



Western Australian Planning Commission

Minutes

Meeting No. 31
Thursday, 17 August, 2023

- Members:** David Caddy - Chairman WAPC
Jane Bennett - Professions Representative
Helen Brookes - Coastal Planning and Management Representative
Emma Cole - Metropolitan Local Government Representative
Lynne Craigie - Nominee of the Regional Minister
Alistair Jones – Acting Director General, Department of Jobs, Tourism, Science and Innovation
Anthony Kannis - Director General, Department of Planning, Lands and Heritage
Gene Koltasz - Professions Representative
Barry McGuire - Professions Representative
Lisette Traves - Portfolio Agency Representative
- Apologies:** Michelle Andrews - Director General, Department of Water and Environmental Regulation
Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation
Caroline Knight - Local government representative – non-metropolitan
Mike Rowe - Director General, Department of Communities
Peter Woronzow - Director General, Department of Transport
- Others present:** Inga Butefisch - Principal Media Advisor, Communications
Michael Daymond - Strategic Advisor WAPC
Paola Di Perna - Planning Director, State Development Assessment Unit
Sam Fagan - Manager Commission Business
Zoe Hendry - Senior Policy and Project Officer
Michelle King - Senior Commission Support Officer
Phillida Rodic - Planning Director Reform Projects, Reform, Design and State Assessment
Michelle Sanfilippo – Team Leader Commission Support
Rebecca Waghorne - Director Communications and Engagement
- Applicants and Submitters:** Barry Baltinas - Peakform Investments P/L, Baltinas Architecture
Steeg Banham - Banham Architects
Andrew Baranowski (Plan / E – Landscape)
Behnam Boardbar (Transcore – Traffic)
Greg Boland, Chair, Cottesloe Residents and Ratepayers Association
Anya Boudville-Baltinas - Baltinas Architecture
Amanda Butterworth - Allerding and Associates
Jonathan Choy - Baltinas Architecture
Steve Cleaver - Town of Cottesloe

Ed Drewett – Town of Cottesloe
Tayne Evershed - Planning Solutions
Connor Fisher - Glen McLeod Legal
Glen McLeod - Glen McLeod Legal
Stephen Mellor - Cottesloe Residents and Ratepayers Association
Ken Perry
Matthew Scott – Town of Cottesloe
Marcus Sproule – Local Resident

There were 12 members of the public in attendance.

1. Declaration of opening

The Chairman declared the meeting open at 2:02 pm, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

The Chairman provided an introductory statement as follows:

This meeting of the Commission is to determine two application considered as significant development under Part 17 of the *Planning & Development Act 2005*.

Part 17 granted the Commission temporary decision-making powers to determine proposals that can generate investment in the State to assist with economic recovery as we respond to the global COVID-19 pandemic.

The applications under consideration today are;

- a Part 17 application for a mixed use development at 122 Marine Parade Cottesloe; and,
- a Form 17C application seeking to amend an aspect of the approval issued by the Commission on 18 August 2021 for a residential apartment development at 120 Marine Parade Cottesloe.

Part 17 of the legislation bestows upon the Commission a perceived unlimited level of discretion, however the discretion must be exercised responsibly.

Under the Act, in considering these applications, the Commission must have due regard for:

- the purpose and intent of the local planning scheme and local planning policies;
- the need to ensure orderly and proper planning, and the preservation of the amenity of a locality;
- the need to facilitate development in response to the economic effects of COVID-19; and

- any relevant Region Planning Schemes, State planning policies, and any other relevant WAPC policies.

As with any planning application, the Commission has the option to:

- approve the application, subject to conditions;
- approve the application, subject to minor modifications and conditions;
- defer determination pending further information; or
- refuse the application.

This is a considerable responsibility which the Commission takes very seriously.

I wish to advise observers that Commission members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

This meeting is not being recorded and I advise all participants that you are not permitted to use any electronic, visual or audio recording device or instrument to record this meeting.

On behalf of the Commission, the Department of Planning, Lands and Heritage will respond to any media enquiries relating to this application, or the process, in consultation with the office of the Minister for Planning.

2. Apologies

Michelle Andrews - Director General - Department of Water and Environmental Regulation

Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation

Caroline Knight - Non-Metropolitan Local Government representative

Mike Rowe - Director General, Department of Communities

Peter Woronzow - Director General, Department of Transport

3. Disclosure of interests

Ms Traves declared a Perceived Impartiality Interest on Item 7.1 - Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe. Ms Traves stated that two public submissions were made on this development proposal by her extended family members, Vanda Marchant and Adam Marchant, the sister-in-law and brother-in-law to her sister. Ms Traves further stated that she has not discussed the proposal with either of these persons and it is not known if their submission was in favour or against the proposal. Members agreed that Ms Traves is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Ms Traves' conduct in relation to the matter.

4. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Western Australian Planning Commission Part 17 meeting.

5. Deputations and presentations (Item 7.1)

5.1 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenter: Ken Perry

Mr Perry addressed the Western Australian Planning Commission speaking against the development application at Item 7.1, raising concerns with building heights and stating that the Cottesloe community, the State Design Review Panel and the Town of Cottesloe do not support the application, nor should the Commission.

5.2 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenter: Marcus Sproule – Local Resident

Mr Sproule addressed the Western Australian Planning Commission speaking in support of the development application at Item 7.1, stating that Cottesloe Beach is an iconic world class beach that attracts locals and tourists alike, that the current buildings on Marine Parade are long past their prime which detracts from the natural beauty of the area and that this exceptional, unique and innovative development will be a breath of fresh air for the suburb and contribute to the positive change that the residents of Cottesloe desire.

5.3 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenter: Amanda Butterworth - Allerding and Associates

Ms Butterworth of Allerding and Associates addressed the Western Australian Planning Commission speaking on behalf of the owners of 118 Marine Parade, in support of the development application at Item 7.1, stating that they have no objection to the draft conditions of approval recommended, subject to the vehicular access arrangements for both 120 and 122 Marine Parade, Cottesloe being from Napier Street.

