



## **Metro North-West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 8 November 2018; 9:30am  
**Meeting Number:** MNWJDAP/233  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street, Perth

### **Attendance**

#### **DAP Members**

Ms Sheryl Chaffer (Acting Presiding Member)  
Ms Kym Petani (Alternate Deputy Presiding Member)  
Mr Peter Keleman (Alternate Specialist Member)

#### *Item 8.1*

Cr Giovanni Italiano (Local Government Member, City of Stirling)  
Cr David Boothman (Local Government Member, City of Stirling)

#### *Item 9.1*

Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)  
Cr Sophie Dwyer (Local Government Member, City of Joondalup)

### **Officers in attendance**

#### *Item 8.1*

Ms Giovanna Lumbaca (City of Stirling)  
Mr Greg Bowering (City of Stirling)  
Mr Chris Fudge (City of Stirling)  
Ms Linda Hanna (City of Stirling)  
Mr Rainer Wolker (City of Stirling)

#### *Item 9.1*

Ms Emily Andrews (City of Joondalup)  
Mr Chris Leigh (City of Joondalup)

### **Minute Secretary**

Ms Andrea Dawson (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr David Reynolds (Taylor Burrell Barnett)  
Mr Nathan Zuideveld (ZMH)  
Mr Damien Liberatone (Nicheliving)  
Mr Marc Beattie (element)

#### *Item 9.1*

Mr Carlo Famiano (CF Town Planning & Development)



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## Members of the Public / Media

Nil

### 1. Declaration of Opening

The Acting Presiding Member declared the meeting open at 9:30am on 8 November 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Acting Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

### 2. Apologies

Ms Karen Hyde (Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Cr Philippa Taylor (Local Government Member, City of Joondalup)

### 3. Members on Leave of Absence

Nil

### 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

### 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

### 6. Disclosure of Interests

DAP Member, Ms Karen Hyde, declared a Direct Pecuniary Interest in item 8.1. The planning consultant for this application is Taylor Burrell Barnett, who is Ms Hyde's employer.

DAP Member, Mr Fred Zuideveld, declared a Direct Pecuniary Interest in item 8.1. Mr Zuideveld is the architect for this application.

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Acting Presiding Member determined that the members listed above, who disclosed pecuniary interests, were not permitted to participate in the discussion or voting on the items.



DAP Member, Ms Kym Petani, declared an Impartiality Interest in item 8.1. Ms Petani is an employee and shareholder in GHD. GHD is currently undertaking a number of projects for the City of Stirling however these are not related to this item. Ms Petani is a member of the Beaufort on Inglewood Community Group which is a community based group which seeks to encourage activation of Beaufort Street through events, street art etc.

DAP Member, Cr Christine Hamilton-Prime, declared an Impartiality Interest in item 9.1. The owner of this application is known to Cr Hamilton-Prime.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Acting Presiding Member determined that the members listed above, who disclosed impartiality interests, were permitted to participate in discussion and voting on the items.

## 7. Deputations and Presentations

7.1 Mr Carlo Famiano (CF Town Planning & Development) addressed the DAP in support of the application at Item 9.1 and responded to questions from the panel.

***The presentation at Item 7.1 was heard prior to the application at Item 9.1.***

7.2 Mr David Reynolds (Taylor Burrell Barnett) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.3 The City of Stirling addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.2 and 7.3 were heard prior to the application at Item 8.1.***

## PROCEDURAL MOTION

**Moved by:** Cr Giovanni Italiano

**Seconded by:** Cr David Boothman

That the application at Item 9.1 be heard prior to the application at Item 8.1.

