million dollars the contribution to be made is \$1.1 million dollars.*

Clayton Higham  
Presiding Member, Metro Inner DAP



- (ii) That the wording for Advice Note xxviii be deleted, with wording substituted in its place to read as follows:

***In relation to Condition 34:***

- a) ***Should the Applicant provide a monetary amount to contribute to external public realm upgrade works, this shall be subject to the detailed design of the proposed public realm upgrades to be undertaken at the Applicants cost and subsequently endorsed by the City.***
- b) ***Should provision of physical public art be delivered by the Applicant, this should be provided on-site, reflect the cultural, social and historical context of the site, such as the skate culture and former wool trade, and should be visible to the public realm fronting either Cantonment or Goldsbrough Street.***

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

For: John Syme  
Clayton Higham  
Francesca Lefante

Against: Cr Andrew Sullivan  
Cr Jemima Williamson-Wong

**REASON:** The majority of members supported the provision of Public Art within the public realm associated with the development uses and site form.

**AMENDING MOTION 5**

**Moved by:** Clayton Higham

**Seconded by:** Francesca Lefante

That Condition No. 39 (now Condition No. 38) be amended to read as follows:

*Prior to the lodgement of a building permit, a revised plan for the Cantonment Street elevation shall be provided that demonstrates the following to the satisfaction of the City of Fremantle:*

- ~~*Replacement of the glazed doors for the southern most F+B/Retail outlet with fixed glazing, and entry to the tenancy to be taken from the central lobby.*~~
- ~~*Replacement of the glazed doors for the second F+B/Retail outlet with fixed glazing, retention of the ledge in front of the opening, and entry to the tenancy to be taken from the central lobby.*~~
- ***To further consider the retention of the skateboard ledge, so it remains functional and, to the extent possible, having regard to the access needs of the development.***

Clayton Higham  
Presiding Member, Metro Inner DAP



*Reason for Condition 38: condition is requested to ensure ongoing skateability of the ledge in recognition of the cultural significance of the place and to ensure skateboarding can occur safely by removing potential conflict between skaters and people accessing the commercial tenancies*

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

For: Clayton Higham  
Francesca Lefante

Against: Cr Andrew Sullivan  
Cr Jemima Williamson-Wong  
John Syme

**REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/02837 is appropriate for consideration as “Multiple Dwelling”, “Residential Building”, “Office”, “Restaurant/Café and “Tavern” land uses and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4
2. **Approve** DAP Application reference DAP/25/02837 and accompanying plans DA002 (Rev A), DA003 (Rev A), DA004 (Rev A), DA101 (Rev A), DA102 (Rev B), DA0103 (Rev B), DA0104 (Rev B), DA0105 (Rev B), DA0106 (Rev B), DA0107 (Rev B), DA0108 (Rev B), DA0109 (Rev A), DA0201 (Rev A), DA202 (Rev A), DA301 (Rev A), DA302 (Rev A), dated 3 January 2025 (City of Fremantle received date)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

**Conditions**

*Validity / Works Forming Part of Approval*

1. This decision constitutes planning approval only and is valid for a period of four (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.
2. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



3. This approval does not relate to any proposed work(s) located outside of the cadastral boundaries of the subject site including the adjacent Goldsborough Street, Cantonment Street and Elder Place road reserves with the exception of awnings for weather protection. Any required or proposed works within these road reserves will be subject to separate approval from the City of Fremantle. Any costs associated with the design and construction of works within the road are to be borne by the landowner in full.

#### *Materials / Finishes*

4. Prior to the lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials, is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
5. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
6. Prior to lodgement of a Building Permit application, storm water disposal and management 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.

#### *Landscaping / Tree Planting*

7. Prior to the lodgement of a building permit application, the detailed landscaping plans shall be updated to the satisfaction of the City of Fremantle. Additional detail shall be provided with regards to deep soil areas, on-structure planting, species selection, tree planting and irrigation. The revised landscaping plans shall be submitted to, and approved by the City of Fremantle.
8. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans or any approved modifications thereto and be maintained for the life of the development, to the satisfaction of the City of Fremantle.
9. Prior to the occupation of the development, the proposed on-site tree planting (including the provision of 41 small trees) 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



### *Lighting*

10. 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.

### *Parking and Traffic*

11. Prior to the submission of a Building Permit, the applicant is to submit detailed plans for the provision of three (3) loading/service bays within the road reserves immediately adjacent the subject site for approval by the City of Fremantle.

