

Planning and Development Act 2005
Section 171P(1)

Approval of Form 11B-1 Significant Development Application

WAPC Ref: SD-057-25

Property Location: Lots 14-19 (Nos. 7 - 27) Canning Highway, East Fremantle

Application Details: Residential Apartments

Determination Date 24 June 2026

Determination Notice Issue Date: 20 July 2026

Under delegation of the Western Australian Planning Commission, the Statutory Planning Committee resolved:

- A. to note this application is not capable of being determined under the applicable planning instrument, being the Town of East Fremantle Local Planning Scheme No. 3, and is seeking discretion under s.171R(1)(b) of the *Planning and Development Act 2005* and it has been considered and determined accordingly; and
- B. under s.171P(1) of the *Planning and Development Act 2005* to **APPROVE** the above application and accompanying plans (date-stamped 28 May 2026), subject to the following:

Conditions

Approval Timeframe

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans (date-stamped 28 May 2026) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.
3. A copy of the final working drawings (prepared for submission of the building permit application(s)) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission (WAPC).

The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.

Land Use

4. This approval is for 'Multiple Dwellings' which are to be managed and operated by a registered community housing provider, to the satisfaction of the Western Australian Planning Commission.

Amalgamation and Notifications

5. Prior to occupation of the development, suitable arrangements are to be made for:
 - (a) all lots within the development site, excluding the proposed road widening, as shown on the approved plans (date-stamped 28 May 2026), to be legally amalgamated into a single freehold lot on one Certificate of Title, at the landowner/applicant's expense, to the satisfaction of the Western Australian Planning Commission.
 - (b) the land subject to the Other Regional Road reservation under the Metropolitan Region Scheme as shown as proposed road widening on the approved plans (date-stamped 28 May 2026) to be set aside as a separate lot, at the landowner/applicant's expense, to the satisfaction of the Western Australia Planning Commission.
6. Prior to occupation of the development, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be registered on the certificate of title(s) of all lots within the development site. Notice of this notification is to be included on the diagram or plan of survey (deposited plan) and registered at the landowner/applicant's expense, to the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise."
7. Prior to occupation of the development, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be registered on the certificate of title(s) of all lots within the development site. Notice of this notification is to be included on the diagram or plan of survey (deposited plan) and registered at the landowner/applicant's expense, to the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:

"The lot is within Area 2 of the Fremantle Port Buffer Zone and may be adversely affected by operations of a 24 hour working Port including noise, odour, light spill and other factors."

Materials and Finishes

8. Prior to submission of the building permit application(s), the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), demonstrating that the development is to be constructed with high quality and durable external materials and finishes, which are consistent with or enhance those detailed on

the approved elevations of the development (date-stamped 28 May 2026), to the satisfaction of the Western Australian Planning Commission.

9. Prior to submission of the building permit application(s), all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from Canning Highway, East Street or Glyde Street or otherwise located to not be visually obtrusive, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.
10. The balconies being designed as naturally ventilated spaces that are not to be enclosed, with no balcony treatments or furnishings being permitted that could in any way change the design and appearance of the balconies, or the overall building façade, or obstruct views to and from the balcony and the street, to the satisfaction of the Western Australian Planning Commission.

Construction

11.
 - (a) Prior to submission of the building permit application(s), a Construction Management Plan is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the Town of East Fremantle. The Plan is to address the following, but not limited to:
 - (i) hours of construction;
 - (ii) temporary fencing, hoardings, gantries, and signage;
 - (iii) site access and egress;
 - (iv) pedestrian and cyclist management and any footpath obstructions;
 - (v) parking arrangements for staff and contractors;
 - (vi) deliveries and storage of construction materials and machinery;
 - (vii) management of vibration and dust;
 - (viii) management of any site dewatering or stormwater discharge;
 - (ix) management of construction noise and other site generated noise;
 - (x) construction waste management, recycling, and removal;
 - (xi) protection of street trees and public realm infrastructure; and
 - (xii) public communication and complaint handling procedures.
 - (b) The approved Construction Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.
12.
 - (a) Prior to submission of the building permit application(s), a Construction Traffic Management Plan is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from Main Roads WA, the Public Transport Authority, and the Town of East Fremantle.
 - (b) The approved Construction Traffic Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.
13. Prior to submission of the building permit application(s), a dilapidation report prepared by a suitably qualified professional is to be submitted to, the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle, detailing the current condition and status of all buildings, surrounding paved areas and ancillary structures located on the following properties:
 - Lot 20 (No.3) Glyde Street, East Fremantle;

- Lot 21 (No. 7) Glyde Street, East Fremantle;
- Lot 902 (No.9) Glyde Street, East Fremantle;
- Lot 47 (No.2) East Street, East Fremantle; and
- Lot 1 (No.29 - 33) Canning Highway, East Fremantle.