5.4 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenters: Matthew Scott – Town of Cottesloe, Mayor Young – Town of Cottesloe, Ed Drewett – Town of Cottesloe and Steve Cleaver - Town of Cottesloe

Mr Drewett addressed the Western Australian Planning Commission on behalf of the Town of Cottesloe speaking against the development application at Item 7.1, based on concerns relating to building height,

bulk and scale, adverse impacts on the amenity and character of the locality, the shortfall of parking for non-residential use, the lack of diversity of the multiple dwellings, the reduced setbacks to street frontages which will result in unacceptable overshadowing of the public domain and the lack of support by the State Design Review Panel.

Mr Drewett requested that should the Commission resolve to approve the development application, that a developer contribution should be made towards the Town of Cottesloe's approved Foreshore Masterplan to support orderly and proper development of the area.

Mr Drewett responded to questions from members relating to the location of proposed works such as bike parking facilities and landscaping in the Town of Cottesloe's Foreshore Masterplan, stating that the plan predominantly concentrates on improvements to Marine Parade, though it does include the corner of Napier Street.

Members queried whether the Town of Cottesloe had a figure in mind for a developer contribution and Mr Drewett stated that there is no facility under the Town of Cottesloe Local Planning Scheme to require developer contributions and the Town of Cottesloe are currently reviewing this.

5.5 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenters: Stephen Mellor - Cottesloe Residents and Ratepayers Association and Greg Boland, Chair, Cottesloe Residents and Ratepayers Association

Mr Boland and Mr Mellor of the Cottesloe Residents and Ratepayers Association, addressed the Western Australian Planning Commission speaking against the development at Item 7.1, based on concerns relating to building height non-compliance with the Town of Cottesloe Local Planning Scheme, that the design and character of the development are not in keeping with Cottesloe and that as the COVID-19 pandemic is over and the economy is now robust, there is no need for any additional building stimulus and that both 120 and 122 Marine Parade should be considered as one application rather than two as they are interdependent and share a basement.

Mr Mellor requested that should the development application be approved, approval conditions should include the need for public art, a developer contribution towards the Town of Cottesloe Foreshore Management Plan and Cash in lieu for parking.

5.6 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenter: Steeg Banham - Banham Architects

Mr Banham of Banham Architects addressed the Western Australian Planning Commission speaking in support of the development at Item

7.1, praising the proposed design, which he stated is iconic, exciting, inspired by nature and incorporates its coastal setting, noting that the building will be located on an intersection which marks the beginning of the Cottesloe foreshore announcing to visitors that they have arrived in a location of state significance and he provided examples of important buildings designed by controversial visionaries in New York and Spain that were originally seen to be eclectic and alien, that are now considered to be cultural masterpieces, received numerous awards, are protected by UNESCO, stand out from the historic buildings they sit amongst and have had a positive impact on their localities.

Mr Jones left the meeting at 2:55 pm and did not return.

5.7 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe (Item 7.1)

Presenters: Tayne Evershed - Planning Solutions, Behnam Boardbar - Transcore – Traffic, Andrew Baranowski - Plan / E – Landscape, Glen McLeod - Glen McLeod Legal, Connor Fisher - Glen McLeod Legal, Barry Baltinas - Peakform Investments P/L and Baltinas Architecture, Anya Boudville-Baltinas - Baltinas Architecture and Jonathan Choy - Baltinas Architecture

Mr Evershed of Planning Solutions, Mr McLeod of Glen McLeod Legal and Mr Baltinas of Peakform Investments Pty Ltd and Baltinas Architecture addressed the Commission speaking in support of the development at Item 7.1, stating that the Cottesloe community has expressed overwhelming support for the development and the unique design is inspired by the natural coastal environment of Cottesloe and that the development will generate jobs.

Mr Evershed advised members that the seven draft reasons for the refusal of the application in Part A of the Department of Planning, Lands and Heritage report are weak on planning grounds and the majority of the reasons for refusal can be addressed by conditions of approval.

Mr McLeod advised members that the purported inconsistency with the design principles in State Planning Policy 7.0 is not sufficient to outweigh all the other planning considerations and in short include the statutory planning considerations such as setbacks, building height, carparking, landscaping, dwelling diversity, sustainability and streetscape.

Mr Baltinas informed members that the architecture is derived from undulating natural landscapes, sand dune topography and eroding facades drawn from the sites local context, Cottesloe Beach, that the exterior design flows into the interiors, that the proposal achieves all the requirements set out by the Liveable Housing Design Guidelines to meet Platinum Level, the project is carbon neutral and includes initiatives such as individual charging points in all car bays, the design ethos is high quality and sustainable, the glass windows mimic water,

the colours and textures and materials work together to create a natural design, the buildings at 120 and 122 Marine Parade have been designed to almost meet, the design is unique and the materials are sourced in Western Australia.

Mr Evershed advised members that there are no tenants remaining at 120 Marine Parade, which is ready for demolition and there are three remaining tenants at 122 Marine Parade who will be vacating shortly, the project is therefore shovel ready.

Mr Evershed responded to questions from members relating to why the two buildings were applied for via separate development applications, rather than a single application, given they share a unified basement.

Mr Baltinas responded to questions from members in relation to concerns that this development will be the beginning of a wall of tall buildings on Marine Parade, advising that even if a number of development applications are approved on Marine Parade, individual architects will wish to create their own unique designs that they can be proud of.

Mr Baltinas responded to questions from members relating to the maintenance of landscaping on balconies and the rooftop and access to those spaces, stating that a standard strata agreement will be in place for landscape maintenance and access can be provided from the street for the balconies with minimal disruption.

