

### Form 17C Delegated Decision Summary

<b>Amendment Title</b>	Part 17 Development Application - Proposed amendments to approved hotel rooms, apartments, elevations, car parking and landscaping		
<b>Amendment Summary</b>	Changes to hotel rooms, residential apartment yield and mix, and associated changes to elevations, car parking and landscaping.		
<b>Development Application Address</b>	10-40 Bay View Terrace, Claremont		
<b>SDAU File Reference</b>	SDAU-059-22C.1	<b>Delegated Decision</b>	Approved
<b>Delegated Officer Title</b>	Chairperson, Western Australian Planning Commission	<b>Delegated Decision Date</b>	27 March 2026
		<b>Determination Notice Issued</b>	18 May 2026
<b>Determination Notice, Approved Amended Plans and/or Supporting Documents</b>	<a href="#">Determination Notice</a> <a href="#">Approved Amended Plans</a>		

#### BACKGROUND

On 16 May 2024, the Western Australian Planning Commission (WAPC) granted conditional approval under Part 17 of the *Planning and Development Act 2005* for the partial demolition of commercial buildings and construction of an eight-storey mixed use development comprising residential apartments, hotel, medical centre, retail and commercial tenancies at the development site.

Following an application to the State Administrative Tribunal (SAT) for a review of approval condition 30 relating to a cash-in-lieu-of-carparking payment, SAT invited the WAPC to reconsider its decision under section 31 of the State Administrative Tribunal Act 2004. At its meeting on 27 February 2025, the WAPC resolved to delete condition 30.

#### DETAILS

On 8 December 2025, an application was accepted by the Department of Planning, Lands and Heritage seeking to amend the approved development. The application proposes changes to the configuration of hotel rooms and residential apartment yield and mix, the addition of rooftop terraces with a roofed canopy structure above, and associated minor changes to elevations, car parking and landscaping. The amendment also includes refinements to building services, the ground floor hotel and commercial lobby, and removal of a small retail juice bar tenancy.

The application was referred to the Town of Claremont for comments. The Town responded with no objections and remarked that the changes generally represented design refinements rather than substantial changes to the existing approval. The application was subject to a 21-day targeted public consultation period to owners and occupiers of properties surrounding the development site and submitters who commented on the original application. A total of five submissions were received, with two in support; one supportive with changes and two objecting.

Assessment of the application concluded that the proposed changes are minor in nature and generally consistent with the overall scale, design intent and built form outcomes as considered by the WAPC as part of its original approval of the development. Concerns raised in submissions from community members were considered to have been addressed as part of the original determination or were otherwise found to be acceptable from an amenity perspective, and the amendment application was approved under delegation from the WAPC on 27 March 2026.

**APPROVED MODIFIED CONDITIONS**

The following conditions of the approval of Form 17B Significant Development Application dated 16 May 2024 (SDAU-059-22) and the associated advice notes are amended to read:

**Conditions:**

2. *The development is to be undertaken in accordance with the development plans (date stamped 8 December 2025, 28 January 2026 and 18 March 2026) attached to this approval, subject to modification required by any condition of this approval, final details of which are to be submitted at working drawings stage to the satisfaction of the Western Australian Planning Commission on advice from the Town of Claremont, and shall include the following:*
  - a. *reconfiguration of the eight 'Residential Visitor Bays' at Basement level for reciprocal use for all non-residential tenancies.*
  - b. *a minimum of two electric vehicle fast charging bays (Level 2 or above) are to be provided within the 'Residential Visitor Bays' car park section.*
4. *The approved land uses for the development, as defined under the Town of Claremont Local Planning Scheme No. 3, are:*
  - a. *At ground floor: Restaurant, Shop (Intermediate), Small Bar*
  - b. *At podium level, above ground floor: Hotel, Office, Consulting Room*
  - c. *Level 3 and above: Dwelling (self-contained)*
9. *The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved development plans and perspectives date stamped 8 December 2025, 28 January 2026 and 18 March 2026 (other than as amended by conditions of approval) to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Claremont.*
38. *Prior to submission of the relevant building permit application/s, an updated Acoustic Report endorsed by a qualified acoustic consultant, detailing effective management of noise for all land uses (including the Small Bar and Restaurant land uses), traffic noise, service vehicles and mechanical equipment, to reflect the development plans date stamped 8 December 2025, 28 January 2026 and 18 March 2026, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Claremont.*

**Advice Notes:**

- a. *Other than amended Conditions 2, 4, 9, 38 and Condition 30 all other conditions of the development approval dated 16 May 2024, remain applicable to this development. It is noted that Condition 30 was deleted by the Commission on 25 February 2025.*