A copy of the dilapidation report(s) is to be provided to the Town of East Fremantle and the respective landowner/s of the abovementioned properties.

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

Lighting

14.

- (a) Prior to submission of the building permit application(s), a Lighting Plan detailing external illumination of the development in accordance with AS4282, AS1158.3.1, is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the Town of East Fremantle.
- (b) Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the external lighting has been installed in accordance with the approved Lighting Plan, to the satisfaction of the Western Australian Planning Commission.
- (c) The approved Lighting Plan is to be implemented and adhered to, unless otherwise approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle.

Transport, Access and Parking

15.

- (a) Prior to occupation of the development, certification is to be provided by a suitably qualified professional confirming that all car parking spaces, vehicle accessways, ingress and egress, universal access, and motorcycle and bicycle parking are consistent with the approved plans and have been constructed, drained, sealed and marked in accordance with the relevant Australian Standard, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.
- (b) All car parking spaces, vehicle accessways, access points, and motorcycle and bicycle parking shall be maintained by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.
- (c) Prior to occupation of the development, the visitor car parking spaces are to be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the Western Australian Planning Commission.

Footpaths

16. Prior to occupation of the development, arrangements are to be made for the extension of the existing footpath on Glyde Street and the upgrading of the footpath on East Street, for the length abutting the property boundary of the development site, consistent with the Town of East Fremantle's Footpath Specification and Guidelines to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.

Water Management

17.
 - (a) Prior to submission of the building permit application(s), a Water Management Plan is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from Main Roads Western Australia, the Department of Biodiversity, Conservation and Attractions, and the Town of East Fremantle, demonstrating that all stormwater from the development will be retained on site.
 - (b) The approved Water Management Plan is to be implemented, to the satisfaction of the Western Australian Planning Commission.
18.
 - (a) Prior to submission of the building permit application(s), a Sediment and Erosion Management Plan, demonstrating management of drainage, erosion and sedimentation risk to nearby water bodies and/or reserves, is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the Department of Biodiversity, Conservation and Attractions.
 - (b) The approved Sediment and Erosion Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

Noise Management

19.
 - (a) Prior to submission of the building permit application(s), a final Acoustic Report and associated construction plans, endorsed by a qualified acoustic consultant, detailing effective management of noise ingress and egress for the Fremantle Port Buffer Area 2, traffic noise, service vehicles, and mechanical equipment, are to be submitted to and approved by the Western Australian Planning Commission, on advice from Main Roads Western Australia and the Town of East Fremantle.
 - (b) Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved final Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission.
20. The proposed 1.8m boundary fence/wall along the boundary of 2 East Street and 3 Glyde Street, East Fremantle, be solid in construction with a surface mass no less than 13 kg/m² and no gaps, to the satisfaction of the Western Australian Planning Commission.

Landscaping

21.

- (a) Prior to submission of the building permit application(s), final Landscape Plan(s), demonstrating that any landscaping within the land subject to the Other Regional Road reservation is temporary and designed and constructed to be removeable, are to be submitted to, and approved by, the Western Australian Planning Commission, on advice from Main Roads Western Australia.
- (b) Prior to occupation of the development, the landowner/applicant is to provide written confirmation from a suitably qualified professional confirming that all landscape areas have been established as indicated in the final approved Landscaping Plan(s).
- (c) The approved landscaping is to thereafter be maintained by the landowner/applicant or operators of the development, to the satisfaction of the Western Australian Planning Commission.

Sustainability

22.