Mr Evershed responded to questions from members in relation to setbacks, encroachment, the lack of housing diversity offered in this development and the lack of shared tenant spaces, advising that the large size of the apartments and two car spaces provided per apartment allows for tenants to age in place noting there is a shortage of large apartments available in the area whilst there are sufficient one and two bedroom apartments available.

Mr Baltinas responded to questions from members in relation to the structural soundness of the innovative 3D print technology to be used on the project advising members that he is confident in the technology.

Ms Bennett left the meeting at 3:32 pm

Mr Evershed responded to questions from members relating to the Town of Cottesloe's request for a contribution to the Town of Cottesloe Foreshore Masterplan, stating that the budget for the verge landscaping is significant and will benefit the community and Mr Baltinas is keen to work with the Town of Cottesloe on the landscape design, noting that from a planning perspective, the Town of Cottesloe have no nexus to request an approval condition.

Ms Bennett returned to the meeting at 3:35 pm

6. Presentation of key issues by the Department of Planning, Lands and Heritage (Item 7.1)

Presenter: Paola Di Perna - Planning Director, State Development Assessment Unit

Ms Di Perna, Planning Director of the State Development Assessment Unit presented the key issues and considerations of the application at Item 7.1.

7. Item for decision

7.1 Significant Development Application - Proposed Mixed Use Development - 122 (Lots 2-8) Marine Parade, Cottesloe

The Chairman began the discussion on item at 7.1 on the agenda by stating that the Commission has before it a very balanced report, which steps through the planning framework in detail and clearly articulates those matters where in the opinion of the State Development Assessment Unit (SDAU), the Commission could exercise a level of discretion and the Chairman's own observations as the Commission move towards discussing whether or not an approval is warranted are confined to those matters where in the opinion again of the SDAU, the proposed mixed-use development is not consistent with the intent and objectives of the relevant planning instruments.

The Chairman drew the Commission's attention to *State Planning Policy 7.0 - Design of the Built Environment*, which addresses design quality and built form outcomes seeking to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes.

The Chairman informed members that the State Design Review Panel (SDRP) provides independent expert advice on the design quality of major development proposals guided by the objectives, measures and principles as outlined in SPP 7.0 and following design review, the Panel reported that the design approach lacked responsiveness to Cottesloe's multi-layered contextual history and identity and was considered over-scaled and excessive for this location and raised concerns with legibility of the ground floor plane, the unresolved interface with the approved development at 120 Marine Parade and the lack of housing diversity and these views are still held by the Government Architect following the submission of revised plans.

The Chairman stated that the SDAU report does acknowledge that the building height and setbacks of the proposed development to Marine Parade are generally aligned with the approved development at 120 Marine Parade, however it does go on to state that it could be perceived that the bulk and scale of the proposed development on this prominent corner location is not consistent with the intent of Local Planning Scheme 3 due to its composition and built form. The Chairman re-iterated that the Commission is not bound by the height

provisions of LPS3 in making its determination, that the SDAU is supportive of the proposed setbacks and that he has raised these issues in view of the significance of State Planning Policy 7.0 and the deliberations of the SDRP, a sub-committee of the Commission, and looks forward to a robust discussion.

Mayor Cole advised members that she is open to the distinctive and organic design and appreciates that there are many positive elements to the design, however she would like further discussion in relation to bulk and scale, setbacks, a design that incorporates more breathing room between the two buildings at 120 and 122 Marine Parade, parking issues and mix, cash in lieu, dwelling diversity and shared space for tenants and therefore suggests that the application be deferred.

Mr Koltasz noted concerns at the bulk and scale of both developments, advising that the treatment of the balconies on Napier Street and setbacks will soften the issue somewhat and that the applicant has provided sufficient reason for the large footprint of the apartments, being aging in place. Mr Koltasz noted that the applicant is committed to sustainable building practices, that the design is unique and well thought out, and whilst the advice of the SDRP is acknowledged, it is the Commission that makes the determination on the development application.

Mr Koltasz state that he supports the proposal, although he has some concern that there is not yet a plan for the verge landscaping and he would like to see a developer contribution to the Town of Cottesloe's Foreshore Masterplan, noting that the Commission does not have the power to impose such a condition, he would like to ensure that there is a height limit to the landscaping on the rooftop and supports a cash in lieu contribution for car parking.

Ms Traves stated that she appreciates the considered approach that the applicant has made to addressing concerns relating to building height, bulk and scale concerns, taking into account the aesthetic views of the neighbouring buildings and mitigating overshadowing in the public realm and that the architect has a unique design that may stand out, though in the broader coastal landscape there is varied built form design.

Ms Traves noted that the perceived bulk and heaviness may be due to the concrete nature of the balconies, which are part of the sustainable building outcome and architectural intent and outlined that the dwelling diversity concerns have been answered by the applicant in that the apartments are providing much more than just a bed and bath, rather it is a lifestyle and caters for aging in place.

Ms Bennett acknowledged the written submissions received during advertising and the presentations the Commission has heard this noting that the applicant has made changes to the design in response to feedback and addressed the issue of bulk and scale, that setbacks

have been tapered back, that the setback encroachment into the 4m does taper along the length of Napier Street, though substantial buildings are often featured on prominent corners.

Ms Bennett stated that overshadowing is consistent with a compliant scheme, that traffic issues will be minimal given the yield is only two apartments more than the existing building, that car parking is integrated between the two buildings at 120 and 122 Marine Parade and provide a single access. Ms Bennett noted that cash in lieu may overcome the shortfall, that bike parking is catered for in the basement rather than the verge, that the building height for 122 is consistent with 120 Marine Parade and that the applicant is commitment to sustainability initiatives.

Ms Bennett commented on the closeness of the two buildings without actually touching, that the perception may be that there is no room to breathe between the buildings and that whilst it may be preferable to develop both 120 and 122 Marine Parade together, this cannot be a requirement of approval and whilst the advice of the SDRP is acknowledged, the Commission does not require the approval of the SDRP to determine the application before them.

