

***Planning and Development Act 2005***  
**Section 171P(1)**

**APPROVAL OF FORM 11B-1 SIGNIFICANT DEVELOPMENT  
APPLICATION**

**WAPC Ref:** SD-022-24

**Property Location:** Lot 3 (No.60) Kalinda Drive & Lot 560 Balandi Way, City Beach

**Application Details:** Residential Development

**Determination Date** 14 May 2025

That the Statutory Planning Committee resolves:

- A. to note this application is not capable of being determined under the applicable planning instrument, being the Town of Cambridge Local Planning Scheme No. 1, and is seeking discretion under s.171R 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 development application reference SD-022-24 and accompanying development plans (date-stamped 23 April 2025) for:
- (i) partial demolition of existing buildings and redevelopment of part of the Ocean Gardens Independent Living Complex for 24 apartments and associated servicing and parking at Lot 3 Kalinda Drive, City Beach, and
  - (ii) the construction of 31 multiple dwellings apartments and associated servicing and parking at Lot 560 Balandi Way, City Beach,

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 23 April 2025) 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 Cambridge.
3. A copy of the final working drawings (prepared for submission of relevant building permit applications) 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.

### Design and Materials

4. (a) The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved development plans, including elevations (date-stamped 23 April 2025) and the landscaping plans (date-stamped 26 March 2025) (other than as amended by conditions of approval) to the satisfaction of the Western Australian Planning Commission.  
  
(b) Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), to the satisfaction of the Western Australian Planning Commission.
5. Prior to submission of the relevant building permit application, details of any proposed external facing air-conditioning condensers, external building plant, piping, ducting, or transformers being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on the residential dwellings and that of neighbouring properties external to the site and the public realm, being submitted to, and approved by, the Western Australian Planning Commission, on advice from the Town of Cambridge.

### Utilities and Facilities

6. The Waste Management Plan (date-stamped 26 March 2025) 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.

### Construction

7. Prior to submission of demolition or relevant building permit application, 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 Cambridge, detailing the current condition and status of all buildings, surrounding paved areas and ancillary structures, including but not limited to the buildings and structures on the following properties within 100 metres of the development site boundaries and road reserves:

- (a) Ocean Gardens Retirement Village on Lot 3 (No. 60) Kalinda Drive, City Beach;
- (b) Lots 551 - 559 (Nos. 1 - 17, inclusive) Balandi Way, City Beach;
- (c) Lots 572 - 561 (Nos. 2 - 24, inclusive) Alkoomie Terrace, City Beach;
- (d) Lots 2 - 8 (Nos. 2 - 8, inclusive) Alba Lane, City Beach;
- (e) Lots 2 - 12 (Nos. 2 - 12, inclusive) Kinta Street, City Beach.

A copy of the dilapidation report(s) is to be provided to the Town of Cambridge 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.

8. (a) Prior to submission of the relevant demolition or building permit application, whichever occurs first, 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 Cambridge. The Plan is to address the following, but not limited to:
  - (i) hours of construction and works;
  - (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 and erosion;
  - (ix) management of any site dewatering or stormwater discharge;
  - (x) management of any construction noise or any other site generated noise;
  - (xi) management, recycling and removal of demolition and construction waste;
  - (xii) protection of public realm infrastructure;
  - (xiii) public communication regarding the construction and compliant handling procedures.
- (b) The approved Demolition and Construction Management Plan is to be implemented and adhered to at all times, to the satisfaction of the Western Australian Planning Commission.
9. (a) The Stormwater Management Plans dated 21 November 2024 for Buildings A and B and 24 March 2025 for Building C are to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.
10. (a) Prior to submission of the relevant building permit application, the applicant is to submit a Lighting Strategy, detailing external illumination of the development

in accordance with AS4282, AS1158.3.1 and for approval by the Western Australian Planning Commission, on advice from the Town of Cambridge.

(b) Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved strategy to the satisfaction of the Western Australian Planning Commission.

### Environmental

11. Prior to occupation of each stage of the development, certification that the landscape areas and reticulation have been completed in accordance with the Landscaping Plan (date-stamped 26 March 2025) is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Cambridge. The approved landscaping plan is to thereafter be maintained by the owners or operators of the development, to the satisfaction of the Western Australian Planning Commission.
12. Prior to occupation of the development, certification is to be provided from a suitably qualified environmental consultant confirming the implementation of the sustainability measures contained within the Sustainability Report (dated November 2024), and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Report, to the satisfaction of the Western Australian Planning Commission.
13. Prior to occupation of any stage of development, all screening, including visual privacy screening and bin store screening, must be installed and thereafter maintained, to the satisfaction of the Western Australian Planning Commission.
14. Prior to occupation, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report (dated 23 November 2024) have been implemented in that stage of development, to the satisfaction of the Western Australian Planning Commission.

