



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 20 November 2025; 9:30am
Meeting Number: MIDAP/106
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[MIDAP/106 - 20 November 2025 - City of Fremantle - Town of Cambridge](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF FREMANTLE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lots 6, 7, 301, 770 & 771 (No.64) Queen Victoria Street, Fremantle - 6 level mixed use development – DAP/25/02955
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – TOWN OF CAMBRIDGE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Item 3.1 - Lots 4 & 5 (No. 10 & 12) Abbotsford Street, West Leederville - 8 storey residential development – DAP/25/02939
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Dale Page
Presiding Member, Metro Inner DAP



DAP Members
Dale Page (Presiding Member)
Karen Hyde (Deputy Presiding Member)
John Syme
Cr Ingrid Van Dorssen (Part B – City of Fremantle)
Cr Andrew Sullivan (Part B – City of Fremantle)
Cr Kate Barlow (Part C – Town of Cambridge)
Deputy Mayor Ben Mayes (Part C – Town of Cambridge)

DAP Secretariat
Kristen Gray
Ashlee Kelly

Dale Page
Presiding Member, Metro Inner DAP



Part B – City of Fremantle
Submitters
David Congdon Ken Perry
Applicant
James Theodoe (Marprop) Cale Otter (Element) Dan Lees (Element) Hannah Kelly (Element) Eliza Snellgrove (CCN) Dominic Snellgrove (CCN)
Officers/Technical Advisors in Attendance
Chloe Johnston Jonathan Dornan

Part C – Town of Cambridge
Submitters
Ken Perry
Applicant
Ryan Henderson Felipe Soto (Space Collective) Matthew Cain (Planning Solutions)
Officers/Technical Advisors in Attendance
Ahmed Aflan Prithul Nick Bakker

Members of the Public / Media

There were 4 members of the public in attendance.

Observers via livestream

There were 7 persons observing the meeting via the livestream.

Dale Page
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 20 November 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 2025 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

Nil.

3. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

Dale Page
Presiding Member, Metro Inner DAP



PART B – CITY OF FREMANTLE

1. Declaration of Due Consideration

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

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Ingrid Van Dorssen, declared that they had participated in a prior Council briefing in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr Van Dorssen acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lots 6, 7, 301, 770 & 771 (No.64) Queen Victoria Street, Fremantle - 6 level mixed use development – DAP/25/02955

Deputations

David Congdon addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Ken Perry addressed the DAP against the application at Item 3.1.

James Theodore (Marprop) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Cale Otter (Element) addressed the DAP in support of the application at Item 3.1.

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

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



SUBSTANTIVE MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Ingrid Van Dorssen

The RAR recommendation was moved and seconded inclusive of an administrative correction to Condition 24 to refer to the correct number of lots.

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/02955 is appropriate for consideration as a “Residential Building, Restaurant/Café, Hotel, Shop and Recreation-Private” land use and is compatible with the objectives of the zoning table in accordance with City of Fremantle Local Planning Scheme No.4;
2. **Approve** DAP Application reference DAP/25/02955 and accompanying plans (Site Plan 14 Aug 2025, Basement 14 Aug 2025, Ground Floor 14 Aug 2025, Level 1 14 Aug 2025, Level 2 14 Aug 2025, Level 3 14 Aug 2025, Level 4 14 Aug 2025, Level 5 14 Aug 2025, Level 6 14 Aug 2025, Queen Victoria Street Elevation 14 Aug 2025, James Street Elevation 14 Aug 2025, North-Western Elevation 14 Aug 2025, Streetscape Elevations 14 Aug 2025 and Section1-2 14 Aug 2025) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to lodgement of a Building Permit or Demolition Permit application for the development hereby approved, a Construction & Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.



The Construction Management Plan for the development is to include appropriate strategies for the protection of Dalgety Wool Store (fmr) and monitoring of potential movement through excavation and compaction works, and the movement of heavy machinery on advice of the Heritage Council WA.

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

3. Prior to lodgement of a Building Permit application for the development hereby approved, a dilapidation survey of the Dalgety Wool Store (fmr), 36 Queen Victoria Street, Fremantle, is to be prepared by a suitably qualified professional to the satisfaction of the City of Fremantle, on advice from the Heritage Council.
4. Prior to lodgement of a Building Permit application for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
5. Prior to the 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 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, and demonstrates the safety of building users accessing the basement bike store and carparking.
7. Prior to 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.
8. Prior to the occupation of the development hereby approved, the approved landscaping plan prepared by Landscape Architects dated 14 August 2025 shall be installed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.



9. Prior to the lodgement of a Building Permit application for the development hereby approved, details on how vehicle access and egress to the subject site shall be restricted to the following movements:
- a) Left turn in only via the Queen Victoria Street crossover from vehicles travelling in a northerly direction along Queen Victoria Street; and
 - b) Left turn out only via the James Street crossover for vehicles to exit the site and travel in a westerly direction along James Street.

The approved traffic access and egress shall be installed to the specifications of the City of Fremantle at the cost of the developer and maintained for the life of the development to the satisfaction of the City of Fremantle.