Ms Bennett acknowledged that there is a need for redevelopment, that there is already significant existing housing diversity in Cottesloe, that the development is offering a 100% silver level liveable design and that the need for larger apartments is understandably tied to aging in place. However, it is disappointing that the development will only increase apartment yield by two and that she has no concerns with the landscape integration to the building, that the trees will add to the landscape and not make a significant impact on bulk and scale and the applicant has provided acceptable information in relation to landscape management.

Members agreed to endorse Part B the recommendation of the Department of Planning, Lands and Heritage.

REPORT RECOMMENDATION

Moved by Ms Bennett

Seconded by Mr Koltasz

That the Western Australian Planning Commission resolves to APPROVE development application reference SDAU-047-21 and accompanying plans (date-stamped 8 August 2023) for Proposed Residential Apartments & Restaurant at 122 Marine Parade (Lots 2 - 8), Cottesloe in accordance with s.274 of the Planning and Development Act 2005, subject to the following conditions:

Conditions

Approval Timeframe

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

Conformity with Plans

2. *The development is to be undertaken in accordance with the approved plans and documents date-stamped 8 August 2023 and attached to this approval, final details of which are to be provided at working drawings stage to the satisfaction of the Western Australian Planning Commission on the advice of the Town of Cottesloe which includes:*
 - i. *Details of the ground level shopfront that incorporates fixed and operable glazing and high quality materials that will provide a high level of streetscape amenity and enable the restaurant to be used in a range of weather conditions.*
3. *No development may commence on site until such time as:*
 - i. *A valid approval is in place for the development of 120 Marine Parade that has been designed to accommodate the necessary vehicle access arrangements from the basement of 120 Marine Parade to Napier Street; and*
 - ii. *The owner of 122 Marine Parade enters into an easement, deed or other agreement with the owner of 120 Marine Parade, ensuring satisfactory vehicle access through 120 Marine Parade in perpetuity.*

Details are to be provided to the satisfaction of the Western Australian Planning Commission.

4. *The development is to be constructed with high quality and durable external materials and finishes, with final details (including colour swatches or material samples) being provided prior to applying for the relevant building permit, to the satisfaction of the Western Australian Planning Commission.*
5. *Prior to occupation of the development, the external face of all walls on or adjacent to the lot boundaries is to be finished to a high standard consistent with the rest of the development, to the satisfaction of the Western Australian Planning Commission.*

Notification on Title

6. *Prior to the occupation of the development, the owner shall register a notification pursuant to Section 70A of the Transfer of Land Act 1893 on each Certificate of Title(s), which states:*
 - i. *This lot is located within a precinct that may be affected by potentially heightened ambient noise levels (activity, noise, light, traffic and late hours of operation) within public and*

private areas than that normally associated with a typical residential area.

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

Construction

7. *Prior to submission of an application for the relevant demolition or building permit, a Demolition and Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Cottesloe, addressing but not limited to:*

- i. hours of construction;*
- ii. temporary fencing, hoardings, gantries and signage;*
- iii. site access and egress;*
- iv. construction traffic management;*
- v. pedestrian and cyclist management and any footpath obstructions;*
- vi. parking arrangements for staff and contractors;*
- vii. deliveries and storage of construction materials and machinery;*
- viii. management of vibration, dust, wind and erosion;*
- ix. management of any site dewatering or stormwater discharge;*
- x. management of construction noise and other site generated noise;*
- xi. demolition and construction waste management, recycling and removal;*
- xii. protection of street trees and public realm infrastructure; and*
- xiii. public communication and complaint handling procedures.*

This plan is to be adhered to at all times during demolition and construction, to the satisfaction of Western Australian Planning Commission.

8. *Prior to submission of an application for the relevant building permit, a Dilapidation Report is to be submitted to and approved by the Western Australian Planning Commission on advice from the Town of Cottesloe, detailing the current condition of adjacent public realm infrastructure and paving, as well as any buildings on the following properties:*

- a. 118 (Lot 3) Marine Parade*
- b. 3A (Lot 36) Napier Street*

c. 5A (Lot 41) Overton Gardens

9. Any damage to buildings, structures, infrastructure or paving as a result of demolition or construction is to be rectified at the developer's cost and in a timely manner, to the satisfaction of the Western Australian Planning Commission.

Landscaping

10. Prior to the submission of the relevant building permit application, rooftop landscaping species shall be reduced to a mature height of not more than 2 metres, with final landscape plans and specifications for both the subject site and the public realm (if relevant), including hard and soft landscape specifications and reticulation details being submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Cottesloe.
11. Prior to the occupation of the development, all landscape areas within the site are to be installed in accordance with the final approved landscape plans and thereafter maintained, to the satisfaction of the Western Australia Planning Commission.

Parking and Access

12. Prior to the occupation of the development, a cash-in-lieu contribution shall be paid to the Town of Cottesloe for the shortfall of nine (9) car parking bays, based on the cost of \$25,830 per bay as set out in the Town of Cottesloe Payment in Lieu of Parking Plan Policy being a contribution of \$232,470, to the satisfaction of the Western Australian Planning Commission.
13. Prior to the occupation of the development, a Parking and Operational Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Cottesloe. The Plan is to include details of the following, and be reflected in the working drawings, where applicable:
- i. car parking and vehicle access arrangements with 120 Marine Parade to ensure vehicle access to Napier Street is maintained in perpetuity;
 - ii. effective and safe management of traffic movements within the car parking areas;
 - iii. identification of any ACROD bays;
 - iv. identification of parking, loading, delivery and waste management areas;
 - v. an updated Green Travel Plan that incorporates the provision of charging facilities for EV's, E-scooters and E-bikes; and
 - vi. the identification of clear, safe and accessible pedestrian paths through the car parking and servicing areas.

