



PART D – CITY OF FREMANTLE

1. Declarations of Due Consideration

2. Disclosure of Interests

Please note a standing declaration of interest, if the items on this agenda have been considered at the relevant local government council meeting or having attending a briefing session, the local government DAP members acknowledge that in accordance with section 2.4.5 of the DAP Code of Conduct 2025 they have declared that they had participated in a prior Council meeting in relation an item being determined at this meeting. However, under section 2.1.2 of the DAP Code of Conduct 2025, they 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.

3. Form 1 DAP Applications

3.1 Lot 888 (No. 2) Hawksburn Road, Rivervale - 4 to 6 Storey Hotel Development including restaurant/cafe, small bar and shop land uses at ground level– DAP/25/02940

3.1.1 Deputations

Christopher Barrow (Fiveight) speaking in support of the application at Item 3.1 The deputation will address development background, project brief and engagement of the project team with the City.

Mark Jeavons (Woods Bagot) speaking in support of the application at Item 3.1 The deputation will address architectural response to the locality, assessment informing design development, overall massing and activation of the adjoining public realm.

Sean Fairfoul (Lateral Planning) speaking in support of the application at Item 3.1 The deputation will address the town planning merit of the proposed development and requested amendments to conditions of approval.

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

3.1.2 Additional Information

Nil.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.



Deputation Request Form

Regulation 40(3) and DAP Standing Orders 2025 cl. 3.6

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

Deputation Request Guidelines

Before requesting to present to a DAP please review the Responsible Authority Report that has been published on the DAP website and consider whether any previous comments have been adequately addressed.

Your request will be determined by the Presiding Member based on relevance to the subject application, individual merit, other requests raising the same issues and likely contribution to the DAP's consideration and determination of the application.

Deputations are not to exceed **3 minutes**, unless otherwise approved by the Presiding Member. The Presiding Member may agree to or require combined deputations where the deputations are considered complementary to each other and would assist the efficiency and effectiveness of the DAP meeting.

In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your deputation request must be accompanied with a document setting out the deputation content.

Handouts or power points will not be accepted on the day.

In accordance with Clause 3.6.9 of the *DAP Standing Orders*, if your deputation request is not approved, the submitted content will be circulated to the DAP and published on the DAP website as a written submission.

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

Presenter Details

Name	Christopher Barrow
Company (if applicable)	Fiveight
Relationship to proposed development	Development Manager and Proponent
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.



Meeting Details

DAP Name	Metro Inner DAP
Meeting Date	4/11/2025
DAP Application Number	DAP/25/02940
Property Location	10 Henderson Street, Fremantle

Deputation Details

I have read the contents of the Responsible Authority Report contained in the published DAP Meeting Agenda	YES ☒ NO ☐
Is your deputation in support or against the <u>proposed development</u> ?	SUPPORT ☒ AGAINST ☐
Will your deputation involve a presentation that requires power-point facilities?	YES ☐ NO ☒
Will you be attending in person or via electronic means	In person ☒ Online ☐
I acknowledge that my deputation content <u>will be</u> published on the DAP website and circulated to the local government and applicant	YES ☒

Deputation Content*

Brief sentence summarising your deputation (To be included in the Related Information part of the agenda)	<i>The deputation will address:</i> development background, project brief and engagement of the project team with the City of Fremantle.
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Please provide your deputation content below or attach as a separate document. Any document must be provided in Microsoft word (.doc), PDF (.pdf), PowerPoint .pptx) or Image (.jpeg) format and be no more than 5MB.

If your deputation references documents that are contained within the Responsible Authority Report and/or its attachments, please consider referencing the document rather than including a duplication of documents:-



Thank you for the opportunity to present to the Panel. We would like to acknowledge and thank the City for its engagement throughout the preparation and assessment of the application. This collaboration has helped refine the proposal and ensure the design responds sensitively to the heritage context and broader urban fabric. Fiveight remains committed to continuing this engagement with the City through the detailed design phase and to contributing positively to the City's broader public realm initiatives beyond the site itself.

The proposed hotel represents a high-quality development that will deliver a strong outcome for Fremantle. It will bring renewed activity and vibrancy to this important heritage precinct, support local businesses through increased visitation, and contribute to Fremantle's growing reputation as a destination for tourism, hospitality, and culture. The development will strengthen connections between key city landmarks and reinforce the character and vitality that make Fremantle unique.



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Regulation 40(3) and DAP Standing Orders 2025 cl. 3.6

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Presenter Details

Name	Mark Jeavons
Company (if applicable)	Woods Bagot
Relationship to proposed development	Project Architect
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.