10. Prior to lodgement of a Building Permit application for the development hereby approved, plans shall be amended demonstrating the location of the roller gate at the Queen Victoria Street entrance to the building shall be relocated further into the site to allow a minimum of two (2) vehicles to queue without obstructing the footpath and/or traffic on Queen Victoria Street, the satisfaction of the City of Fremantle.
11. Prior to lodgement of a Building Permit application for the development hereby approved, an amended environmental acoustic report prepared by a suitably qualified consultant which states that the design of the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, is to be submitted and approved, to the satisfaction of the City of Fremantle.
12. Prior to lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 1. Specifically, the development shall demonstrate the following:
- a. The aggregate area of windows and doorways shall not exceed 40% of the total area of the façade facing the Port Inner Harbour.
 - b. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness 12mm or “double glazed” utilising laminated or toughened safety glass of minimum thickness 6mm.
 - c. Windows shall be fixed (non-opening). Where this is not possible, windows shall be of a “hopper” or “awning” style with a maximum opening arc of 12.5 degrees.
 - d. All safety glass shall be manufactured and installed to an appropriate Australian Standard.
 - e. All doors facing the port shall have automatic closure to a sealed state.
 - f. All air-conditioning systems shall incorporate the following features:
 - i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and
 - ii) preference for split “refrigerate” systems.



- g. All residential development shall incorporate the following minimum standards of construction:
- i) roof insulation.
 - ii) cavity masonry construction for external walls of residential buildings; and

All required measures shall be installed prior to the occupation of the development.

13. Prior to 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.
14. Prior to lodgement of a Building Permit application for the development hereby approved, an amended formal risk assessment must be submitted and approved by the City of Fremantle on advice from Fremantle Ports. Should the amended formal risk assessment provide further detail on any physical measures and/ or management of the roof terraces of the development to minimise potential impacts that may arise from the Port, these measures shall be implemented for the life of the development, to the satisfaction of the City of Fremantle.
15. Prior to lodgement of a Building Permit application for the development hereby approved, further details/ plans for awnings within the Queen Victoria Street road reserve are to be provided and approved by the City of Fremantle. The approved awnings are to be maintained for the life of the development, to the satisfaction of the City of Fremantle.
16. Prior to the occupation of the development hereby approved, the owner shall:
- a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$55 million dollars the contribution to be made is \$550,000;



- b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy and the City's Percent for Art Guidelines, and approved by the City of Fremantle.

Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.

17. 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.
18. Prior to occupation for the development hereby approved, a notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

The above requirement is a provision outlined in the State Planning Policy 5.4 'Road and Rail Noise.'

19. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.



20. Prior to occupation of the development hereby approved, the boundary wall located on the south and west boundaries shall be of a clean finish in any of the following materials:
- coloured sand render,
 - face brick,
 - painted surface,
- and be thereafter maintained to the satisfaction of the City of Fremantle.
21. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, end of trip facilities, motorcycle/scooter parking and vehicle access and circulation areas shall be maintained and available for use, car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
22. 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.
23. 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.
24. Prior to occupation of the development hereby approved, No. 64 (Lots 6, 7, 301, 770, 771) Queen Victoria Street are to be legally amalgamated into one lot on the Certificate of Title. Alternatively, the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of five separate lots, to the satisfaction of the City of Fremantle.
25. Prior to occupation of the development hereby approved, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to the satisfaction of the City of Fremantle.
26. The waste management plan, prepared by Talis Consultants, dated 19 December 2024 (WMP24078) must be implemented at all times to the satisfaction of the City of Fremantle.
27. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.

Dale Page
Presiding Member, Metro Inner DAP



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

Advice Notes

1. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
2. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
3. The applicant is advised that the new/ modified vehicle crossover shall be separated from any verge infrastructure by:
 - a minimum of 2.0 metres in the case of verge trees
 - a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and
 - a minimum of 1.0 metre in the case of power poles, road name and directional signs.

Queries relating to these works should be directed to the City's Engineering Team via Engineering-DA@fremantle.wa.gov.au or 9432 9999.

4. The existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
5. 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.
6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.



7. 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.

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

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

9. 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.
10. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

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

11. 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.



12. A Green Star self-assessment as 'equivalence' requires a Sustainable Design Assessment Report, to be prepared by a practicing Green Star Accredited Professional (GSAP) and aligned to the current GBCA Green Star Buildings rating tool, that includes, but is not limited to:
- a) Statement of compliance that the building's design achieved the performance requirements as constructed of a 4 Star Green Star building using the current GBCA Green Star Buildings rating tool.
 - b) A comprehensive report detailing the sustainability initiatives incorporated in the building described in full with references to supporting documentation.
 - c) A Green Star Scorecard matrix showing targeted credit points with detailed comments documenting how the credit is satisfied with references to supporting documentation.
 - d) Supporting documentation as evidence to substantiate each credit claim and demonstrate the level of performance achieved as per the Green Star Buildings rating tool Submission Guidelines, such as calculators, modelling, specifications, contracts, reports, or drawings.
 - e) Report author GSAP credentials.
- Note: A Green Star self-assessment does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.
13. The applicant is advised that the awning weather protection in the Queen Victoria Street road reserve shall be designed with consideration to the following requirements:
- a) Shelter to be continuous along all primary street frontages;
 - b) The weather protection shall be integrated with the building design, appropriately scaled and designed to reinforce the importance of primary streets while still providing shelter and a sense of enclosure for pedestrians;
 - c) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);
 - d) The weather protection shall project a minimum horizontal distance of 2.4 metres over the adjacent footpath; and
 - e) Awnings shall have a consistent clear height from footpath level of between 3m and 3.5m.