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

- 14. Prior to the occupation of the development, all car parking spaces, access aisles and loading bays are to be paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained by the owners of the development, to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to the submission of the relevant building permit application, the Waste Management Plan prepared by Talis Consultants for 120 Marine Parade, Cottesloe (ref. TW19050 dated 7 April 2021) and any access modifications required shall be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Cottesloe. The approved plan shall be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
- 16. A Universal Access Statement prepared by a suitably qualified person is to be provided to the satisfaction of the Western Australian Planning Commission, prior to the submission of the relevant building permit application.*

Sustainability

- 17. The development is to achieve an average 8 Star NatHERS design rating or equivalent. Prior to the submission of the relevant building permit application, the applicant is to submit an updated sustainability report demonstrating how an average 8 star NatHERS or equivalent sustainable design rating is to be achieved and confirming the final strategy that will guide construction. The accepted sustainability initiatives shall be incorporated into the development and thereafter maintained by the owners of the development to the satisfaction of the Western Australian Planning Commission.*

Public Art

- 18. Prior to the occupation of the development:*

- a. a public art concept for the subject development to the value of 1.0% of the construction value must be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Cottesloe.*

The approved public art shall be installed by the developer prior to occupation of the development and maintained thereafter by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission;

or

- b. payment to the value of 1% of the construction cost shall be made to the Town of Cottesloe's Community Art Fund for the provision of future public art by the Town of Cottesloe.*

Noise Management

- 19. Prior to the submission of the relevant building permit application, a final Acoustic Report and associated construction plans certified by a qualified acoustic consultant are to be submitted to and approved by the Western Australian Planning Commission, in consultation with the Town of Cottesloe.*
- 20. Prior to the occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission.*
- 21. Prior to the occupation of the development, a Noise Management Plan for the food and beverage venue shall be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of Cottesloe. The Plan is to include details of hours of operation, security, delivery of goods, music, entertainment and noise management and be implemented and adhered to all times.*

Lighting

- 22. Prior to submission of the relevant building permit application, a Lighting Strategy detailing external illumination of the development which is sympathetic to the adjacent Cottesloe Beach Foreshore and enhances the amenity and safety of the area is to be submitted to and approved by the Western Australian Planning Commission.*

Utilities and Facilities

- 23. Any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, transformers and fire control rooms being integrated into the design of the building and located or screened to minimise any visual and noise impact on the residents of the neighbouring properties and public realm, with details of the location and screening of such plant and services being submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Cottesloe prior to applying for the relevant building permit.*
- 24. Prior to the submission of the relevant building permit application, a Stormwater Management Plan is to be submitted which demonstrates that all stormwater will be contained on-site and disposed of in an acceptable matter to the satisfaction of the Western Australia Planning Commission, on advice from the Town of Cottesloe.*
- 25. Prior to the submission of an application for a building permit, plans and specifications for the relocation of the existing 225mm diameter*

gravity sewer within the basement of the proposed development shall be submitted to the satisfaction of the Western Australian Planning Commission, in consultation with the Water Corporation.

26. *Any external signage is to be integrated with the design of the building facades, with final details of the location and design of the signs provided prior to installation, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Cottesloe.*

Advice Notes

- a) *This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development.*
- b) *With regard to Condition 2, 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. The final working drawings and associated documents are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.*

Following satisfactory assessment of the plans and documents, the Western Australian Planning Commission will provide a clearance letter and copies of the documents to the local government to assist with building permit assessment. Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval.

The final plans and documents submitted to the Western Australian Planning Commission to satisfy the conditions of this approval will be verified by the Department of Planning, Lands and Heritage officers and any other local or State government agency, where applicable. Approval for any substantive changes to the approved plans will need to be obtained in writing from the Commission, via an Amendment Application process (Form 17C).

- c) *With regard to Condition 4, final specifications and samples should be provided for all external elevations, demonstrating that high quality, durable and low reflective materials have been maintained (or enhanced) from development application stage through to working drawings and construction.*
- d) *Prior to the occupation of the development, suitable arrangements shall be made with the Town of Cottesloe for the*

removal of the existing bitumen parking area within the Napier Street verge area and the reinstatement of landscaping, details of which are to be provided to the satisfaction of the Western Australian Planning Commission, in consultation with the Town of Cottesloe.

- e) *With regard to Condition 8, in the event that access for undertaking the dilapidation survey is denied by an adjoining owner, 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.*
- f) *Where building works propose a “notifiable event” or are likely to affect neighbouring land or property, then the ‘Work affecting other land’ provisions of the Building Act 2011 will apply. This information sets out the requirements for managing building work on or close to a boundary. This process is used to confirm agreement with the work and with the effects it may have on neighbouring land or property.*
- g) *With regard to Condition 10, the Landscape Plan should include (but not be limited to):*
 - i. *details of the how the landscape design, plantings and levels will effectively integrate with the adjacent public realm;*
 - ii. *species, sizes and types of plantings;*
 - iii. *reticulation to plantings including any rain/grey water capture and re-use;*
 - iv. *paving, kerbs and other surface treatments;*
 - v. *seating, lighting, shade structures and other hard infrastructure;*
 - vi. *integration of wind amelioration strategies for outdoor spaces;*
 - vii. *integration of any public art; and*
 - viii. *details of ongoing management and maintenance.*
- h) *With regard to Condition 11, the applicant is advised that the existing verge levels at the front property boundary and any crossovers or verge assets (inclusive of street trees) shall not be altered without the prior approval of the Town of Cottesloe. Any works proposed within the road reserves must also be undertaken in accordance with the Town’s specifications and to the Town’s satisfaction. Any such application should include a detailed infrastructure plan.*
- i) *With regard to Condition 16, the development is required to provide access to buildings for people with disabilities in accordance with the National Construction Code Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010.*

- j) *With regard to Condition 18, the public art strategy must include:*
- a. *The artist's qualifications, experience and suitability for the project;*
 - b. *Concept development and how the proposal meets the requirements of the Town's Developer Contributions for Public Art Policy;*
 - c. *Plans, to scale and dimensioned, showing:*
 - *the location of the public art in relation to the building(s) and site;*
 - *3D perspectives of the public art; and*
 - *details of the public art and associated plaque or similar identifier, including materials, colours and installation.*
 - d. *Budget and indicative costings; and*
 - e. *Care and maintenance plan for the landowner.*

Subject to the agreement of the Town of Cottesloe the public art may be installed in the adjacent Napier Street verge area.