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DAP Application Number	DAP/25/02940
Property Location	10 Henderson Street, Fremantle

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Is your deputation in support or against the <u>proposed development</u> ?	SUPPORT ☒ AGAINST ☐
Will your deputation involve a presentation that requires power-point facilities?	YES ☒ NO ☐
Will you be attending in person or via electronic means	In person ☒ Online ☐
I acknowledge that my deputation content <u>will be</u> published on the DAP website and circulated to the local government and applicant	YES ☒

Deputation Content*

Brief sentence summarising your deputation (To be included in the Related Information part of the agenda)	<i>The deputation will address:</i> architectural response to the locality, contextual assessment informing design development, overall massing and activation of the adjoining public realm.
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Please see enclosed.

Spicers Hotel



W-B
WOODS BAGOT

fiveight

Narrative & Aesthetic Qualities

Exterior

Inspiration



Limestone
// Neutral
// Textural Feel

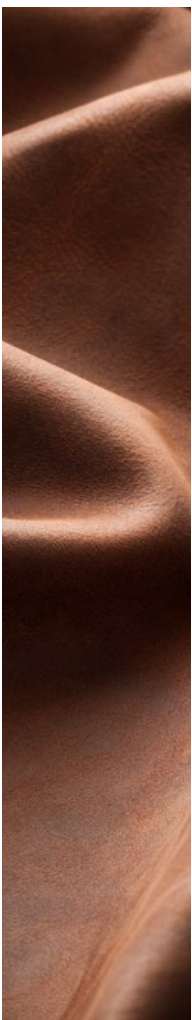
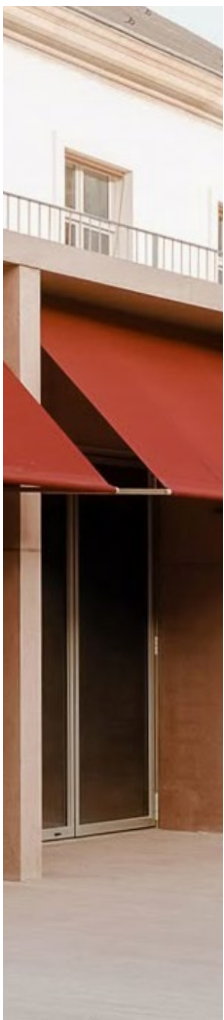
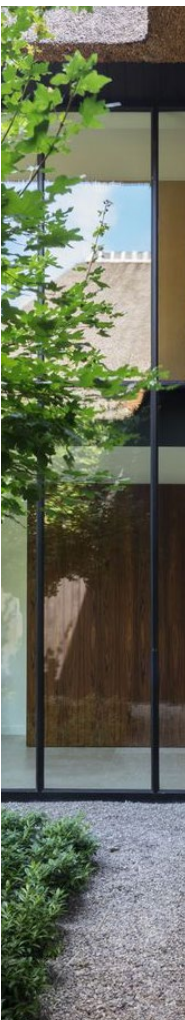
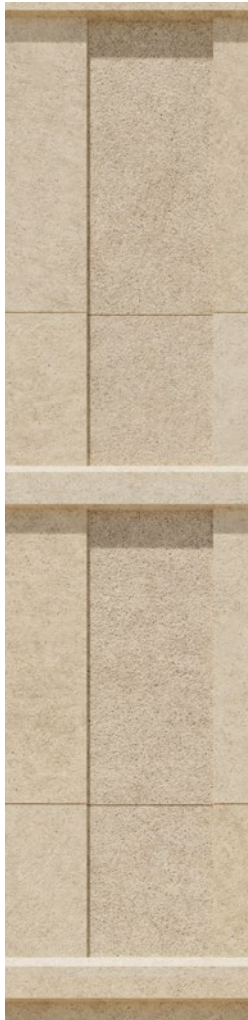
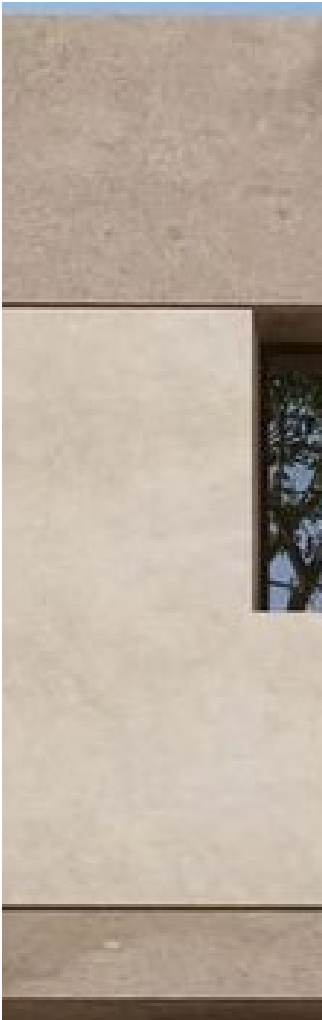
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// Metal
// Grid Pattern