Dale Page
Presiding Member, Metro Inner DAP



AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: John Syme

That a new Condition No.29 be added to read as follows:

Prior to occupation, an operational management plan to be submitted to and approved by the City of Fremantle and thereafter the development shall be operated in accordance with the approved operational management plan to the satisfaction of the City of Fremantle.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Given the diversity of tenants and occupants to be managed by a third party; the panel were of the opinion that an Operational Management Plan was required as a condition of development approval to ensure that the day-to-day management of the operation upheld the requirements of the approval and didn't unduly impact the amenity of the location. An Operational Management Plan was acknowledged by the applicant as a regular requirement and in keeping with their model of development.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No.7 be amended to read as follows:

~~*Prior to 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.*~~

Prior to occupation, the approved materials, colours and finished shall be implemented to the satisfaction of the City of Fremantle and maintained for the life of the development, unless otherwise approved by the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The added wording makes it clear the City can approve deviations from the approved schedule in future, should this be required

Dale Page
Presiding Member, Metro Inner DAP



SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/02955 is appropriate for consideration as a “Residential Building, Restaurant/Café, Hotel, Shop and Recreation-Private” land use and is compatible with the objectives of the zoning table in accordance with City of Fremantle Local Planning Scheme No.4;
2. **Approve** DAP Application reference DAP/25/02955 and accompanying plans (Site Plan 14 Aug 2025, Basement 14 Aug 2025, Ground Floor 14 Aug 2025, Level 1 14 Aug 2025, Level 2 14 Aug 2025, Level 3 14 Aug 2025, Level 4 14 Aug 2025, Level 5 14 Aug 2025, Level 6 14 Aug 2025, Queen Victoria Street Elevation 14 Aug 2025, James Street Elevation 14 Aug 2025, North-Western Elevation 14 Aug 2025, Streetscape Elevations 14 Aug 2025 and Section1-2 14 Aug 2025) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to lodgement of a Building Permit or Demolition Permit application for the development hereby approved, a Construction & Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

Dale Page
Presiding Member, Metro Inner DAP



The Construction Management Plan for the development is to include appropriate strategies for the protection of Dalgety Wool Store (fmr) and monitoring of potential movement through excavation and compaction works, and the movement of heavy machinery on advice of the Heritage Council WA.

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

3. Prior to lodgement of a Building Permit application for the development hereby approved, a dilapidation survey of the Dalgety Wool Store (fmr), 36 Queen Victoria Street, Fremantle, is to be prepared by a suitably qualified professional to the satisfaction of the City of Fremantle, on advice from the Heritage Council.
4. Prior to lodgement of a Building Permit application for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
5. Prior to the 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 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, and demonstrates the safety of building users accessing the basement bike store and carparking.
7. Prior to occupation, the approved materials, colours and finished shall be implemented to the satisfaction of the City of Fremantle and maintained for the life of the development, unless otherwise approved by the City.
8. Prior to the occupation of the development hereby approved, the approved landscaping plan prepared by Landscape Architects dated 14 August 2025 shall be installed 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.

Dale Page
Presiding Member, Metro Inner DAP



9. Prior to the lodgement of a Building Permit application for the development hereby approved, details on how vehicle access and egress to the subject site shall be restricted to the following movements:
- a) Left turn in only via the Queen Victoria Street crossover from vehicles travelling in a northerly direction along Queen Victoria Street; and
 - b) Left turn out only via the James Street crossover for vehicles to exit the site and travel in a westerly direction along James Street.

The approved traffic access and egress shall be installed to the specifications of the City of Fremantle at the cost of the developer and maintained for the life of the development to the satisfaction of the City of Fremantle.

10. Prior to lodgement of a Building Permit application for the development hereby approved, plans shall be amended demonstrating the location of the roller gate at the Queen Victoria Street entrance to the building shall be relocated further into the site to allow a minimum of two (2) vehicles to queue without obstructing the footpath and/or traffic on Queen Victoria Street, the satisfaction of the City of Fremantle.
11. Prior to lodgement of a Building Permit application for the development hereby approved, an amended environmental acoustic report prepared by a suitably qualified consultant which states that the design of the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, is to be submitted and approved, to the satisfaction of the City of Fremantle.
12. Prior to lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 1. Specifically, the development shall demonstrate the following:
- a. The aggregate area of windows and doorways shall not exceed 40% of the total area of the façade facing the Port Inner Harbour.
 - b. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness 12mm or “double glazed” utilising laminated or toughened safety glass of minimum thickness 6mm.
 - c. Windows shall be fixed (non-opening). Where this is not possible, windows shall be of a “hopper” or “awning” style with a maximum opening arc of 12.5 degrees.
 - d. All safety glass shall be manufactured and installed to an appropriate Australian Standard.
 - e. All doors facing the port shall have automatic closure to a sealed state.
 - f. All air-conditioning systems shall incorporate the following features:
 - i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and
 - ii) preference for split “refrigerate” systems.



- g. All residential development shall incorporate the following minimum standards of construction:
- i) roof insulation.
 - ii) cavity masonry construction for external walls of residential buildings; and

All required measures shall be installed prior to the occupation of the development.

13. Prior to 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.
14. Prior to lodgement of a Building Permit application for the development hereby approved, an amended formal risk assessment must be submitted and approved by the City of Fremantle on advice from Fremantle Ports. Should the amended formal risk assessment provide further detail on any physical measures and/ or management of the roof terraces of the development to minimise potential impacts that may arise from the Port, these measures shall be implemented for the life of the development, to the satisfaction of the City of Fremantle.
15. Prior to lodgement of a Building Permit application for the development hereby approved, further details/ plans for awnings within the Queen Victoria Street road reserve are to be provided and approved by the City of Fremantle. The approved awnings are to be maintained for the life of the development, to the satisfaction of the City of Fremantle.
16. Prior to the occupation of the development hereby approved, the owner shall:
- a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$55 million dollars the contribution to be made is \$550,000;
 - b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy and the City's Percent for Art Guidelines, and approved by the City of Fremantle.