- k) *With regard to Condition 22, the lighting plan and subsequently installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997.*
- l) *Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- m) *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.*

AMENDING MOTION

REASON:

Members moved a motion to include an advice note in relation to a contribution of cash in lieu for public open space at the built strata stage.

Moved by Ms Bennett

Seconded by Mr Koltasz

- m) *The applicant is advised that any approval for built strata subdivision issued pursuant to the Strata Titles Act 1985 may include conditions that require the provision of public open space in the form of cash-in-lieu.*

The amending motion was put and carried

AMENDING MOTION

REASON:

Members moved a motion to include a condition relating to the ongoing management of balcony landscaping, to be inserted as a new condition 12 with the subsequent conditions to be re-numbered.

Moved by Mr Koltasz

Seconded by Ms Bennett

12. *Prior to the occupation of the development a Landscape Management Plan that details the maintenance of the landscaping on the balconies depicted on the development plans is to be submitted to and approved by the Western Australian Planning Commission. The approved Landscape Management Plan is to be thereafter implemented to the satisfaction of the Western Australian Planning Commission.*

The amending motion was put and carried

SUBSTANTIVE RESOLUTION

Dissent Mayor Cole

That the Western Australian Planning Commission resolves to APPROVE development application reference SDAU-047-21 and accompanying plans (date-stamped 8 August 2023) for Proposed Residential Apartments & Restaurant at 122 Marine Parade (Lots 2 - 8), Cottesloe in accordance with s.274 of the Planning and Development Act 2005, subject to the following conditions:

Conditions

Approval Timeframe

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

Conformity with Plans

2. *The development is to be undertaken in accordance with the approved plans and documents date-stamped 8 August 2023 and attached to this approval, final details of which are to be provided at working drawings stage to the satisfaction of the Western Australian Planning Commission on the advice of the Town of Cottesloe which includes:*
- i. Details of the ground level shopfront that incorporates fixed and operable glazing and high quality materials that will provide a high level of streetscape amenity and enable the restaurant to be used in a range of weather conditions.*

3. *No development may commence on site until such time as:*

- i. A valid approval is in place for the development of 120 Marine Parade that has been designed to accommodate the necessary vehicle access arrangements from the basement of 120 Marine Parade to Napier Street; and*
- ii. The owner of 122 Marine Parade enters into an easement, deed or other agreement with the owner of 120 Marine Parade, ensuring satisfactory vehicle access through 120 Marine Parade in perpetuity.*

Details are to be provided to the satisfaction of the Western Australian Planning Commission.

- 4. The development is to be constructed with high quality and durable external materials and finishes, with final details (including colour swatches or material samples) being provided prior to applying for the relevant building permit, to the satisfaction of the Western Australian Planning Commission.*
- 5. Prior to occupation of the development, the external face of all walls on or adjacent to the lot boundaries is to be finished to a high standard consistent with the rest of the development, to the satisfaction of the Western Australian Planning Commission.*

Notification on Title

- 6. Prior to the occupation of the development, the owner shall register a notification pursuant to Section 70A of the Transfer of Land Act 1893 on each Certificate of Title(s), which states:*
 - i. This lot is located within a precinct that may be affected by potentially heightened ambient noise levels (activity, noise, light, traffic and late hours of operation) within public and private areas than that normally associated with a typical residential area.*

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

Construction

- 7. Prior to submission of an application for the relevant demolition or building permit, a Demolition and Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Cottesloe, addressing but not limited to:*
 - i. hours of construction;*
 - ii. temporary fencing, hoardings, gantries and signage;*
 - iii. site access and egress;*
 - iv. construction traffic management;*

- v. pedestrian and cyclist management and any footpath obstructions;*
- vi. parking arrangements for staff and contractors;*
- vii. deliveries and storage of construction materials and machinery;*
- viii. management of vibration, dust, wind and erosion;*
- ix. management of any site dewatering or stormwater discharge;*
- x. management of construction noise and other site generated noise;*
- xi. demolition and construction waste management, recycling and removal;*
- xii. protection of street trees and public realm infrastructure; and*
- xiii. public communication and complaint handling procedures.*

This plan is to be adhered to at all times during demolition and construction, to the satisfaction of Western Australian Planning Commission.

- 8. Prior to submission of an application for the relevant building permit, a Dilapidation Report is to be submitted to and approved by the Western Australian Planning Commission on advice from the Town of Cottesloe, detailing the current condition of adjacent public realm infrastructure and paving, as well as any buildings on the following properties:*
 - a. 118 (Lot 3) Marine Parade*
 - b. 3A (Lot 36) Napier Street*
 - c. 5A (Lot 41) Overton Gardens*
- 9. Any damage to buildings, structures, infrastructure or paving as a result of demolition or construction is to be rectified at the developer's cost and in a timely manner, to the satisfaction of the Western Australian Planning Commission.*

Landscaping

- 10. Prior to the submission of the relevant building permit application, rooftop landscaping species shall be reduced to a mature height of not more than 2 metres, with final landscape plans and specifications for both the subject site and the public realm (if relevant), including hard and soft landscape specifications and reticulation details being submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Cottesloe.*
- 11. Prior to the occupation of the development, all landscape areas within the site are to be installed in accordance with the final approved*

landscape plans and thereafter maintained, to the satisfaction of the Western Australian Planning Commission.