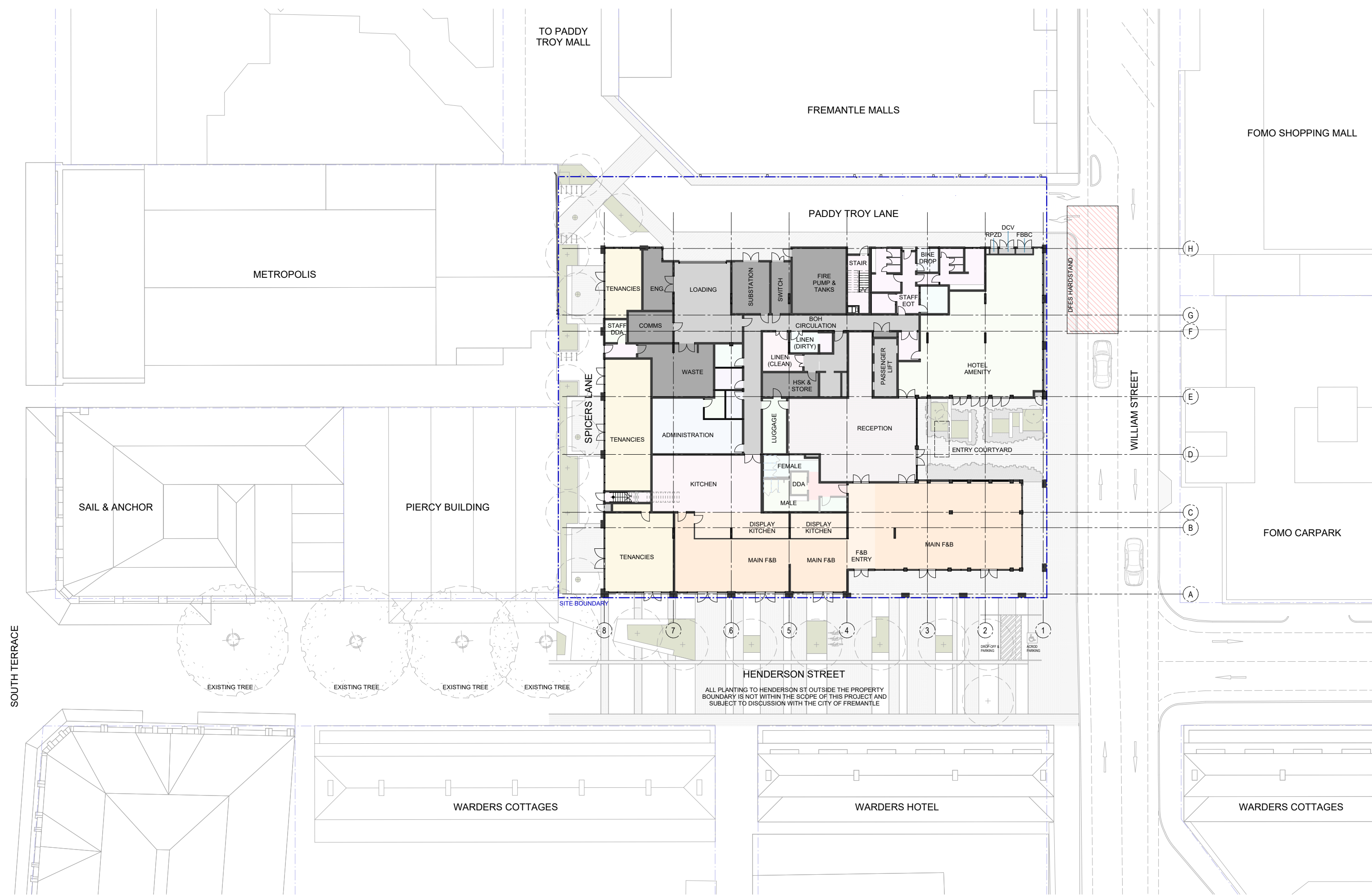
Clay Bricks
// Warm
// Tactile

Joy
// Charm
// Whimsy

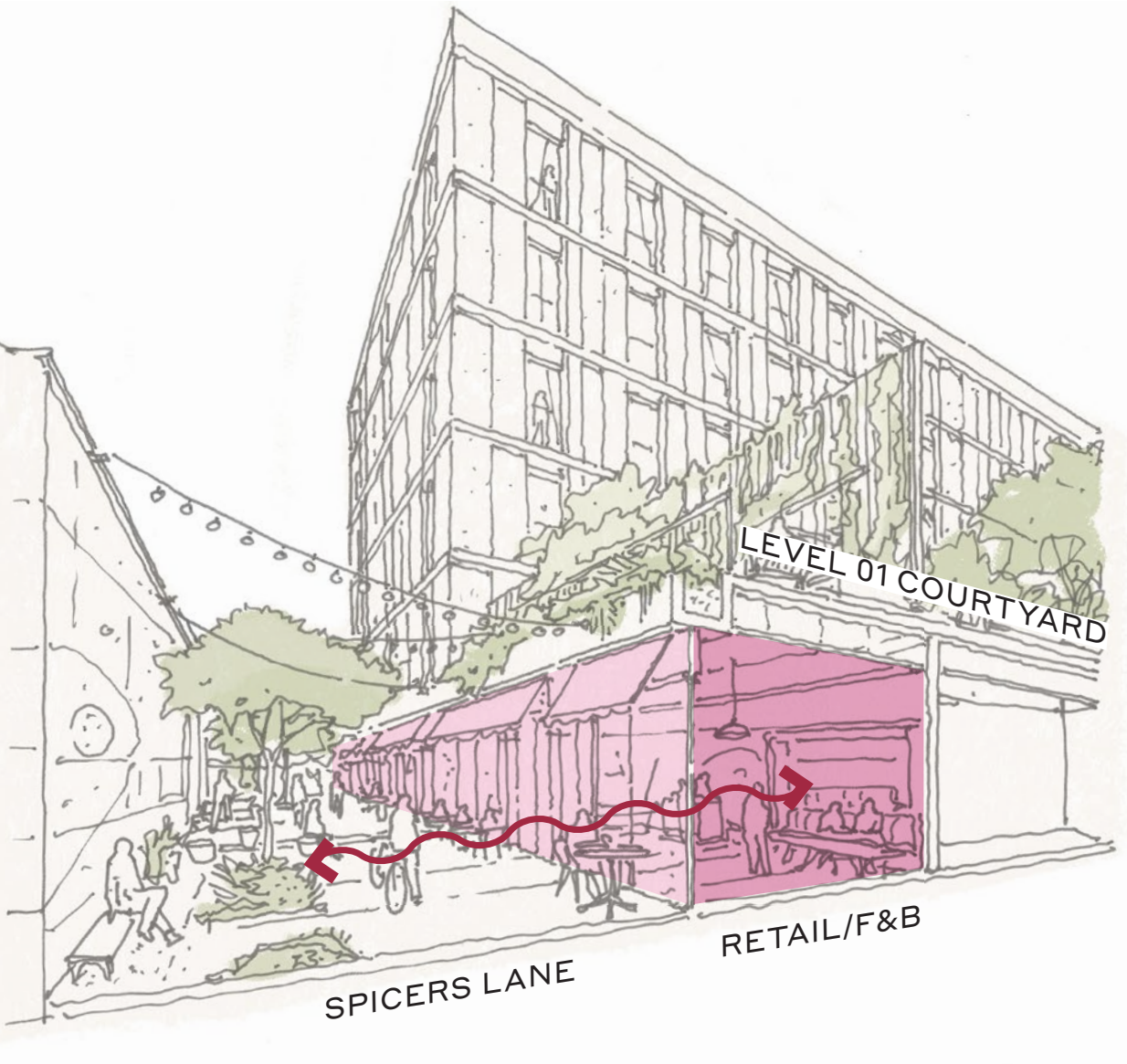


Palette

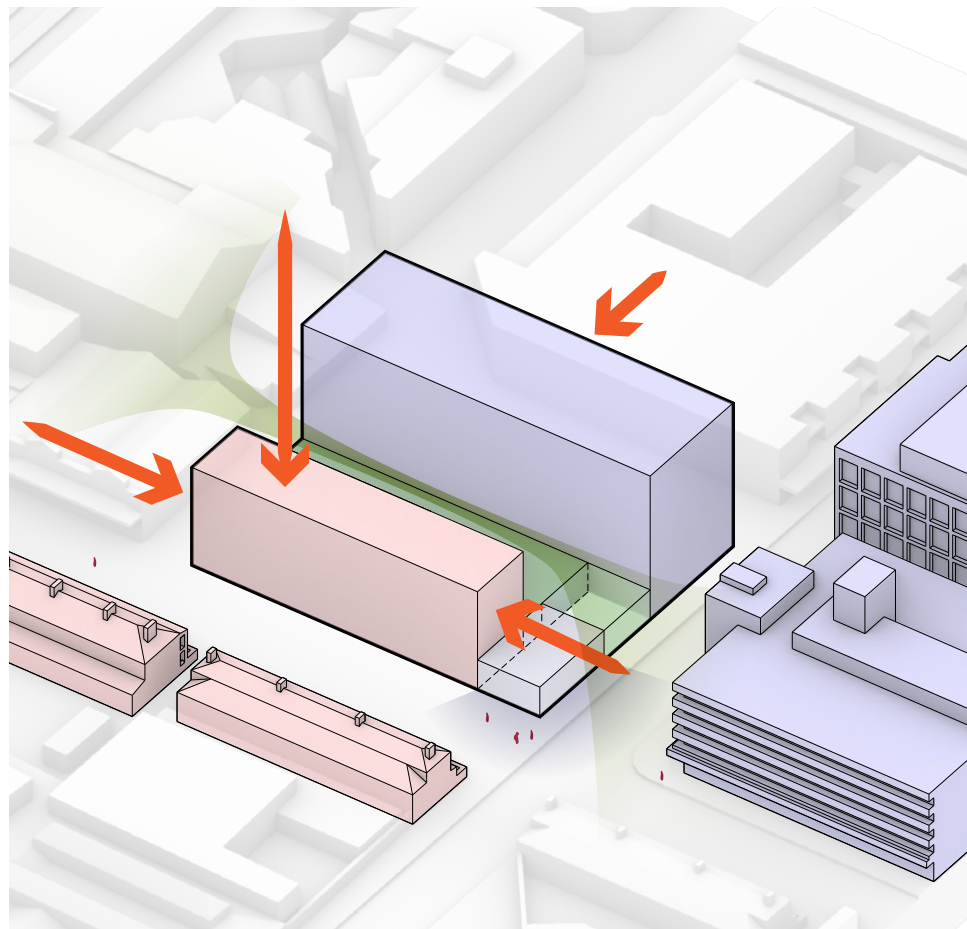




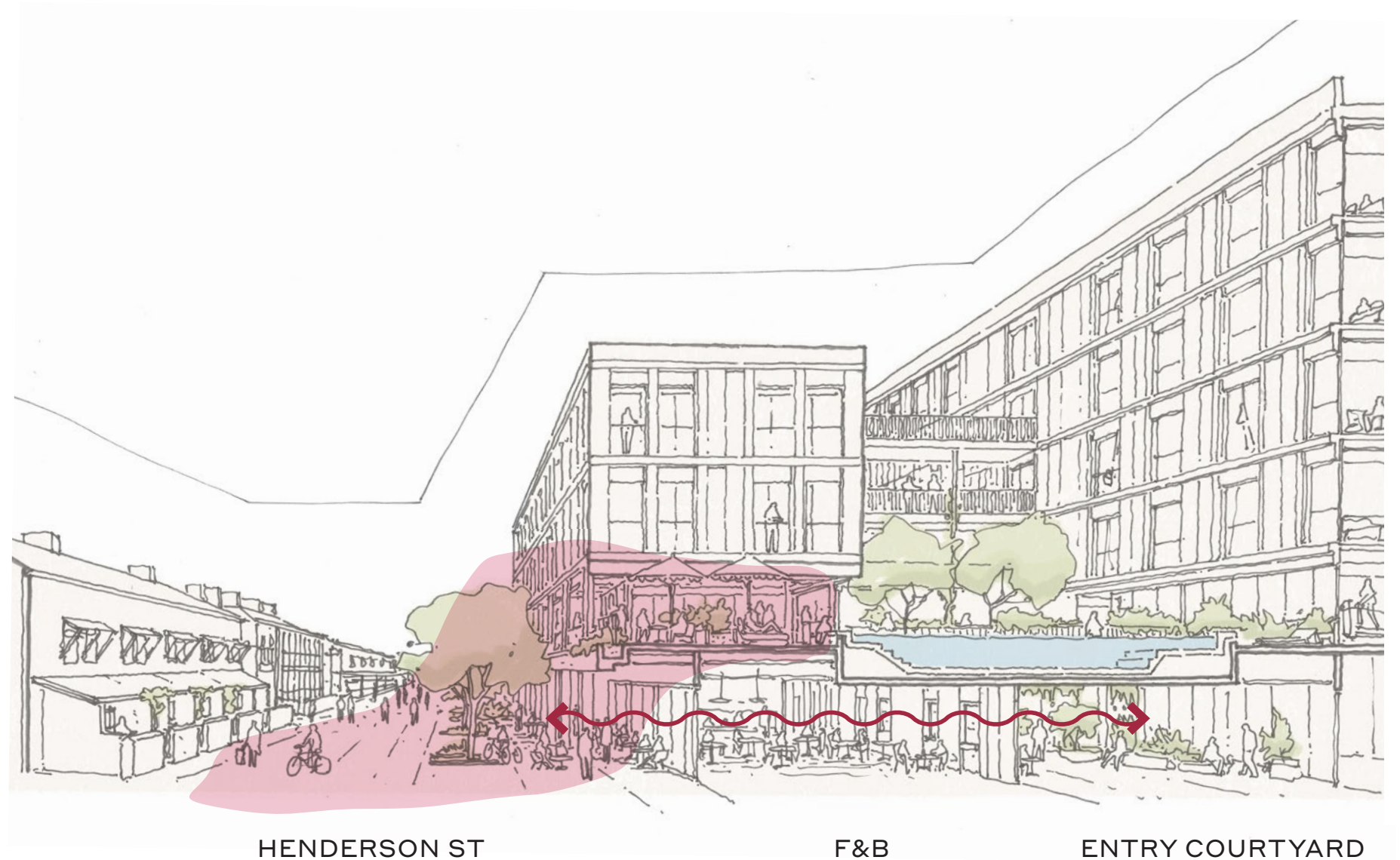
Spicers Lane



Urban Proposition - Corner of William & Henderson



Response to context & respect of heritage
Reduced shadowing
Increased sun to Warders, Alfresco & Henderson
Flow of activation into the public domain









WILLIAM



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Presenter Details

Name	Sean Fairfoul
Company (if applicable)	Lateral Planning
Relationship to proposed development	Applicant
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.