Dale Page
Presiding Member, Metro Inner DAP



Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.

17. 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.
18. Prior to occupation for the development hereby approved, a notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

The above requirement is a provision outlined in the State Planning Policy 5.4 'Road and Rail Noise.'

19. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
20. Prior to occupation of the development hereby approved, the boundary wall located on the south and west boundaries shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,

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

21. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, end of trip facilities, motorcycle/scooter parking and vehicle access and circulation areas shall be maintained and available for use, car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.



22. 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.
23. 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.
24. Prior to occupation of the development hereby approved, No. 64 (Lots 6, 7, 301, 770, 771) Queen Victoria Street are to be legally amalgamated into one lot on the Certificate of Title. Alternatively, the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of five separate lots, to the satisfaction of the City of Fremantle.
25. Prior to occupation of the development hereby approved, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to the satisfaction of the City of Fremantle.
26. The waste management plan, prepared by Talis Consultants, dated 19 December 2024 (WMP24078) must be implemented at all times to the satisfaction of the City of Fremantle.
27. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
28. 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.
29. Prior to occupation, an operational management plan to be submitted to and approved by the City of Fremantle and thereafter the development shall be operated in accordance with the approved operational management plan to the satisfaction of the City of Fremantle.

Advice Notes

1. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.

Dale Page
Presiding Member, Metro Inner DAP



2. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
3. The applicant is advised that the new/ modified vehicle crossover shall be separated from any verge infrastructure by:
 - a minimum of 2.0 metres in the case of verge trees
 - a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and
 - a minimum of 1.0 metre in the case of power poles, road name and directional signs.

Queries relating to these works should be directed to the City's Engineering Team via Engineering-DA@fremantle.wa.gov.au or 9432 9999.

4. The existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
5. 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.
6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
7. 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.



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

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

9. 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.
10. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

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

11. 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.
12. A Green Star self-assessment as 'equivalence' requires a Sustainable Design Assessment Report, to be prepared by a practicing Green Star Accredited Professional (GSAP) and aligned to the current GBCA Green Star Buildings rating tool, that includes, but is not limited to:
- a) Statement of compliance that the building's design achieved the performance requirements as constructed of a 4 Star Green Star building using the current GBCA Green Star Buildings rating tool.
 - b) A comprehensive report detailing the sustainability initiatives incorporated in the building described in full with references to supporting documentation.



- c) A Green Star Scorecard matrix showing targeted credit points with detailed comments documenting how the credit is satisfied with references to supporting documentation.
- d) Supporting documentation as evidence to substantiate each credit claim and demonstrate the level of performance achieved as per the Green Star Buildings rating tool Submission Guidelines, such as calculators, modelling, specifications, contracts, reports, or drawings.
- e) Report author GSAP credentials.

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

13. The applicant is advised that the awning weather protection in the Queen Victoria Street road reserve shall be designed with consideration to the following requirements:
- a) Shelter to be continuous along all primary street frontages;
 - b) The weather protection shall be integrated with the building design, appropriately scaled and designed to reinforce the importance of primary streets while still providing shelter and a sense of enclosure for pedestrians;
 - c) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);
 - d) The weather protection shall project a minimum horizontal distance of 2.4 metres over the adjacent footpath; and
 - e) Awnings shall have a consistent clear height from footpath level of between 3m and 3.5m.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.



REASON: The proposal represents a great opportunity to enhance an underdeveloped site in a strategic location. It is also an opportunity to provide much-needed residential accommodation in the city and a different housing model that caters to a specific community need. The panel noted the concerns that have been raised about the appropriateness of the panel approving a development that is larger than envisaged under the current planning framework; however, agreed the panel has the discretion to approve the development if it sees merit in doing so and it does not need to be in exchange for what some consider community benefit.

The community of Fremantle will benefit from the high quality and respectful development of an underutilised site for a much-needed residential use. In terms of planning merit, the City's report clearly and comprehensively outlined how the proposal meets the objectives of the overarching planning framework and has provided solid evidence-based justification for the discretion being sought. The current planning framework does not yet adequately cater for co-living, which is quite a unique use with different operational and built form requirements to normal apartments. It follows therefore, that the proposal would not easily fit with the development requirements for a standard residential use. If the panel was to require strict adherence to the current framework, this would effectively prevent or discourage a great land use which increases both dwelling provision and housing diversity. In relation to heritage, the Heritage Council and the City's heritage experts are comfortable that any minor adverse impact on the adjoining State heritage listed place will be mitigated through the upper-level setback and in the architectural detail of the proposal.

Both the Heritage Council and the City's heritage experts support the proposal, subject to conditions, which have been recommended by the City. The City's Design Advisory Committee has reviewed the proposal four times and is generally supportive of the proposal – considering it to be a high-quality design which suitably addresses the ten principles of SPP 7.0. Further minor improvements to the design have been captured as conditions of approval, where appropriate. In relation to parking, the proposed number of bays has been well justified by the City, using solid planning rationale and evidence-based arguments. The parking requirements of an inner-city hotel and co-living housing model are different to those of standard residential accommodation and hotels which aren't so well located in proximity to public transport and localised attractions and amenities.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Ingrid Van Dorssen and Cr Andrew Sullivan (Local Government DAP Members, City of Fremantle) left the panel at 10:57am.