Prior to the occupation of the development hereby approved, the three (3) loading/service bays are to be constructed in agreement with the City of Fremantle. All costs associated with the design and construction of the parking bays are to be borne by the landowner in full.

12. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle for the life of the development.
13. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.
14. Prior to occupation of the development hereby approved, a detailed Car Parking Management Plan shall be submitted to, and approved by the City of Fremantle. The approved car parking management plan shall be implemented for the life of the development unless otherwise approved.
15. Prior to the lodgement of a Building Permit 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, including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress.
16. Prior to occupation of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
17. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



18. Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle as follows:

- 3 male and 3 female (or 6 unisex) shower facilities for the non-residential uses, and four (6) lockers.

Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

#### *Management Plans*

19. Prior to occupation of the development hereby approved, a detailed Management Plan for the 'Co-Living' units and use shall be submitted to, and approved by the City of Fremantle. The management plans will outline operational management plans for the units and the operator, including, but not be limited to: access to units and car/bicycle bays for tenants, visitors, deliveries, mitigation of noise and other potential nuisance.

The approved management plan shall be implemented for the life of the development unless otherwise approved.

20. Prior to the lodgement of a Building Permit application, an updated Waste Management Plan shall be prepared in accordance with advice from the City and subsequently be submitted to, and approved by the City of Fremantle.

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

21. Prior to the lodgement of a Building Permit application, a and Demolition and Construction Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management;
- m) Works affecting pedestrian areas;
- n) Asbestos removal management plan;

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- o) Dilapidation reports of nearby properties; and
- p) Any other matter deemed to be relevant by the City of Fremantle.

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

### *Heritage*

22. Prior to the lodgement of a Building Permit, the following information and/or additional detail, pertaining to the 1927 State Registered building, is to be provided to the satisfaction of the City of Fremantle on the advice of the Heritage Council of Western Australia:
- i. All columns and beams to the 1927 building to be retained to maximum extent, inclusive of the proposed internal courtyard/lightwell area currently proposed for demolition, to the satisfaction of the Director, Historic Heritage Conservation.
  - ii. All original external signage is to be retained and exposed.
  - iii. The following further information is to be provided to the satisfaction of the Director, Historic Heritage Conservation, prior to the application of a Building Permit:
    - a. Further details of the proposed ramps and external landscaping to Goldsborough St.
    - b. Further information of proposed works, and associated impact on heritage fabric, required to comply with the National Construction Code.
    - c. An Interpretation Plan for the Elders Wool Store that outlines interpretation strategies and implementation proposals to communicate the history, heritage significance and stories of the place, including those associated with the more recent use of the place by the Western Australian and international skateboarding community.
    - d. Prior to application for an Occupancy Permit, a signage strategy that provides for a coordinated approach for tenancy and wayfinding signage is to be provided to the satisfaction of the Director, Historic Heritage Conservation. The strategy is to include method of fixing, location, dimensions, and design for new signage.
23. Prior to the submission of a Building Permit application, the following further information and detail is to be submitted to, and approved by the City of Fremantle:
- i. A detailed Conservation Plan for the entire building.
  - ii. A conservation methodology which specifically details the immediate protection, management and conservation, the during demolition and during construction protection, management and conservation and the ongoing protection, management and conservation of the retained heritage fabric, relocated heritage fabric, interpretation elements and machinery.
  - iii. A detailed archival record of the entire building photographing and noting in detail the location, type and condition of all material to be demolished and all material to be reused.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- iv. A detailed plan for the retention / relocation / conservation and interpretation of all machinery, chutes and signage that are related to the wool use of the building.
  - v. A detailed schedule of materials and finishes.
24. Prior to the submission of an occupation of the development hereby approved, the following further information and detail is to be submitted to, and approved by the City of Fremantle:
- i. The full implementation of the conservation methodology as per the City of Fremantle approved Conservation Methodology plan.
  - ii. The installation of all interpretation elements as per the City of Fremantle on the advice of the Director, Historic Heritage Conservation, DPLH approved Interpretation Plan.
  - iii. The retention / relocation / conservation and interpretation of all machinery, chutes and signage that are related to the wool use of the building as per the City of Fremantle approved plan.

