

Form 17C Delegated Decision Summary

Amendment Title	Part 17 Development Application - Proposed amendments to approved mixed use development to add rooftop staircase enclosure, and associated modifications		
Amendment Summary	The amendments include the following: • Addition of a transparent glass enclosure over the rooftop staircase; • Increase height of the glass balustrade on the rooftop terrace from 1.4m to 1.8m; and • Realignment of the external commercial exhaust fan on the south-eastern elevation of the building.		
Development Application Address	Lots 2–8 (122) Marine Parade, Cottesloe		
SDAU File Reference	SDAU-047-21C.1	Delegated Decision	Approved
Delegated Officer Title	Planning Director, Significant Development Assessment Unit	Delegated Decision Date	22 July 2026
		Determination Notice Issued	23 July 2026
Determination Notice, Approved Amended Plans and/or Supporting Documents		Determination Notice Amended Development Plans	

BACKGROUND

On 17 August 2023, the Western Australian Planning Commission (WAPC) granted conditional approval for a significant development application at Lots 2–8 (No. 122) Marine Parade, Cottesloe under Part 17 of the *Planning and Development Act 2005* (PD Act). The seven-storey mixed use development comprised eight multiple dwellings (apartments), a restaurant on the ground floor and a basement car park with end-of-trip facilities.

DETAILS

On 8 May 2026, an application was accepted by the Department of Planning, Lands and Heritage (Department) seeking to amend the approved development. The proposal seeks to improve the amenity, safety and access of the rooftop terrace by the addition of a new frameless glass enclosure over the staircase to the rooftop, modifications to the rooftop terrace's glass balustrade, and realignment of the external exhaust fan on the south-eastern elevation. At their highest point, the additions increase the overall building height from the approved 24.8m to 25.9m.

In accordance with s.276(4) of the PD Act, the application was referred to the Town of Cottesloe (the Town) for comment. The Town provided officer-level comments which reiterated the Council's objections to the original application.

The proposed amendments do not alter the approved land uses, overall building form, architectural character, façade treatment or landscaping outcome. The modifications have arisen through the detailed design and condition-clearance process and are intended to improve weather protection, safety, building functionality and residential amenity. While the rooftop enclosure results in a minor increase to the approved building height, it is transparent and low-profile and ancillary to the approved rooftop infrastructure. The structure will not result in any material additional impacts on views, streetscape character, overshadowing or the amenity of adjoining properties.

The realignment of the exhaust fan infrastructure improves functionality, making it more accessible for maintenance while also better integrated to the building to reduce visual obtrusion from the street or within the development. The modification does not materially alter the approved building envelope or undermine the intent of the applicable setback provisions.

The proposed amendments are minor in nature and do not propose any substantial alterations to the external appearance of the building or modify any other aspect that could be considered fundamental to the WAPC's determination of the original development application.

APPROVED MODIFIED CONDITIONS

The following conditions of the of the Western Australian Planning Commission's approval dated 17 August 2023 (SDAU-047-21) and the associated advice notes are amended to read:

Conditions:

2. *The development is to be undertaken in accordance with the approved plans and documents date-stamped 8 August 2023 and 13 May 2026 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.*

Advice Notes:

- o) *Other than amended Condition 2 all other conditions of the development approved dated 31 August 2023.*

REASONS FOR DECISION

The decision by the delegated officer to approve the amendment application has considered the assessment and details in the Department report and has been supported for the following reasons:

- The amendments are minor refinements to the approved development and do not alter the approved land uses, overall building form, architectural character, façade treatment or landscaping outcomes. The proposal remains generally consistent with the original approval.
- The proposed rooftop enclosure and increased balustrade height improve safety, weather protection and functionality, while their transparent design ensures negligible impacts on views, streetscape character and visual amenity.