Dale Page
Presiding Member, Metro Inner DAP



PROCEDURAL MOTION

Moved by: Karen Hyde

Seconded by: John Syme

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 10:57am.

The meeting was reconvened at 11:00am.

Dale Page
Presiding Member, Metro Inner DAP



PART C – TOWN OF CAMBRIDGE

Cr Kate Barlow and Deputy Mayor Ben Mayes (Local Government DAP Members, Town of Cambridge) joined the panel at 11:01am.

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

Nil.

3. Form 1 DAP Applications

3.1 Item 3.1 - Lots 4 & 5 (No. 10 & 12) Abbotsford Street, West Leederville - 8 storey residential development – DAP/25/02939

Deputations

Felipe Soto (Space Collective) addressed the DAP in support of the application at Item 3.1.

Matthew Cain (Planning Solutions) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission in support of the application at Item 3.1. was received from Ken Perry.

Town of Cambridge addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

SUBSTANTIVE MOTION

Moved by: Karen Hyde

Seconded by: Deputy Mayor Ben Mayes

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/25/02939 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Town of Cambridge Local Planning Scheme No. 1, subject to the following conditions:

Dale Page
Presiding Member, Metro Inner DAP



Conditions

General Conditions

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. The development must be constructed and maintained in strict accordance with the approved plans and all conditions of this approval, unless modifications are required by a condition of this approval.
3. Prior to submission of a Building Permit application, revised plans shall be submitted to and approved by the Town, providing for two resident car parking bays to be reallocated for visitor use, so as to provide a total of six on-site visitor bays, to the satisfaction of the Town.
4. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.

Design and Site Management

5. Prior to submission of a Building Permit application, an updated noise management plan prepared by a qualified acoustic consultant must be submitted to and approved by the Town.

The noise management plan must detail noise attenuation measures and modelling sufficient to ensure the approved use complies with the *Environmental Protection (Noise) Regulations 1997* and *State Planning Policy 5.4 – Road and Rail Noise*. The noise management plan as approved by the Town must be implemented at all times to satisfaction of the Town.

Notwithstanding any noise attenuation or operational measures in the approved noise management plan, the approved use must at all times comply with the *Environmental Protection (Noise) Regulations 1997* and *State Planning Policy 5.4 – Road and Rail Noise* for the life of the development.

6. Prior to submission of a Building Permit application, a detailed Drainage Plan demonstrating on-site stormwater retention and disposal shall be submitted to, and approved by, the Town. The approved Drainage Plan shall be implemented upon commencement of site works and thereafter maintained for the life of the development, to the satisfaction of the Town.
7. Prior to submission of a Building Permit application, if dewatering of the site is required (as determined by the Town), a Dewatering Management Plan shall be submitted to, and approved by, the Town. The approved plan shall be implemented for the duration of any dewatering works, to the satisfaction of the Town.



8. Prior to the Town issuing an Occupancy Permit, the operational details of waste collection, including collection vehicle movements, bin presentation locations, and the design of on-street embayed parking bays in front of the development, shall be reviewed in consultation with the Town and agreed to the satisfaction of the Town.

Any works within the road reserve, including modifications to the verge to accommodate parking bays, waste collection areas, or associated infrastructure, shall be subject to separate Council approval.

9. Prior to the Town issuing an Occupancy Permit, the Waste Management Plan (prepared by *Talis Consultants*, dated 17 October 2025, Rev. 4) shall be updated to reflect any approved modifications to the waste collection arrangements or verge design under Condition 8, and the revised plan shall be approved by the Town.

The approved Waste Management Plan shall be implemented and thereafter complied with for the life of the development, to the satisfaction of the Town.

10. Prior to the Town issuing an Occupancy Permit, the development shall be finished in accordance with the colours, materials and finishes shown on the approved Elevation Plans, to the satisfaction of the Town.

Landscaping and Vegetation

11. Prior to commencement of any works on the subject site, the landowner is required to provide a tree protection bond to the Town, equivalent to the Helliwell valuation of \$3,840 for the transplanted tree.

The bond shall secure the health and establishment of the transplanted tree and may be refunded no earlier than the time of practical completion, subject to the tree being in a healthy and stable condition to the satisfaction of the Town.

Vehicle Access, Parking and Lighting

12. Prior to the Town issuing an Occupancy Permit, a "Small Cars Only" pavement marking shall be installed to parking bay No. 32, and a "Keep Clear" marking shall be installed beneath the ramp to ensure this area remains unobstructed for vehicle manoeuvring, to the satisfaction of the Town.
13. Prior to the Town issuing an Occupancy Permit, all visitor parking bays and associated manoeuvring and circulation areas shall be sealed/paved, clearly line-marked in accordance with *AS 2890.1 – Off-Street Car Parking*, kerbed and drained, and thereafter maintained for the life of the development, to the satisfaction of the Town.
14. Prior to construction of the crossover, a Vehicle Crossover Application shall be submitted to and approved by the Town. The crossover shall have a maximum width of 3.0 m with 0.75 m × 0.75 m splays, constructed in accordance with the Town's Vehicle Crossover Policy, to the satisfaction of the Town.



15. Any external lighting shall be installed and operated in accordance with AS 4282 – *Control of the Obtrusive Effects of Outdoor Lighting* and the *Town of Cambridge Private Property Local Law 2016* (as amended), to the satisfaction of the Town.