**REASON:** The panel members deemed it appropriate to allow the minor amendment application at Item 9.1 to be determined prior to the application at Item 8.1.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

*Cr Giovanni Italiano and Cr David Boothman left the panel at 9:35am.*

*Cr Christine Hamilton-Prime and Cr Sophie Dwyer joined the panel at 9:35am.*



## 8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lots 2-6 (939 - 947) Beaufort Street, Inglewood
Development Description:	Mixed Use Development
Applicant:	Taylor Burrell Barnett
Owner:	Diamond Development Alliance Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/18/01420

### REPORT RECOMMENDATION

**Moved by:** Cr David Boothman

**Seconded by:** Cr Giovanni Italiano

#### Officer Recommendation:

That the Metro North-West JDAP resolves to:

**Refuse** DAP Application reference DAP/18/01420 and accompanying plans (Attachment 1) for a Five Storey Mixed Use Development at Lots 6, 5, 4, 3 and 2, House Numbers 939, 941, 943, 945 and 947, Beaufort Street, Inglewood, in accordance with *Schedule 2, Clause 68 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

1. The application fails to specify the distribution of land uses within the development contrary to *Schedule 2, Clause 63 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015*.
2. The proposed development does not satisfy the objectives of the City's Local Planning Policy 3.1 - Character Retention Guidelines Mt Lawley, Menora and Inglewood as the proposal is not in keeping with the heritage character of the Inglewood Heritage Protection Area, with respect to the built form, scale and proportions to surrounding buildings and the streetscape.
3. The proposed development does not satisfy the objectives of the City's Local Planning Policy 6.7 - Parking and Access as the proposal does not ensure that the non-residential parking component of the development will not result in a major parking problem in the locality.
4. The proposed development does not satisfy the objectives of the City's Local Planning Policy 4.2 - Mixed Use and Commercial Centre Design Guidelines with respect to building height as the development height and scale are not in keeping with site and context of the locality.
5. The proposed development does not satisfy the objectives of the City's Local Planning Policy 6.5 - Development Abutting Rights of Way as the building setbacks are not sympathetic to the streetscape and amenity of the right of way.
6. The proposed development does not satisfy the Matters to be Considered by Local Government contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*, in regard to a future planning instrument that a local government is seriously considering adopting, and the aims and provisions of the City's Local Planning Scheme No.3.



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**The Report Recommendation was put and LOST (2/3).**

For: Cr Giovanni Italiano  
Cr David Boothman

Against: Ms Sheryl Chaffer  
Ms Kym Petani  
Mr Peter Keleman

**ALTERNATE MOTION**

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Kym Petani

That the Metro North-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01420 and accompanying plans (Attachment 1) for a Five Storey Mixed Use Development at Lots 6, 5, 4, 3 and 2, House Numbers 939, 941, 943, 945 and 947, Beaufort Street, Inglewood, in accordance with *Schedule 2, Clause 68 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 10.3 of the City of Stirling's Local Planning Scheme No.3, subject to:

Right of Way Design and Construction

1. A 2.2 metre wide road widening area is to be ceded to the Crown on the north-west side of the lot along Sturgate Lane prior to the occupation of the development. The applicant/owner shall construct the 2.2 metre widening area in order to extend the width of the Sturgate Lane carriageway, including extension of the carriageway widening to the Normanby Road intersection, and install lighting in the laneway to the City's specification and satisfaction at the applicant/owner's costs (refer Advice Note 2).
2. A 2.0 metre by 2.0 metre corner truncation (after allowing for the widening) at the intersection of Normanby Road and Sturgate Lane shall be ceded to the crown free of cost to the City prior to the occupation of the development.

Road Design and Construction

3. Prior to the completion of the development, an additional five (5) on-street car parking bays are to be provided at the applicant's expense along the northern side of Beaufort Street abutting the subject site, to the satisfaction of the City.
4. Prior to the occupation of the development, a delivery/service vehicle embayment is to be constructed within the verge area on Normanby Road abutting the subject site at the owner's expense, to the satisfaction of City of Stirling.
5. A revised Waste Management Plan is to be provided and approved by the City prior to the submission of a Building Permit demonstrating that the development is capable of accommodating commercial bulk bin pickup from the 'Commercial Bin Store' by an adequately sized vehicle, without obstructing the internal and external roadway (refer Advice Note 1). The vehicle shall not block access for vehicles to and from the basement during the commercial bulk bin



pickup and the applicant shall provide the following details in the revised Waste Management Plan:

- a. The collection vehicle size;
- b. Access to and from the loading bay and access ramp; and
- c. Vehicle head height clearance shall be demonstrated.