- 12. Prior to the occupation of the development a Landscape Management Plan that details the maintenance of the landscaping on the balconies depicted on the development plans is to be submitted to and approved by the Western Australian Planning Commission. The approved Landscape Management Plan is to be thereafter implemented to the satisfaction of the Western Australian Planning Commission.*

Parking and Access

- 13. Prior to the occupation of the development, a cash-in-lieu contribution shall be paid to the Town of Cottesloe for the shortfall of nine (9) car parking bays, based on the cost of \$25,830 per bay as set out in the Town of Cottesloe Payment in Lieu of Parking Plan Policy being a contribution of \$232,470, to the satisfaction of the Western Australian Planning Commission.*
- 14. Prior to the occupation of the development, a Parking and Operational Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Cottesloe. The Plan is to include details of the following, and be reflected in the working drawings, where applicable:*
 - i. car parking and vehicle access arrangements with 120 Marine Parade to ensure vehicle access to Napier Street is maintained in perpetuity;*
 - ii. effective and safe management of traffic movements within the car parking areas;*
 - iii. identification of any ACROD bays;*
 - iv. identification of parking, loading, delivery and waste management areas;*
 - v. an updated Green Travel Plan that incorporates the provision of charging facilities for EV's, E-scooters and E-bikes; and*
 - vi. the identification of clear, safe and accessible pedestrian paths through the car parking and servicing areas.*

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

- 15. Prior to the occupation of the development, all car parking spaces, access aisles and loading bays are to be paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained by the owners of the development, to the satisfaction of the Western Australian Planning Commission.*
- 16. Prior to the submission of the relevant building permit application, the Waste Management Plan prepared by Talis Consultants for 120*

Marine Parade, Cottesloe (ref. TW19050 dated 7 April 2021) and any access modifications required shall be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Cottesloe. The approved plan shall be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

- 17.A Universal Access Statement prepared by a suitably qualified person is to be provided to the satisfaction of the Western Australian Planning Commission, prior to the submission of the relevant building permit application.*

Sustainability

- 18. The development is to achieve an average 8 Star NatHERS design rating or equivalent. Prior to the submission of the relevant building permit application, the applicant is to submit an updated sustainability report demonstrating how an average 8 star NatHERS or equivalent sustainable design rating is to be achieved and confirming the final strategy that will guide construction. The accepted sustainability initiatives shall be incorporated into the development and thereafter maintained by the owners of the development to the satisfaction of the Western Australian Planning Commission.*

Public Art

- 19. Prior to the occupation of the development:*

- a. a public art concept for the subject development to the value of 1.0% of the construction value must be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Cottesloe.*

The approved public art shall be installed by the developer prior to occupation of the development and maintained thereafter by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission;

or

- c. payment to the value of 1% of the construction cost shall be made to the Town of Cottesloe's Community Art Fund for the provision of future public art by the Town of Cottesloe.*

Noise Management

- 20. Prior to the submission of the relevant building permit application, a final Acoustic Report and associated construction plans certified by a qualified acoustic consultant are to be submitted to and approved by the Western Australian Planning Commission, in consultation with the Town of Cottesloe.*

21. *Prior to the occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission.*
22. *Prior to the occupation of the development, a Noise Management Plan for the food and beverage venue shall be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of Cottesloe. The Plan is to include details of hours of operation, security, delivery of goods, music, entertainment and noise management and be implemented and adhered to all times.*

Lighting

23. *Prior to submission of the relevant building permit application, a Lighting Strategy detailing external illumination of the development which is sympathetic to the adjacent Cottesloe Beach Foreshore and enhances the amenity and safety of the area is to be submitted to and approved by the Western Australian Planning Commission.*

Utilities and Facilities

24. *Any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, transformers and fire control rooms being integrated into the design of the building and located or screened to minimise any visual and noise impact on the residents of the neighbouring properties and public realm, with details of the location and screening of such plant and services being submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Cottesloe prior to applying for the relevant building permit.*
25. *Prior to the submission of the relevant building permit application, a Stormwater Management Plan is to be submitted which demonstrates that all stormwater will be contained on-site and disposed of in an acceptable matter to the satisfaction of the Western Australia Planning Commission, on advice from the Town of Cottesloe.*
26. *Prior to the submission of an application for a building permit, plans and specifications for the relocation of the existing 225mm diameter gravity sewer within the basement of the proposed development shall be submitted to the satisfaction of the Western Australian Planning Commission, in consultation with the Water Corporation.*
27. *Any external signage is to be integrated with the design of the building facades, with final details of the location and design of the signs provided prior to installation, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Cottesloe.*

Advice Notes

- a) *This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development.*
- b) *With regard to Condition 2, 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. The final working drawings and associated documents are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.*

Following satisfactory assessment of the plans and documents, the Western Australian Planning Commission will provide a clearance letter and copies of the documents to the local government to assist with building permit assessment. Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval.

The final plans and documents submitted to the Western Australian Planning Commission to satisfy the conditions of this approval will be verified by the Department of Planning, Lands and Heritage officers and any other local or State government agency, where applicable. Approval for any substantive changes to the approved plans will need to be obtained in writing from the Commission, via an Amendment Application process (Form 17C).

- c) *With regard to Condition 4, final specifications and samples should be provided for all external elevations, demonstrating that high quality, durable and low reflective materials have been maintained (or enhanced) from development application stage through to working drawings and construction.*
- d) *Prior to the occupation of the development, suitable arrangements shall be made with the Town of Cottesloe for the removal of the existing bitumen parking area within the Napier Street verge area and the reinstatement of landscaping, details of which are to be provided to the satisfaction of the Western Australian Planning Commission, in consultation with the Town of Cottesloe.*
- e) *With regard to Condition 8, in the event that access for undertaking the dilapidation survey is denied by an adjoining owner, 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.