#### *Acoustics and Noise*

25. Prior to the lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (prepared by Lloyd George Acoustics Pty Ltd, ref. 242028739) are to be implemented, are to be submitted to, and approved by the City of Fremantle. The measures shall be constructed, implemented and maintained for the life of the development. Any necessary works require additions, alterations and/or treatments of existing heritage building fabric, will require details to be submitted to, and approved by the City of Fremantle, prior to the commencement of such works.
26. Prior to the lodgement of a Building Permit application for the development hereby approved, details are to be submitted and approved by the City of Fremantle that demonstrate that the development incorporates the noise mitigation 'Quiet House Requirements' Category (A) of Table 2 of the State Planning Policy 5.4 'Road and Rail Noise Guidelines', or designs and implements an approved noise management plan by a qualified acoustic consultant, to the satisfaction of the City of Fremantle.
27. Prior to the lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall demonstrate compliance with the requirements set out within City of Fremantle policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within 'Area 2'.
28. Prior to the lodgement of a Building Permit application for the residential development hereby approved, the design and materials of the development is to demonstrate adherence to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following, at a minimum:

**Clayton Higham**  
Presiding Member, Metro Inner DAP



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

#### *Notifications on Titles*

- 29. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
- 30. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



31. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that “this development is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise and vibration. Road and rail transport noise and vibration levels may rise and fall over time depending on the type and volume of traffic.”. The notification is to be prepared by the City’s solicitors at the expense of the owner and be executed by all parties prior to occupation.

*Sustainability*

32. Prior to the lodgement of a building permit application, a Green Star ‘Designed’ assessment from the Green Building Council of Australia (GBCA) demonstrating that the building’s design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.
33. Prior to occupation, a Green Star ‘Certified’ rating with certification from the Green Building Council of Australia (GBCA) confirming the building’s design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.

*Public Art*

34. Prior to the occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, or otherwise approved by the City in accordance with Local Planning Policy 2.19, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works, heritage and/or external public realm upgrade works to enhance the public realm. Based on the estimated cost of the development being \$110 million dollars the contribution to be made is \$1.1 million dollars

**Clayton Higham**  
Presiding Member, Metro Inner DAP



### *Liveable Housing*

35. Prior to the issue of a building permit, amended development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of:
- i. 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia), OR
  - ii. 5 per cent of dwellings to be designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).

The dwellings shall be maintained as such for the life of the development. This condition does not relate to the co-living units on site.

### *Water Metering*

36. Prior to the issue of a building permit, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.
37. 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.

### *Cantonment Street*

38. Prior to the lodgement of a building permit, a revised plan for the Cantonment Street elevation shall be provided that demonstrates the following to the satisfaction of the City of Fremantle:
- Replacement of the glazed doors for the southern most F+B/Retail outlet with fixed glazing, and entry to the tenancy to be taken from the central lobby.
  - Replacement of the glazed doors for the second F+B/Retail outlet with fixed glazing, retention of the ledge in front of the opening, and entry to the tenancy to be taken from the central lobby.

Reason for Condition 38: condition is requested to ensure ongoing skateability of the ledge in recognition of the cultural significance of the place and to ensure skateboarding can occur safely by removing potential conflict between skaters and people accessing the commercial tenancies

### **Advice Notes**

- i. 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- ii. 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.
- iii. The applicant is advised of the requirement to prepare a 'Planning Condition Schedule' that outlines how each of the above conditions have been addressed, with specific reference to plans and/or other supporting documentation where relevant and share this with officers to assist City officers in the process of clearance of relevant conditions.

The applicant will need to submit an application for request for condition clearance and the pay the requisite fee to commence this process.

- iv. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- v. Prior to commencement of the development, or any works associated with the development, the applicant/owner is required to submit an application to the satisfaction of the Public Transport Authority (PTA) and must obtain approval from the PTA for works in and around the operating Railway Corridor in accordance with the PTA's 8810-450-003 – Procedure – Working In and around the PTA Rail Corridor, Assets and Infrastructure.
- vi. The development is within 50m of the PTA Railway Reserve, this places the proposed development within the PTA Protection Zone. An application to PTA third party access is required prior to the commencement of any development/construction works within the Protection Zone.
- vii. The applicant is advised of the need to liaise with the Water Corporation to obtain and necessary approvals in relation to the development and the relocation/alteration of water infrastructure.
- viii. The proponent must:
  - i. make application to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*;
  - ii. once construction has been completed, make application to Environmental Health Services via Form 2 - Application for a public building certificate;

AND

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- iii. once construction has been completed, complete and submit Form 5 - Certificate of Electrical Compliance for a Public Building to Environmental Health Services.