Meeting Details

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Please see enclosed.

31 October 2025

**APPLICANT'S SUBMISSION TO
METRO INNER DEVELOPMENT ASSESSMENT PANEL MEETING OF 4 NOVEMBER 2025
AGENDA PART C ITEM 3.1 – PROPOSED MIXED-USE DEVELOPMENT
LOTS 374 AND 375 (NO. 10) HENDERSON STREET, FREMANTLE**

Lateral Planning acts for Spicer Street Pty Ltd, the proponent of the proposed mixed-use development at Lots 374 and 375 (No. 10) Henderson Street, Fremantle (**Site**) comprising a 150-key hotel with associated amenities, and 3 ground level commercial tenancies (**Proposed Development**).

Proposed Development and Background

The Proposed Development incorporates a diverse mix of active and functional elements, summarised below:

- Hotel:
 - 150 guest rooms.
 - Active ground floor, with guest lobby and forecourt, hotel restaurant and separate lounge. Active hotel uses position adjacent public realm areas to increase activation.
 - First floor pool, landscaped terrace, and guest gym.
 - Functional back of house areas throughout.
- Commercial Tenancies:
 - Three separate tenancies along proposed Spicer Lane. Variety of proposed land uses to provide activity, interest and flexibility (shop / restaurant / café / small bar uses).
- Public Realm:
 - Creation of Spicer Lane — a new landscaped pedestrian link between Henderson Street and Paddy Troy Mall.
 - Restoration of the northern portion of Paddy Troy Mall as a publicly accessible service assess, retaining vehicle and pedestrian access.
- Access and Servicing:
 - No on-site parking; two proposed pick-up/drop-off bays within an upgraded Henderson Street (to be progressed by the City separately).
 - 13 visitor bicycle racks within Spicer Lane and 7 secure staff racks with end-of-trip facilities.
 - Loading bay accessed via Paddy Troy Mall.
 - Public pedestrian access provided from Henderson, William, and Spicer Lane. Staff pedestrian and bicycle access via Paddy Troy Mall.

Development of the Site as proposed will offer considerable activation and renewal of an underutilised site. Site planning has provided activation of William Street, Henderson Street and proposed Spicers Lane, and informal activation of the Paddy Troy Mall service lane. Massing is responsive to site characteristics and adjoining development, ensuring overall scale is suitable for the locality and maintenance of existing amenity.

Relevant Site History

A comprehensive Heritage Impact Statement prepared by Griffith Architects was submitted as part of the Application. The Heritage Impact Statement provides a detailed assessment of the historic value of the Site and locality and has been attached to the RAR.

In 1898, *Spicer Brothers Ltd*—an affiliate of the London-based stationery and bookbinding company *William Detmold Ltd*—acquired the Site. By August 1899, a substantial four-storey brick building with a basement was constructed on the Site and became known as the Spicers Building. The Spicers Building was described as “*three stories, ground floor, and basement,*” with a 65-foot frontage to William Street and a depth of 100 feet. The building served as a hub for the manufacture and distribution of stationery, envelopes, and printing materials throughout Western Australia.

Portions of the Spicers Building were removed in the 1950s and entirely demolished in 1970 to make way for car parking. A later ~1960s warehouse, incorporating a remnant limestone wall from the original development, remained and was later recognised for its heritage value.

Removal of the limestone at the Site was approved in 2022 (DA0471/21); the wall materials have been stored by Fiveight for incorporation into the Proposed Development.

Requested Condition Amendments

We appreciate the City’s positive recommendation in support of the Proposed Development; we are supportive of the recommendation, however, request amendments to various conditions contained within the RAR. **Attachment 1** includes an Alternate Recommendation which incorporates all requested modifications for your consideration.

In summary, the Applicant requests to:

1. Amend conditions 4, 5 and 17.
2. Delete condition 18.

Proposed condition amendments are set out below. Note, proposed deletions are identified by strikethrough (~~strikethrough~~) text, and proposed additions are identified by blue (blue) text.

Condition 4

- **Original Condition:** *Notwithstanding condition 3 above, prior to the lodgement of a building permit application, suitable arrangements and agreement with the City of Fremantle is to be made with regard to the design and construction of the two (2) indicative pick-up/drop-off bays (and any necessary associated works) within the William Street road reserve.*

Prior to the occupation of the development hereby approved, the two (2) pick- up/drop-off bays (and any necessary associated works) are to be constructed to the satisfaction of the City of Fremantle.

All costs associated with the design and construction of the parking bays are to be borne by the proponent.