- f) *Where building works propose a “notifiable event” or are likely to affect neighbouring land or property, then the ‘Work affecting other land’ provisions of the Building Act 2011 will apply. This information sets out the requirements for managing building work on or close to a boundary. This process is used to confirm agreement with the work and with the effects it may have on neighbouring land or property.*
- g) *With regard to Condition 10, the Landscape Plan should include (but not be limited to):*
 - i. *details of the how the landscape design, plantings and levels will effectively integrate with the adjacent public realm;*
 - ii. *species, sizes and types of plantings;*
 - iii. *reticulation to plantings including any rain/grey water capture and re-use;*
 - iv. *paving, kerbs and other surface treatments;*
 - v. *seating, lighting, shade structures and other hard infrastructure;*
 - vi. *integration of wind amelioration strategies for outdoor spaces;*
 - vii. *integration of any public art; and*
 - viii. *details of ongoing management and maintenance.*
- h) *With regard to Condition 11, the applicant is advised that the existing verge levels at the front property boundary and any crossovers or verge assets (inclusive of street trees) shall not be altered without the prior approval of the Town of Cottesloe. Any works proposed within the road reserves must also be undertaken in accordance with the Town’s specifications and to the Town’s satisfaction. Any such application should include a detailed infrastructure plan.*
- i) *With regard to Condition 17, the development is required to provide access to buildings for people with disabilities in accordance with the National Construction Code Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010.*
- j) *With regard to Condition 19, the public art strategy must include:*
 - a. *The artist’s qualifications, experience and suitability for the project;*
 - b. *Concept development and how the proposal meets the requirements of the Town’s Developer Contributions for Public Art Policy;*
 - c. *Plans, to scale and dimensioned, showing:*

- *the location of the public art in relation to the building(s) and site;*
- *3D perspectives of the public art; and*
- *details of the public art and associated plaque or similar identifier, including materials, colours and installation.*
- d. *Budget and indicative costings; and*
- e. *Care and maintenance plan for the landowner.*

Subject to the agreement of the Town of Cottesloe the public art may be installed in the adjacent Napier Street verge area.

- k) *With regard to Condition 23, the lighting plan and subsequently installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997.*
- l) *Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- m) *The applicant is advised that any approval for built strata subdivision issued pursuant to the Strata Titles Act 1985 may include conditions that require the provision of public open space in the form of cash-in-lieu.*
- n) *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.*

The motion was put and carried

Mr Kannis left the meeting at 4:22 pm and did not return

8. Deputations and presentations (Item 10.1)

8.1 Application to Amend Development Approval (Form 17C) - Extension to Substantial Commencement - 120 Marine Parade, Cottesloe (Item 10.1)

Presenters: Tayne Evershed - Planning Solutions, Glen McLeod - Glen McLeod Legal and Barry Baltinas - Peakform Investments P/L, Baltinas Architecture

Mr Evershed of Planning Solutions addressed the Western Australian Planning Commission speaking in support of the Application to Amend Development Approval (Form 17C) at Item 10.1 and requested that as the Commission have now approved the development application at 122 Marine Parade with a substantial completion date of 17 August 2026, that the Commission consider aligning the substantial completion date for 120 Marine Parade.

Mr Evershed responded to comments from members noting that in his presentation at Item 7.1 Mr Evershed had stated that there are no tenants remaining at 120 Marine Parade and that the building is ready for demolition and the project is therefore shovel ready. Mr Evershed stated that this information is correct.

9. Presentation of key issues by the Department of Planning, Lands and Heritage (Item 10.1)

Presenter: Paola Di Perna - Planning Director, State Development Assessment Unit

Ms Di Perna, Planning Director of the State Development Assessment Unit presented the key issues and considerations of the application at Item 10.1.

Ms Di Perna responded to a question from members in relation to developer contributions, advising members that there is no particular reason why an advice note was not included in the approval of 120 Marine Parade for a developer contribution and it could be included.

Ms Di Perna responded to a question from members relating to why the two buildings at 120 and 122 Marine Parade would not be constructed as one development given that each one is dependent upon the other proceeding as they have a shared basement and vehicle access to Napier Street and Ms Di Perna informed members that the two developments have been assessed and approved under separate development applications and will therefore have separate building permits and may be constructed consecutively.

Ms Di Perna noted that the applicant has requested that the Commission consider the alignment of the substantial commencement dates for 120 Marine Parade which is currently 18 February 2023 and 122 Marine Parade which is 17 August 2026 to the later date, noting that the application before the Commission at Item 10.1 is a request for approval of a two-year extension for substantial commencement at 120 Marine Parade to 18 February 2025.

10. Item for decision

10.1 Application to Amend Development Approval (Form 17C) - Extension to Substantial Commencement - 120 Marine Parade, Cottesloe

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Ms Brookes
Seconded by Mayor Cole

That the Western Australian Planning Commission resolves to APPROVE an application to amend development approval reference SDAU-010-20-C2 for a seven-storey mixed-use development at Lot 500 Strata Lots 1–7, 120 Marine Parade, Cottesloe in accordance with s.279 of the Planning and Development Act 2005, with the following amended condition:

Amended Condition:

Condition 1 of the Approval of Form 17B Significant Development Application dated 18 August 2021 (SDAU-10-020C2) is amended to read:

- 1. This decision constitutes planning approval only. If the development is not substantially commenced by 18 February 2025, the approval shall lapse and be of no further effect.*

The motion was put and carried

11. State Administrative Tribunal applications

11.1 Tawarri Hot Springs (Recreation Facility, Restaurant and Cafe) - 120 (Lot 502) Esplanade, Dalkeith

The Chairman noted that a review of the Tawarri Hot Springs development approval has been lodged with the State Administrative Tribunal and will come back to the Commission in due course.

11.2 Proposed 19-Storey Mixed Use Development - Lot 50 St Quentin Avenue, Claremont

The Chairman noted that a review of the Proposed 19-Storey Mixed Use Development St Quentin Avenue, Claremont development approval has been lodged with the State Administrative Tribunal and will come back to the Commission in due course.

12. General business

Nil.

13. Meeting closure

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 4:31pm.



CHAIRMAN

DATE 24 August 2023