Construction Management Plan

16. Prior to submission of a Building Permit application, a Construction Management Plan (CMP) shall be submitted to, and approved by, the Town. The CMP shall address the following, where applicable (as determined by the Town):
- Staging plan for the entire works, including timeframes and assigned responsibilities for tasks.
 - Contact details of essential site personnel, construction period and operating hours.
 - The on-site storage of materials and equipment.
 - Site security and public safety and amenity measured.
 - Community information, consultation and complaints and incident procedures.
 - Traffic, access and parking management.
 - Vibration, air, dust and noise management.
 - Dilapidation reports of nearby properties.
 - Waste management and materials re-use.
 - Earthworks, excavation, land retention/piling methods and associated matters.
 - Stormwater and sediment control.
 - Protection of existing roads. Kerbs, footpaths, street trees and miscellaneous services.
 - Asbestos removal.
 - Any other matter deemed relevant by the Town.

The approved CMP shall be implemented upon commencement of site works and complied with for the duration of the works, to the satisfaction of the Town.

Advice Notes

General Advice Notes

- If the development the subject of this approval is not substantially commenced within a period of four years after the date of the determination, the approval will lapse and be of no further effect.
- Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought and obtained.
- If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.



4. With reference to Condition 2, if any departures from the approved plans meet one or more of the following criteria, a formal application to amend the development approval will be required under Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*:
- i. The proposal introduces any new Element Objective assessment under *State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments)* for aspects of the development previously accepted as meeting the relevant Acceptable Outcome.
 - ii. The proposal modifies any aspect of the development that was material to the original public consultation process, regardless of whether those elements would otherwise be exempt from development approval under Clause 61 of the *Deemed Provisions* in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - iii. The proposal alters any element of the development that was material to the Town's original assessment and/or the Metro Inner Development Assessment Panel's determination, irrespective of whether those elements would otherwise be exempt under Clause 61 of the *Deemed Provisions*.

Applicants are advised that there is no guarantee that an application to amend the development approval will be supported. Any unapproved departures from the approved plans may be subject to compliance action by the Town under Part 13 of the *Planning and Development Act 2005*.

Where all proposed changes do not meet any of the above criteria, an application to amend the development approval will not be required.

This position is consistent with the Supreme Court of Western Australia decision in *Baker Investments Pty Ltd v City of Vincent* [2017] WASC 263, which confirmed that the exemptions in Clause 61 of the *Deemed Provisions* do not apply to any departures from approved plans, including minor amendments.

5. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*.

Building and Demolition requirements

7. The landowner is advised that a Demolition Permit application shall be submitted to and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.

Dale Page
Presiding Member, Metro Inner DAP



8. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
9. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site.

Technical Requirements and Services

10. With reference to Condition 6, the landowner is advised that the proposed drainage infrastructure shall be accessible for inspection by camera inspection equipment and jetting/cleaning equipment.
11. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure section. All works shall conform to the Town's specifications.

Operational and Environmental Requirements

12. The landowner is advised that the installation of any garage door and external air conditioning units shall be in a location and manner that ensures noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.
13. The implementation of the development shall not cause a dust nuisance to surrounding properties (as determined by the Town) in accordance with the *Town of Cambridge Private Property Local Law 2016* (as amended).

Where appropriate, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner/developer at the direction of the Town if the Town determines that a dust nuisance exists.

14. All delivery or collection vehicles, including waste management vehicles, operating outside the period of 7:00am to 7:00pm Monday to Saturday and at any time of Sundays and Public Holidays is not permitted.
15. As the proposed residential development is located within a busy transport and commercial corridor, the landowner is advised to consider the installation of acoustic treatments, such as double glazing, to improve internal amenity by reducing the intrusion of external noise into the dwellings.



16. With reference to Condition 16, should any construction works be proposed to occur outside the standard approved hours of work, a Noise Management Plan must be prepared and submitted to the Town for approval prior to the commencement of any such works.

The Noise Management Plan shall detail:

- The nature and duration of the out-of-hours works;
- Predicted noise levels and potential impacts on surrounding sensitive receivers;
- Mitigation measures to minimise noise disturbance; and
- Contact details for a site representative available to respond to community complaints during the works.
- No out-of-hours works may be undertaken without written approval from the Town.

AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: John Syme

That Condition No.2 be amended to read as follows:

*The development must be constructed and maintained in strict accordance with the approved plans and all conditions of this approval, unless modifications are required by a condition of this approval **or approved by the Town.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The additional wording provides for an element of flexibility to the current condition. If a minor variation from the approved plans were sought later, the requirement for 'strict' compliance with the plans is more easily able to be addressed, subject to the change not being a substantial departure.

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: John Syme

That Condition No.10 (now condition No.9) be amended to read as follows:

*Prior to the Town issuing an Occupancy Permit, the development shall be finished in accordance with the colours, materials and finishes shown on the approved Elevation Plans, to the satisfaction of the Town, **unless otherwise approved by the Town.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The added wording makes it clear the Town can approve deviations from the approved schedule in future, should this be required.



AMENDING MOTION 3

Moved by: Karen Hyde

Seconded by: John Syme

The following amendments were made en bloc:

- i) That Condition No.5 (now condition No.4) be amended to read as follows:

Prior to submission of a Building Permit application, an updated noise management plan prepared by a qualified acoustic consultant must be submitted to and approved by the Town.