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

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

- ix. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – Application for registration of a lodging house as a requirement of the City of Fremantle’s Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- x. The Co-Living Apartments in the proposal do not appear to be self-contained dwellings (i.e. residential flats). As such, their operation constitutes a lodging house under the *Health (Miscellaneous Provisions) Act 1911*. Facilities and services for the lodging house must adhere to the registration, design and management requirements detailed in the *Health (Miscellaneous Provisions) Act 1911* and the City’s Health Local Laws 1997. In particular, please note and implement the design requirements for laundries, kitchen and dining room:
  - i. Laundry – 1 laundry unit consisting of a washing machine, wash trough and clothes dryer, for every 15 lodgers.
  - ii. Kitchen – minimum floor area of 0.65 square meters per lodger.
  - iii. Cooking facilities – 2x ovens and 4x four burner stoves for the first 60 lodgers+ 1 four burner stove for each additional 15 lodgers (or part thereof) over the initial 60 lodgers.
  - iv. Dining Room – minimum floor area of 0.5 square meters per lodger with adequate furnishings to accommodate ½ the lodgers at any one time.
- xi. The applicant is advised that a crossover permit must be obtained from the City’s Engineering Department. New/modified crossover(s) shall comply with the City’s standard for crossovers, which are available on the City of Fremantle’s web site.
- xii. The applicant is encouraged to maintain the adjacent verge in accordance with the City’s Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
- xiii. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the *Health (Air-handling and Water Systems) Regulations 1994*. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).

**Clayton Higham**  
Presiding Member, Metro Inner DAP



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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*. Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- xv. 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.

- xvi. 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.

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

1. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
2. vehicles;
3. amplified acoustic systems; and
4. patron noise.

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

- xviii. 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 via an [application to notify/register a food business](#). The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).

Clayton Higham  
Presiding Member, Metro Inner DAP



- xix. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at [https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact\\_sheets\\_tech\\_advice/Fact\\_sheet\\_1.pdf](https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact_sheets_tech_advice/Fact_sheet_1.pdf)
- xx. The owner is advised that an obstruction permit will be required from the City for any future obstruction of the Goldsbroough, Elder or Cantonment Street road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- xxi. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: [https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge Bonds](https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge_Bonds)
- xxii. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Parks and Landscape team via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- xxiii. The applicant is advised that any signage may be subject to a separate application for planning approval.

The applicant is advised, with regard to stormwater management, to implement an on-site stormwater management solution, to the maximum available capacity in line with the city's requirements.

- xxiv. With regard to the GBCA Green Star project registration and design assessment demonstrate sustainable built design performance requirements in accordance with Local Planning Policy 2.13.

A Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), and that includes, but is not limited to:

1. Statement of compliance that the building's design will achieve, or has achieved in construction, the performance requirements of a 4 Star Green Star building using the current GBCA Green Star Buildings rating tool.
2. A comprehensive report detailing the sustainability initiatives incorporated in the building design described in full with referenced supporting documentation.
3. A Green Star Scorecard matrix showing targeted credit points with detailed comments documenting how the credit is satisfied and referenced to supporting documentation.
4. Report author GSAP credentials.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



5. Evidence to substantiate each credit claim and to demonstrate the level of performance as per the Green Star Buildings rating tool Submission Guidelines.
6. List of supporting documentation referencing information used such as calculators, modelling, specifications, contracts, brief requirements, client instructions, plans, reports, and drawings including working drawing stages.

Note 1: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

Note 2: Minimum expectations of the current Green Star Buildings rating tool need to be met. Partial points can not be awarded under Green Star 'Buildings' rating tool, and the total credit points targeted to include a reasonable buffer of points.

- xxv. The GBCA Green Star final certification demonstrates sustainable built design and construction performance requirements in accordance with Local Planning Policy 2.13. The Green Star certification may be submitted within 2 years from practical completion of the project.

Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), demonstrating that the Green Star rating outcomes have been achieved for the building as constructed with a supporting documentation produced as part of the design, procurement, construction or commission process.

Note: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

- xxvi. 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](mailto:info@fremantle.wa.gov.au) or 9432 9999.
- xxvii. Any existing tree(s) within the adjacent road reserve(s) shall be protected through the implementation of a Tree Protection Zone for protection during construction.

Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>

**Clayton Higham**  
Presiding Member, Metro Inner DAP



xxviii. In relation to Condition 34:

- a) Should the Applicant provide a monetary amount to contribute to external public realm upgrade works, this shall be subject to the detailed design of the proposed public realm upgrades to be undertaken at the Applicants cost and subsequently endorsed by the City.
- b) Should provision of physical public art be delivered by the Applicant, this should be provided on-site, reflect the cultural, social and historical context of the site, such as the skate culture and former wool trade, and should be visible to the public realm fronting either Cantonment or Goldsbrough Street.

