

ASX ANNOUNCEMENT

2nd JULY 2019

ASX CODE: MPX

DIRECTORS

Mr Nicholas Zborowski
Executive Director

Mr Anthony Ho
Non-Executive Director

Mr Benjamin Young
Non-Executive Director

Mr Jack Spencer-Cotton
Non-Executive Director

CAPITAL STRUCTURE

Ordinary Shares: 99.6M
Options: 5.5M

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Status Update – Forbes Residences Development Approval

Background

On 7 March 2019, the Metro Central Joint Development Assessment Panel (JDAP) considered Mustera Property Group Pty Ltd's (Mustera) proposed Forbes Residences development proposal and refused the application for the following reasons:

1. The height of the proposed development is not supported having regard to the "Bonus Provisions" requirements (Elements 21 and 22) of the Canning Bridge Activity Centre Plan, whereby it has not, in the view of JDAP, been demonstrated that the community benefit proposed is sufficient to warrant approval of a 100% bonus in the number of storeys permitted as of right in the M10 zone of the Kintail Quarter of the Canning Bridge Activity Centre Plan.
2. The subject site borders the H4 zone, and it is considered by JDAP that a twenty-storey building in this location (adjacent to buildings of four-storeys or less) cannot be justified by the level of community benefit proposed.

On 15 March 2019, Mustera lodged an appeal to the State Administrative Tribunal (SAT) against the JDAP refusal. The matter was referred to mediation on 30 April 2019 where the relevant parties discussed the reasons for refusal of the application. Consequently, SAT issued the following Order:

1. The applicant (Mustera) is to provide additional information as discussed at the mediation to the respondent (JDAP) by 21 May 2019.
2. The matter is listed for mediation on 27 May 2019.
3. Relevant officers of the City of Melville and Cr N Robbins are invited to attend the mediation on 27 May 2019.

At the 27 May 2019 mediation, Mustera presented two reports, an Interface Analysis Report and a Community Benefit Analysis Report, for discussion as a response to the refusal of the application. At the conclusion of the second mediation, SAT issued the following Order:

1. The applicant is to provide additional information to the respondent by close of business on 29 May 2019.
2. Pursuant to Section 31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 2 July 2019.
3. The matter is listed for a Directions Hearing on 26 July 2019.

Following the SAT Order requesting JDAP to reconsider the application, the City of Melville's Planning Officers prepared the Responsible Authority Report, again recommending the development for approval on the basis that it is considered to be consistent with the provisions of the Canning Bridge Activity Centre Plan and exemplary in terms of design quality and level of community benefit proposed. It was therefore recommended by the City of Melville's Planning Officers that planning approval be granted.

Outcome of JDAP Meeting 1 July 2019

Much to the disappointment of Mustera, the development application was refused by JDAP at its meeting on Monday 1 July 2019 in a vote of 3 to 2 against the Planning Officers' recommendation. Whilst the voting was unfavourable, each JDAP member reiterated their respective view that the design was exemplary.

The matter will next be contemplated at a Directions Hearing at SAT on 26 July 2019, where a path forward for the project will be determined. Mustera are likely to seek that the matter be determined via a full SAT Hearing. Mustera remains positive that a satisfactory outcome can be reached.

Nicholas Zborowski
Executive Director

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