The noise management plan must detail noise attenuation measures and modelling sufficient to ensure the approved use complies with the ~~Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4 – Road and Rail Noise~~. The noise management plan as approved by the Town must be implemented at all times to satisfaction of the Town.

~~Notwithstanding any noise attenuation or operational measures in the approved noise management plan, the approved use the approved use must at all times comply with the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4 – Road and Rail Noise for the life of the development.~~

- ii) That a new Advice Note No.17 be added to read as follows:

Notwithstanding any noise attenuation or operational measures in the approved noise management plan, the approved use the approved use must at all times comply with the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4 – Road and Rail Noise for the life of the development.

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

REASON: There is no need for reference to compliance with separate, non-planning legislation (Environmental Protection (Noise) Regulations 1997) and the final paragraph of the condition is considered largely a duplication of the second paragraph which requires demonstration of compliance with SPP5.4 to the satisfaction of the Town. This is more suitable as an Advice Note.



AMENDING MOTION 4

Moved by: Karen Hyde

Seconded by: John Syme

That Condition No. 3 be deleted and the remaining conditions be renumbered accordingly.

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

For: Karen Hyde
John Syme
Dale Page

Against: Deputy Mayor Ben Mayes
Cr Kate Barlow

REASON: The R-Codes support reduced parking provision outcomes where appropriate alternate means of transport is available. The site is located within walking distance of two train stations and numerous bus routes. Whilst public parking within the vicinity is often at capacity, this generally occurs within primary business hours, and most visitors are likely to travel to the development outside those hours. The site is also approximately 70m from a public car park comprising in excess of 50 parking bays.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/25/02939 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Town of Cambridge Local Planning Scheme No. 1, subject to the following conditions:

Conditions

General Conditions

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. The development must be constructed and maintained in strict accordance with the approved plans and all conditions of this approval, unless modifications are required by a condition of this approval or approved by the Town.
3. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.

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Design and Site Management

5. Prior to submission of a Building Permit application, an updated noise management plan prepared by a qualified acoustic consultant must be submitted to and approved by the Town.

The noise management plan must detail noise attenuation measures and modelling sufficient to ensure the approved use complies with the noise management plan as approved by the Town must be implemented at all times to satisfaction of the Town.

6. Prior to submission of a Building Permit application, a detailed Drainage Plan demonstrating on-site stormwater retention and disposal shall be submitted to, and approved by, the Town. The approved Drainage Plan shall be implemented upon commencement of site works and thereafter maintained for the life of the development, to the satisfaction of the Town.
7. Prior to submission of a Building Permit application, if dewatering of the site is required (as determined by the Town), a Dewatering Management Plan shall be submitted to, and approved by, the Town. The approved plan shall be implemented for the duration of any dewatering works, to the satisfaction of the Town.
8. Prior to the Town issuing an Occupancy Permit, the operational details of waste collection, including collection vehicle movements, bin presentation locations, and the design of on-street embayed parking bays in front of the development, shall be reviewed in consultation with the Town and agreed to the satisfaction of the Town.

Any works within the road reserve, including modifications to the verge to accommodate parking bays, waste collection areas, or associated infrastructure, shall be subject to separate Council approval.

9. Prior to the Town issuing an Occupancy Permit, the Waste Management Plan (prepared by *Talis Consultants*, dated 17 October 2025, Rev. 4) shall be updated to reflect any approved modifications to the waste collection arrangements or verge design under Condition 8, and the revised plan shall be approved by the Town.

The approved Waste Management Plan shall be implemented and thereafter complied with for the life of the development, to the satisfaction of the Town.

10. Prior to the Town issuing an Occupancy Permit, the development shall be finished in accordance with the colours, materials and finishes shown on the approved Elevation Plans, to the satisfaction of the Town, unless otherwise approved by the Town.



Landscaping and Vegetation

11. Prior to commencement of any works on the subject site, the landowner is required to provide a tree protection bond to the Town, equivalent to the Helliwell valuation of \$3,840 for the transplanted tree.

The bond shall secure the health and establishment of the transplanted tree and may be refunded no earlier than the time of practical completion, subject to the tree being in a healthy and stable condition to the satisfaction of the Town.

Vehicle Access, Parking and Lighting

12. Prior to the Town issuing an Occupancy Permit, a “Small Cars Only” pavement marking shall be installed to parking bay No. 32, and a “Keep Clear” marking shall be installed beneath the ramp to ensure this area remains unobstructed for vehicle manoeuvring, to the satisfaction of the Town.
13. Prior to the Town issuing an Occupancy Permit, all visitor parking bays and associated manoeuvring and circulation areas shall be sealed/paved, clearly line-marked in accordance with *AS 2890.1 – Off-Street Car Parking*, kerbed and drained, and thereafter maintained for the life of the development, to the satisfaction of the Town.
14. Prior to construction of the crossover, a Vehicle Crossover Application shall be submitted to and approved by the Town. The crossover shall have a maximum width of 3.0 m with 0.75 m × 0.75 m splays, constructed in accordance with the Town’s Vehicle Crossover Policy, to the satisfaction of the Town.
15. Any external lighting shall be installed and operated in accordance with *AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting* and the *Town of Cambridge Private Property Local Law 2016* (as amended), to the satisfaction of the Town.