- **Requested Change:** Amended as follows:

- Notwithstanding condition 3 above, prior to the lodgement of a building permit application, suitable arrangements and agreement with the City of Fremantle is to be made with regard to the design and construction of the two (2) indicative pick-up/drop-off bays (and any necessary associated works) within the ~~William~~ Henderson Street road reserve.

Prior to the occupation of the development hereby approved, the two (2) pick- up/drop-off bays (and any necessary associated works) are to be constructed to the satisfaction of the City of Fremantle.

All costs associated with ~~the design and construction~~ reinstatement of the parking bays are to be borne by the proponent.

- **Rationale:**

- The Proposed Development includes two dedicated hotel drop-off bays within the upgraded Henderson Street road reserve. These works have been the subject of ongoing discussions with the City throughout the assessment process, and form an integral part of the Application. The proponent will meet the reasonable costs associated with reinstating the bays as part of the Henderson Street upgrades.

In parallel, Fiveight has proactively engaged with the City regarding the broader public realm improvements currently being planned. The development plans illustrate a preferred future configuration of William Street (shown as 'Site Plan – Ultimate Traffic Condition'), which identifies opportunities for additional on-street drop-off bays and an expanded verge. However, at the City's direction, these William Street works are not included in the current Application, as detailed design of the future layout has not yet been progressed by the City.

As reinforced in our submission of 24 September, all proposed drop-off bays are located within Henderson Street. Fiveight remains committed to working collaboratively with the City as planning for the William Street upgrades advances, but no changes to William Street are proposed under this Application.

Condition 5

- **Original Condition:** *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.*
- **Requested Change:** Amended as follows:
 - 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.~~

- **Rationale:**

- It is not considered appropriate to require the review of the Design Advisory Committee for the purpose of condition clearance. Fiveight remains committed to delivering a high-quality hotel which is responsive to site context. Should the City elect to submit the materials schedule to the Design Advisory Committee for review, that it entirely acceptable. However, if the City is satisfied with the materials schedule, it is not necessary to mandate involvement of the Committee.

Condition 17

- **Original Condition:** *Prior to the commencement of development, dilapidation surveys, by a suitably qualified professional, are to be prepared for the four State Registered heritage places in the immediate vicinity of the development, to the satisfaction of the City of Fremantle, on the advice of the Heritage Council of Western Australia.*

- **Requested Change:** Amended as follows:

- Prior to the commencement of development, dilapidation surveys, by a suitably qualified professional, are to be prepared for **the Warders' Cottages (fmr)** ~~the four State Registered heritage places in the immediate vicinity of the development,~~ to the satisfaction of the City of Fremantle, on the advice of the Heritage Council of Western Australia.

- **Rationale:**

- The Metro Inner-South JDAP previously granted conditional development approval for a six-storey hotel with a basement at the Site. On advice from the Heritage Council, a condition was imposed requiring a dilapidation survey of the former Warders' Cottages, given the potential for ground disturbance associated with basement excavation and construction.

In contrast, the Proposed Development does not include a basement, substantially reducing the extent and depth of ground disturbance. Removal of the basement structure has significantly reduced the potential for any impact on nearby heritage places. The Heritage Council has now identified four heritage-listed properties for dilapidation surveys:

- Warders' Cottages (immediately east of the Site);
- Sail and Anchor Hotel (does not abut the Site);
- Fremantle Markets (does not abut the Site); and
- Fremantle Police Station and Courthouse (does not abut the Site. ~90m north).

As the three additional properties identified by the Heritage Council do not abut the Site and are separated by roads, pedestrian accessways and / or other development, it is not considered reasonable to require dilapidation surveys. It is considered that the reduction in extent of proposed works (above and below ground) is not likely to impact properties which are not in proximity to the Site. On this basis, the proposed amendment to Condition 17 simply seeks to apply the condition previously imposed on prior approvals.

Condition 18

- **Original Condition:** *Prior to lodgement of a Building Permit and/or Demolition Permit application for the development hereby approved, an archaeological investigation is to be undertaken by a suitably qualified person at the applicant's expense and a copy of the report of that investigation is submitted and approved by the City of Fremantle.*
- **Requested Change:** Deleted.
- **Rationale:**
 - Clause 13B contained within Schedule A of the City's Local Planning Scheme No. 4 provides the City with discretion to impose a condition of approval requiring the proponent to prepare an archaeological investigation. In deciding to impose such a condition, the City must be satisfied that it has reasonable evidence the Site may include objects of heritage significance.
With reference to the Heritage Impact Statement prepared by Griffith Architects, the former Spicers Building comprised a basement level which has since been filled in for the construction of car parking at the Site. Having regard to former structures and in-ground structures proposed by the Application, it is not considered likely that construction will identify or disturb materials of heritage significance. It is requested that Condition 18 is deleted as there is no reasonable evidence that the portion of the Site to be disturbed as part of construction will impact or identify objects of heritage significance.
To provide a suitable mechanism to protect artifacts (if found), we would support the requirements of the Construction Management Plan (proposed Condition 14) to be updated to include reference to the identification of heritage material.