- (a) Prior to the submission of the relevant building permit application(s), written confirmation is to be provided from a suitably qualified professional confirming the measures identified in the Sustainability Report dated 27 January 2026 (Rev 3), including the water efficiency measures and average 7.5-star NatHERS rating with a minimum 6.5-star rating for all individual units, have been incorporated in the final drawings and documents, to the satisfaction of the Western Australian Planning Commission.
- (b) Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that the sustainability measures within the approved Sustainability Report dated 27 January 2026 (Rev 3) have been implemented, to the satisfaction of the Western Australian Planning Commission.
- (c) The accepted sustainability initiatives shall be incorporated into the development and thereafter maintained by the landowner/applicant and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Public Art

23. Prior to the submission of the relevant building permit application(s), the landowner/applicant must contribute a sum of 1% of the construction cost toward Public Art, in accordance with the objectives of the Town of East Fremantle Local Planning Policy 3.1.9 - Percent for Public Art Policy, by either:

- (a) Payment of a cash-in-lieu amount equal to the sum of the 1% contribution of the construction cost to the satisfaction of the Western Australian Planning Commission; OR
- (b) (i) The provision of Public Art on site, with a public art strategy for the subject development to the value of 1% of the construction cost to be submitted to, and approved by, the Western Australian Planning Commission; and

(ii) the approved Public Art is to be installed by the developer and maintained thereafter by the landowner and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Waste Management

24.

- (a) Prior to submission of the building permit application(s), a final Waste Management Plan, consistent with the final working drawings, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of East Fremantle.
- (b) The approved Waste Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Geotechnical Investigations

25. Prior to submission of the building permit application(s), the applicant is to submit a final geotechnical engineering investigation report certifying that the land is physically capable of accommodating the development and any changes to soils as a result of contaminated sites remediation works.

In the event that remediation works are required, a post-works geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report is to be submitted, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of East Fremantle.

Advice

- (a) This is a development approval only. The landowner/applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. Contact the Town of East Fremantle for further advice on building, health and engineering requirements; and the Town of East Fremantle and Main Roads WA for road reserve requirements.
- (b) With regard to Condition 1, the term 'substantially commenced' has the meaning as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.
- (c) With regard to Conditions 2 and 3, a copy of the final working drawings prepared for the submission of an application for a building permit and all associated reports and information that address the conditions of approval are to be submitted to and cleared by the Western Australian Planning Commission (WAPC). The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.

Following satisfactory assessment of the plans and documents, the WAPC will provide a clearance letter and copies of the document to the local government to assist with building permit assessment. Where works and/or building permit are proposed to be

staged, the WAPC may agree to a staged clearance of working drawings and associated conditions of approval.

The final plans and documents submitted to the WAPC to satisfy the conditions if this approval will be verified by the Department of Planning, Lands and Heritage officers and any other local of State Government agency, where applicable. Approval for any substantive changes to the approved plans and/or documents will need to be obtained in writing from the WAPC, via an Amendment Application process (Form 11B-2).

- (d) With regard to Condition 12, the Public Transport Authority advises the Construction Traffic Management Plan is to include details of how the development will:
- (i) Maintain full access along East Street at all times.
 - (ii) Maintain the pedestrian crossing on Canning Highway.
 - (iii) Ensure works and laydown areas are confined within the property boundary and do not encroach into verges or Glyde Street.

The Public Transport Authority and Transperth require a minimum notice period of 10 business days prior to any proposed road closure or bus stop / service disruption and can be contacted via transperth.servicedisruptions@pta.wa.gov.au. Any damage to existing bus stop/s during construction will be required to be rectified by the applicant/owner to the Public Transport Authority's standards.

- (e) With regard to Condition 15:
- (i) the 85 percentile car turning template standard can be used to design non-standard vehicle manoeuvres;
 - (ii) the car parking comprises secure resident car parking bays (17 bays), visitor car parking bays (4 bays), moped/motorcycle parking bays (3 bays), 34 resident bicycle bays and 6 visitor bicycle bays; and
 - (iii) bicycle facilities includes the secure storage for bicycles and electric scooters and bike racks.
- (f) With regard to Condition 16, the footpaths on a portion of Glyde Street and East Street are to be constructed of "limecrete footpath" to align with the existing adjoining footpaths. Redundant crossovers are to be removed and the kerbing and verge reinstated at the applicant's cost in accordance with the requirements of the Town of East Fremantle Footpath & Crossover Specification and Guidelines.
- (g) With regard to Condition 17:
- (i) The Water Management Plan should address:
 - (i) stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) has been retained and/or detained at-source as much as practical (noting that untreated stormwater will not be permitted to enter the river); and
 - (ii) details of any subsoil drains.
 - (ii) The Department of Biodiversity, Conservation and Attractions advises the Water Management Plan should describe how the stormwater system has been designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the Swan River. Stormwater from the authorised works should be managed in accordance with
 - Corporate Policy Statement 49: Planning for Stormwater Management Affecting the Swan Canning Development Control Area;

- Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia;
 - Decision Process for Stormwater Management in Western Australia; and
 - Water Sensitive Urban Design Principles.
- (h) With regard to Condition 18, the Department of Biodiversity, Conservation and Attractions advises that the Sediment and Erosion Management Plan should describe how the works will be managed and implemented to minimise the risk of drainage, erosion and sedimentation on nearby water bodies and/or reserves and should include control measures such as:
- (i) daily recovery of sediment (including imported building sand) from outside the works area (e.g. end-of-day sweeping)
 - (ii) perimeter controls such as sediment control fences
 - (iii) sediment traps at stormwater drain inlets
 - (iv) vehicle washdown, vibration grids or rock pads at entry/exits
 - (v) containment of stockpiles.

For further guidance refer to the Erosion and Sediment Control Information sheets at: www.sercul.org.au/sediment-resources/ and the IECA Best Practice Erosion and Sediment Control document: connect.ieca.org/austieca/resources/resources-list/bpesc-document.

- (i) With regard to Condition 19, the final Acoustic Report should address:
- (i) noise generated from residents and visitors;
 - (ii) traffic noise, in accordance with the State planning Policy 5.4 - Road & Rail Noise;
 - (iii) Australian Standard 2017 "Acoustics" - Recommended Design Sound Levels and Reverberation Times for Building Interiors";
 - (iv) Building Code of Australia (BCA), Part F5 - Sound Transmission and Insulation;
 - (v) Main Roads WA Requirements for Road Traffic Noise Assessments; and
 - (vi) how the proposal meets the following Fremantle Port Buffer Area 2 built form requirements:
 - (a) Windows and opening requirements:
 - (i) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm; and,
 - (ii) All safety glass shall be manufactured and installed to an appropriate Australian Standard;
 - (b) Air Conditioning requirements:
 - (i) Multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and,
 - (ii) Preference for split "refrigerative" systems; and
 - (c) Construction requirements:
 - (i) Adopt the general principles of quiet house design for residential developments; and
 - (ii) All developments shall incorporate roof and/ or ceiling insulation.
- (j) With regard to Condition 21, works within the public realm are to be installed and maintained at the applicant's expense in accordance with the approved plans and details.
- (k) With regard to Condition 23, if the proposed on-site integrated public artwork costs less than the value of 1% of the construction value then the public art strategy must include a cash-in-lieu contribution for the difference.

- (l) With regard to Condition 24, Main Roads WA advises that waste collection is to be on-site (no bin collections on road verges).
- (m) The Town of East Fremantle advises a crossover application is to be submitted for the new vehicle crossover on East Street. Any damage to verges during construction is to be repaired/rectified and any permanent changes to the Glyde Street or East Street verge require approval from the Town of East Fremantle.
- (n) The applicant when carrying out works in the road reserve will be responsible for location and protection of public utility services within the road reserve and is to obtain details of service locations from relevant utility authorities prior to the commencement of any works within the road reserve.
- (o) If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 11B of the *Planning and Development Act 2025*.

Reasons for Decision

Extract from the Minutes of the Statutory Planning Committee meeting of 24 June 2026:

Members discussed their reasons for supporting the proposal and outlined the following:

- The proposal is consistent with the strategic planning vision for the site to accommodate higher density residential development and housing diversity along a well-connected urban corridor.*
- The increase to the permitted building height for a portion of the development located on the corner of Glyde Street and Canning Highway required additional discretion under section 171R of the Planning and Development Act 2005 (PD Act), and this was considered to be appropriate to the site context and to not result in adverse impacts to the locality and adjoining properties.*
- The reduction in car parking was considered suitable in the location and for the proposed nature of the development given its proximity to high frequency public transport, pedestrian and cycling connections. It was noted that similar developments have demonstrated lower car ownership demand and carparking ratios.*
- The proposal's generated traffic volumes and access arrangements have been demonstrated to have a minimal impact on the surrounding street network and to interact safely with Canning Highway.*
- The landscape provision and public art concept will contribute positively to the local context.*