### Vehicle Access and Parking

15. Prior to submission of the relevant building permit application, the approved development plans are to be modified, to the satisfaction of the Western Australian Planning Commission, to include 12 resident and three visitor bicycle parking bays within the Building C in accordance with C2.3.6 of the R-Codes.
16. Prior to occupation of the development, certification is required that all car parking spaces, access aisles and bicycle parking spaces have been constructed in accordance with Australian Standards AS2890.1:2004 and AS2890.3, including but not limited to sightlines (section 3.2.4), ramp gradients (section 3.3) and headroom (section 5.3) to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Cambridge.

17. Prior to occupation of the development, suitable arrangements are to be made for the portion of Lot 560 Balandi Way required for the proposed public footpath adjacent to Bimbimbie Lane to be ceded to the Town of Cambridge free of cost, to the satisfaction of the Western Australian Planning Commission.
18. Prior to occupation of the development, any redundant or temporary vehicle crossovers shall be removed and the kerbing, and verge landscaping reinstated, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Cambridge.

#### Bushfire management

19. Prior to occupation of the development on Lot 560 Balandi Way, the landowner/applicant is to register on the certificate(s) of title a notification, pursuant to section 70A of the *Transfer of Land Act 1893*. The 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:

*"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land".*

20. Prior to occupation of the development, certification by a Bushfire Consultant is to be provided to demonstrate that the measures included in the bushfire management plan date-stamped 26th March 2025 have been implemented in full to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Cambridge.

#### **Advice**

- (a) 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 substantially commencement date is calculated from the date the applicant receives the determination notice.
- (b) This is a development approval only. The applicant is advised it is their responsibility to ensure that the proposed development complies with all other application legislation, local laws and/or licence/permit applications that may relate to the development.
- (c) With regard to Conditions 2 and 3, 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 (WAPC), and any variations from the approved development plans are to be clearly identified.

Once the WAPC is satisfied that the working drawings are consistent with the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, the WAPC will provide a clearance letter and copies of the working drawings to the Town of Cambridge to assist with the issuing of a building permit. Where works and/or building permit 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 WAPC to satisfy the conditions of 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) The applicant/landowner is advised that:
  - (i) Should any structural modifications be required a Building Permit must be obtained from the Town of Cambridge prior to the commencement of such works.
  - (ii) Formal building approval will be required for the development from the Water Corporation. Applications can be submitted via the Water Corporation's on-line portal BuilderNet. Documents required for approval may include final construction site plans, architectural floor plans and hydraulic plans. The sewer pipe within the development site will need to be protected during construction in accordance with the Water Corporation Working Near Assets guidelines.
  - (iii) A load connection application for electricity transmission services for the development will be required to be submitted to Western Power.
  - (iv) Plans will need to be provided to DFES Built Environment Branch for assessment, as required by Regulation 18B of the Building Regulations 2012 (as amended). Lodgement will need to be made separately for the proposed works at Lot 3 (60) Kalinda Drive and those proposed at Lot 560 Balandi Way. Any required fire services will need to be designed in accordance with the relevant Australian Standards and the Fire and Emergency Services Commissioners' Operational Requirements.
- (e) The development approval only pertains to the works shown on the approved plans that are within the cadastral lot boundaries of the development site. Any works outside the development site are not permitted unless the prior approval and consent from the Town of Cambridge has first been granted.
- (f) No trees outside the development site, including any verge trees, are to be removed. All trees in the adjoining reserves and verges are to be retained, and protected from damage, including unauthorised pruning, unless shown on the Landscaping Plan date-stamped 26 March 2025 or otherwise approved by the Town of Cambridge.

- (g) A Demolition Permit may be required from the Town of Cambridge prior to commencement of any demolition works.
- (h) The Town of Cambridge advises that in relation to the adjoining road reserve:
  - (i) The use of verge areas for temporary storage during building / demolition works requires a permit in accordance with the Town of Cambridge's Local Government and Public Property Local Law 2017.
  - (ii) Any verge treatment must be in accordance with Town of Cambridge Council Policy No. 107 - Verge Landscaping, Maintenance and Cleaning.
- (i) A 'Vehicle Crossover Application Form' for any proposed crossover, as shown on the approved plans, must be submitted to and be to the satisfaction of the Town of Cambridge and subsequently constructed in accordance with the Town of Cambridge Council Policy No. 106 - Vehicle Crossover.
- (j) If the landowner/applicant 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 2005*.