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

**REASON:** The proposal is consistent with the planning framework, location context and enhancing the character of the area. The development is considered a positive adaptive re-use and reconfiguration of this significant heritage site. The building modification and removal of some elements' fabric have been assessed as appropriate, balancing the mix of uses which contribute to the future vibrant use of the building.

#### **PROCEDURAL MOTION**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Francesca Lefante

That the meeting be adjourned for a period of 5 minutes.

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

**REASON:** To allow members a comfort break.

*The meeting was adjourned at 2:14pm.*

*The meeting was reconvened at 2:19pm.*

**Clayton Higham**  
Presiding Member, Metro Inner DAP



### 3.2 Lot 116 (No.47) Pakenham Street, Fremantle - Mixed Use Development – DAP/25/02841

#### Deputations and Presentations

Katrina Cinanni addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Frank Tyson addressed the DAP against the recommendation for the application at Item 3.2.

Kate Pearson addressed the DAP in support of the recommendation for the application at Item 3.2.

Stacey Towne addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Pamela Cattalini addressed the DAP in support of the recommendation for the application at Item 3.2.

Ben Doyle and Felipe Soto (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

The panel noted a written submission in support of the recommendation for the application at Item 3.2. was received from John Dowson (The Fremantle Society).

The City of Fremantle addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

#### REPORT RECOMMENDATION

**Moved by:** Cr Andrew Sullivan      **Seconded by:** Cr Jemima Williamson-Wong

That the Metro Inner DAP Name resolves to:

1. **Accept** that the DAP Application reference DAP/25/02841 is appropriate for consideration as a “Multiple Dwelling and Restaurant/Café” land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4.
2. **Refuse** DAP Application DAP/25/02841 and accompanying plans (attachment SD1-00 (Rev. D), SD1-01 (Rev. D), SD1-02 (Rev. N), SD2-01 (Rev. Q), SD2-02 (Rev. N), SD2-03 (Rev. N), SD2-04 (Rev P), SD2-05 (P), SD2-06 (Rev. M), SD3-01 (F), SD3-02 (E), SD3-03 (E), SD4- 01 (Rev. H), SD4-02 (Rev. A), SD5-01 (Rev. Q)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4 for the following reasons:

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- a. The application is not consistent with the requirements of Schedule 7, Local Planning Area 1 (Sub Area 1.3.1) in relation to the proposed additional building heights that do not satisfy the requirement of cl. 1.2(b) of Schedule 7 as the side parapet walls will be detrimental to the character and amenity of the adjoining properties and the locality.
- b. The application is not consistent with all of the LPS4 requirements of cl. 4.8.1.1 in relation to the additional building heights as the side parapet walls do not satisfy the requirement of sub clauses (a) and (b) as the cause a detrimental impact on the adjoining properties and fail to graduate the additional heights relative to the surrounding lower height buildings.

### PROCEDURAL MOTION

**Moved by:** Francesca Lefante

**Seconded by:** Cr Jemima Williamson-Wong

That the consideration of DAP Application DAP/25/02841 be deferred for up to 120 days, in accordance with section 5.10.2a of the DAP Standing Orders 2024, for the following reasons:

Further information and plans are to be provided to address the following:

- The impacts on the adjoining sites 45 & 49a Pakenham Street against the provisions as set out in LPS4 CI 4.8.1.1 and Sch 7 City Centre Area 1, CI 1.3.1.
- Extent of variation / discretion sought on the site, inclusive of plans showing impact.
- Local context and character of the build form.
- Any associated modification to mitigate impacts.

### The Procedural Motion was put and CARRIED (4/1).

For: Francesca Lefante  
Clayton Higham  
Cr Jemima Williamson-Wong  
Cr Andrew Sullivan

Against: John Syme

**REASON:** For further information relating proposal compliance with the provisions of LPS4 CI 4.8.1.1 and Sch 7 City Centre Area 1, CI 1.3.1 and the merits of the exercise of discretion sought on the site. This is also an opportunity for the applicant to review the potential amenity impacts on the neighbouring properties and consider whether there are some appropriate modifications to the proposed development to minimise those impacts.

Clayton Higham  
Presiding Member, Metro Inner DAP



**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

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

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## PART D – OTHER BUSINESS

### 1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/24/02688 DR191/2024	City of South Perth	No 44 (Lot 15) Park Street, Como	Proposed Childcare Premises	16/12/2024
DAP/20/01911 DR192/2024	Town of Cambridge	Lot 800 (29-33) Northwood Street, West Leederville	Three storey care premises and associated office	16/12/2024

### 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 3:42pm.

Clayton Higham  
Presiding Member, Metro Inner DAP