Should you require any further information or clarification in relation to this matter, please contact Daniel Hollingworth on 0434 433 000.

Yours faithfully,



Daniel Hollingworth

Lateral Planning

Encl.

ATTACHMENT ONE – ALTERNATE RECOMMENDATION

That the Metro Inner DAP resolved to:

1. **Accept** that the DAP Application reference DAP/25/02940 is appropriate for consideration as “Hotel”, “Small Bar”, “Restaurant/Cafe” and “Shop” land uses and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/25/02940 and accompanying plans (Cover Page – Rev B, DA1101 – Rev B, DA1102 – Rev B, DA1210 – Rev B, DA1211 – Rev B, DA1212 – Rev B, DA2200A – Rev B, DA2200B – Rev B, DA2201 – Rev B, DA2202 – Rev B, DA2203 – Rev B, DA2204 – Rev B, DA2205 – Rev B, DA2206 – Rev B, DA3200 – Rev B, DA3201 – Rev B, DA3202 – Rev B, DA3203 – Rev B, DA3206 – Rev B, DA3207 – Rev B,) in accordance with in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of City of Fremantle Local Planning Scheme 4, subject to the following conditions:

Conditions

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 Henderson Street and William Street 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 and agreement from the City of Fremantle.
4. Notwithstanding condition 3 above, prior to the lodgement of a building permit application, suitable arrangements and agreement with the City of Fremantle is to be made with regard to the design and construction of the two (2) indicative pick-up/drop-off bays (and any necessary associated works) within the Henderson Street road reserve.

Prior to the occupation of the development hereby approved, the two (2) pick- up/drop-off bays (and any necessary associated works) are to be constructed to the satisfaction of the City of Fremantle.

All costs associated with reinstatement of the parking bays are to be borne by the proponent.

Materials / Finishes

5. 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.
6. 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.

Stormwater

7. 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

8. Prior to the occupation of the development, the approved landscaping plan (dated 13 May 2025, prepared by See Design Studio) 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.

Lighting

9. 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, with all measures to be maintained for the life of the development.

Access / Parking

10. 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.
11. 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.
12. Prior to the occupation of the development hereby approved, bicycle parking and loading bays shall be maintained and available for loading, access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
13. 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 (at a minimum):
 - 2 male and 2 female (or 4 unisex) shower facilities for the non-residential uses, and four (4) 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

14. Prior to the lodgement of a Building Permit application, a Demolition and Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays and/or road reserves 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;
- p) Appropriate strategies, on advice of the Heritage Council of WA, for the protection of heritage buildings and monitoring of potential movement through excavation and compaction works, and the movement of heavy machinery, and
- q) 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, to the satisfaction of the City of Fremantle.

- 15. The approved Waste Management Plan (prepared by Talis, dated 16 May 2025) must be implemented at all times to the satisfaction of the City of Fremantle. Additionally, no waste collection is to occur prior to 0700hrs or after 1900hrs on any day.
- 16. Prior to the occupation of the development hereby approved, the landowner is to provide a delivery/servicing management plan detailing the timing and frequency of deliveries, and how these are to be coordinated to mitigate any potential traffic and/or amenity related issues, inclusive of pedestrian safety, to the satisfaction of the City of Fremantle.

Deliveries for the building are to be undertaken in accordance with the approved delivery management plan for the life of the development, to the satisfaction of the City of Fremantle.

Heritage / Archaeology

- 17. Prior to the commencement of development, dilapidation surveys, by a suitably qualified professional, are to be prepared for the Warders' Cottages (fmr), to the satisfaction of the City of Fremantle, on the advice of the Heritage Council of Western Australia.
- 18. Prior to the lodgement of a building permit, an interpretation plan is to be completed to the satisfaction of the City of Fremantle and is to include the design of interpretive elements and/or artworks that shall be integrated into the publicly accessible areas of the new building and surrounding landscaped areas (i.e. 'Spicer Lane').

Acoustics / Noise

- 19. 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 Herring Storer Acoustics, dated May 2025) are to be implemented, are to be submitted to, and approved by the City of Fremantle.

Prior to occupation of the development, evidence on how the measures have been constructed, implemented and tested shall be provided for approval by the City of Fremantle. All measures shall be maintained for the life of the development.
- 20. 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'.

Easements

21. Prior to occupation of the development hereby approved, an access easement is to be placed on the certificate(s) of title of the subject site specifying public (vehicle and pedestrian) access rights for the continuation of Paddy Troy Mall on the western portion of the land to the satisfaction of the City of Fremantle.

Sustainability

22. 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.
23. 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

24. 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 \$50 million dollars the contribution to be made is \$500,000.00;

OR,

 - 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 2010 - 2015 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.
25. 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.