Construction Management Plan

16. Prior to submission of a Building Permit application, a Construction Management Plan (CMP) shall be submitted to, and approved by, the Town. The CMP shall address the following, where applicable (as determined by the Town):
 - a. Staging plan for the entire works, including timeframes and assigned responsibilities for tasks.
 - b. Contact details of essential site personnel, construction period and operating hours.
 - c. The on-site storage of materials and equipment.
 - d. Site security and public safety and amenity measured.
 - e. Community information, consultation and complaints and incident procedures.
 - f. Traffic, access and parking management.
 - g. Vibration, air, dust and noise management.
 - h. Dilapidation reports of nearby properties.



- i. Waste management and materials re-use.
- j. Earthworks, excavation, land retention/piling methods and associated matters.
- k. Stormwater and sediment control.
- l. Protection of existing roads. Kerbs, footpaths, street trees and miscellaneous services.
- m. Asbestos removal.
- n. Any other matter deemed relevant by the Town.

The approved CMP shall be implemented upon commencement of site works and complied with for the duration of the works, to the satisfaction of the Town.

Advice Notes

General Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of four years after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought and obtained.
3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.
4. With reference to Condition 2, if any departures from the approved plans meet one or more of the following criteria, a formal application to amend the development approval will be required under Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*:
 - i. The proposal introduces any new Element Objective assessment under *State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments)* for aspects of the development previously accepted as meeting the relevant Acceptable Outcome.
 - ii. The proposal modifies any aspect of the development that was material to the original public consultation process, regardless of whether those elements would otherwise be exempt from development approval under Clause 61 of the *Deemed Provisions* in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - iii. The proposal alters any element of the development that was material to the Town's original assessment and/or the Metro Inner Development Assessment Panel's determination, irrespective of whether those elements would otherwise be exempt under Clause 61 of the *Deemed Provisions*.



Applicants are advised that there is no guarantee that an application to amend the development approval will be supported. Any unapproved departures from the approved plans may be subject to compliance action by the Town under Part 13 of the *Planning and Development Act 2005*.

Where all proposed changes do not meet any of the above criteria, an application to amend the development approval will not be required.

This position is consistent with the Supreme Court of Western Australia decision in *Baker Investments Pty Ltd v City of Vincent* [2017] WASC 263, which confirmed that the exemptions in Clause 61 of the Deemed Provisions do not apply to any departures from approved plans, including minor amendments.

5. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*.

Building and Demolition requirements

7. The landowner is advised that a Demolition Permit application shall be submitted to and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
8. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
9. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site.

Technical Requirements and Services

10. With reference to Condition 6, the landowner is advised that the proposed drainage infrastructure shall be accessible for inspection by camera inspection equipment and jetting/cleaning equipment.
11. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure section. All works shall conform to the Town's specifications.



Operational and Environmental Requirements

12. The landowner is advised that the installation of any garage door and external air conditioning units shall be in a location and manner that ensures noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.
13. The implementation of the development shall not cause a dust nuisance to surrounding properties (as determined by the Town) in accordance with the *Town of Cambridge Private Property Local Law 2016* (as amended).

Where appropriate, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner/developer at the direction of the Town if the Town determines that a dust nuisance exists.

14. All delivery or collection vehicles, including waste management vehicles, operating outside the period of 7:00am to 7:00pm Monday to Saturday and at any time of Sundays and Public Holidays is not permitted.
15. As the proposed residential development is located within a busy transport and commercial corridor, the landowner is advised to consider the installation of acoustic treatments, such as double glazing, to improve internal amenity by reducing the intrusion of external noise into the dwellings.
17. With reference to Condition 16, should any construction works be proposed to occur outside the standard approved hours of work, a Noise Management Plan must be prepared and submitted to the Town for approval prior to the commencement of any such works.

The Noise Management Plan shall detail:

- The nature and duration of the out-of-hours works;
 - Predicted noise levels and potential impacts on surrounding sensitive receivers;
 - Mitigation measures to minimise noise disturbance; and
 - Contact details for a site representative available to respond to community complaints during the works.
 - No out-of-hours works may be undertaken without written approval from the Town.
18. Notwithstanding any noise attenuation or operational measures in the approved noise management plan, the approved use must at all times comply with the *Environmental Protection (Noise) Regulations 1997* and *State Planning Policy 5.4 – Road and Rail Noise* for the life of the development.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.



REASON: The application proposes much-needed, high-quality residential accommodation - close to the city, close to public transport and the freeway system, and close to services and amenities that will benefit the residents.

The panel noted and supported the diversity of dwelling sizes to cater for a broad demographic. The panel was comfortable with the non-inclusion of non-residential uses on the ground floor for the development in its specific context and agree that the objective of the Mixed-Use zone for street level activation will still be met. The panel noted there were some concerns raised during public consultation about the height and bulk of the proposal but agreed with the Town's assessment that the scale and form are consistent with the built form outcomes envisaged for this precinct, which is identified for urban renewal and higher density residential development.

The panel was also satisfied that the other issues raised in submissions have also been responded to appropriately by the Town on pages 11 through 13 of the RAR. The Town's Design Review Panel has considered the proposal on three occasions and support the proposal, subject to some further minor design consideration – some of which have been responded to through amendments to the design and others determined by the Town as not requiring further amendment. The panel agreed with the officers on these items. The panel agreed the parking provision is contextually appropriate.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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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/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
DAP/24/02820 DR69/2025	City of Nedlands	Lot 381 (No.6) Alexander Road, Dalkeith	5 Multiple Dwellings	03/06/2025
DAP/25/02866 DR 105/2025	City of South Perth	Lot 46 (No.142) Coode Street, South Perth	proposed three-storey medical centre (dental practice)	15/07/2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:44am.

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Presiding Member, Metro Inner DAP