The Waste Management Plan is to be complied with for the duration of the development.

6. A revised Waste Management Plan is to be provided and approved by the City prior to the submission of a Building Permit demonstrating the following:
  - a. Residential waste pickup is to be by 240L and 360L Mobile Garbage Bins; and
  - b. Residential waste collection from a delivery/service vehicle embayment within the verge area on Normanby Road abutting the subject site.The Waste Management Plan is to be complied with for the duration of the development.
7. The removal of the street tree within the Normanby Road verge area to accommodate the delivery/service vehicle embayment will be undertaken by the City upon payment of the associated contribution costs as outlined in the City's Street and Reserve Tree Policy. The associated costs are to be paid by the owner/applicant prior to commencement of development and are a 90% contribution of the total as outlined in Advice Note 12.
8. Prior to the submission of a Building Permit, amended plans and/or additional information is to be provided addressing the separation of the vehicle access ramps, to the satisfaction of the City (refer Advice Note 1).
9. The Normanby Road verge shall be upgraded to match the Beaufort Street paving styles, to the satisfaction of the City of Stirling.
10. No doors are permitted to open out into the road reserve.
11. All awnings must provide a minimum 1.0m clearance from the existing face of the kerb.

#### General

12. Lots 2, 3, 4, 5 and 6, House Numbers 947, 945, 943, 941 and 939 Beaufort Street, Inglewood shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.
13. The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval.
14. A practising structural engineer with heritage experience is required to submit floor plans and elevations with specification and detail, to the City with the Partial Demolition Permit prior to the submission of a Building Permit, to demonstrate how the structural integrity of the existing structure is to be maintained during building and demolition works. The details are to include but are not limited to a methodology statement of work sequence, details of proposed connection to the new work, detail of any support of existing floor,



- walls and roof structures required, and details of any foundation support required.
15. An amended Landscaping Plan shall be submitted to the City of Stirling and approved in writing prior to the submission of a Building Permit. The landscaping plan shall demonstrate compliance with the provisions of the City's Local Planning Policy 6.6 -Landscaping and Local Planning Policy 6.11 - Trees & Development, with respect to Advanced Trees on site, landscaping provision for commercial developments and reticulation.
  16. Amended plans are to be provided prior to the submission of a Building Permit application, to the satisfaction of the City of Stirling (refer to Advice Note 1), to address the following:
    - a. Aisle and ramp widths in compliance with AS/NZS 2890.1 section 2.5.2 and AS 2890.2 Table 3.1;
    - b. Swept paths of service vehicles in compliance with AS 2890.2; and
    - c. Swept paths of vehicles in compliance with AS/NZS 2890.1 are required around the stair well to the rear of residential Unit 9.
  17. The submission of an Acoustic Report from a qualified acoustic (noise) consultant is required to the satisfaction of the City, prior to the submission of a Building Permit. All noise attenuation measures, identified by the report are to be incorporated into the building design and implemented prior to occupancy of the development.
  18. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any ground disturbing development or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with an approved management plan.
  19. All bedrooms are to meet the requirements set out within State Planning Policy 5.4: 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and associated Guidelines for residential development (35db day time and 30db night time levels).
  20. A minimum of three (3) bicycle parking bays allocated for customers of the commercial tenancies shall be provided on site prior to the occupation of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015.
  21. The Gymnasium and Meeting Room components of the development are for the exclusive use of residents of the building only, unless the further approval of the City is obtained.
  22. Prior to the commencement of development, a land use tenancy plan for all permitted land uses as specified under Local Planning Scheme No.3, is to be provided to the satisfaction of the City of Stirling. The plan shall specify the land use and any other relevant details for each commercial tenancy using the land uses defined under Local Planning Scheme No.3.
  23. Prior to the occupation of the development, the number and allocation of car parking bays is to be provided on-site as follows:



- a. A minimum 62 residential car parking bays;
  - b. A minimum 15 residential visitor car parking bays; and
  - c. The remainder of the car parking is to be allocated to the commercial land uses.
24. All non-residential and residential visitor bays are to be marked and signposted accordingly and to be accessible for all visitors, customers and staff to the satisfaction of the City.
25. A Parking Management Plan shall be submitted to the City of Stirling for approval prior to commencement of development. The Parking Management Plan shall include, but not be limited to, the following considerations:
- a. How access to the parking areas will be controlled;
  - b. How different types of parking will be managed and controlled within the facility, such as ACROD and visitors; and
  - c. What safety and security measures will be implemented to protect those using the facility.
- The Parking Management Plan is to be complied with for the duration of the occupation of the development, unless otherwise varied by the City of Stirling.
26. Vehicular parking manoeuvring and circulation areas indicated on the approved plan shall be sealed and drained, the parking spaces marked out and maintained in good repair.
27. All parking areas (including ACROD car parking bays) are to comply with AS/NZS2890.1:2004, AS2890.2:2002 and AS/NZS2890.6:2009. In particular items to note include:
- a. Headroom (AS/NZS2890.1 section 5.3, AS/NZS2890.2 table 2.1, and AS/NZS2890.6 section 2.4);
  - b. Manoeuvring space (AS/NZS2890.1 section 2.4.2 (d), and AS/NZS2890.2 table 4.1); and
  - c. Ramp gradients and widths (AS/NZS2890.1 sections 2.5.3 and 2.5.2 respectively, and AS/NZS2890.2 tables 3.1 and 3.2) (refer to Advice Note 1).
28. The finished level of pedestrian entrances to all non-residential tenancies accessed directly from a public road shall be at the finished pavement level in accordance with Universal Access design standards.
29. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.
30. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupancy or use of the development where a concealed drying area is not provided exclusively for the dwelling.
31. Crossovers shall be designed and constructed in accordance with the City's Local Planning Policy 6.7 - Parking and Access. Crossovers are to be installed prior to occupancy or use of the development (refer to Advice Note 5).
32. Prior to the occupation of the development, any redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with City's Local Planning Policy 6.7 - Parking and Access.



33. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 6.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply provisions, and be maintained for the life of the development.
34. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within the 1.5 metres of where:
  - a. vehicular access points adjoin the site, or
  - b. driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, orunless further approval of Council is obtained.
35. A Site Management Plan to be submitted and approved by the City of Stirling prior to submission of a Building Permit. The Site Management Plan to address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
36. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage facilities, where provided.
37. Prior to occupancy of the development, all off-street parking to be available onsite during business hours for all customers and staff.
38. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
39. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.
40. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view of a public street.
41. All stormwater from all roofed and paved areas shall be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City.
42. All ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.
43. Prior to occupation of the development, the external finish of the boundary wall/s shall be to the same standard as the rest of the development, to the satisfaction of the City.
44. All external fixtures and building services of the residential development are to comply with deemed-to-comply provisions of Clause 6.4.5 of the Residential Design Codes (External Fixtures, Utilities and Facilities).



## **Advice Notes**

1. Any conditions requiring changes to the built form are to be satisfied prior to the submission of a Building Permit. Where the changes have further planning implications, a DAP Form 2 application for the further determination of the Metro North-West JDAP or the City of Stirling (as relevant) in relation to the amended plans will be required.
2. In reference to Condition 1, the applicable Performance Bond for these works shall be:
  - a. ROW Construction \$23,341 (being 2.2m x 76m x \$139.60/sqm); and
  - b. ROW Lighting \$16,264 (being 76m x \$214/m). The installation of lighting in the laneway by the applicant is in lieu of payment of ROW lighting contribution under LPS3.

A Bonding Agreement – Right of Way Construction is to be signed and submitted to the City together with the payment of the performance bond.
3. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
4. For all proposed works within the road reserve, detailed engineering construction plans are to be submitted and approved by the City of Stirling prior to works commencing on site. All relevant fees and bonds are to be paid by the owner, prior to the commencement of construction, to the satisfaction of the City.
5. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
6. The land or a portion of the land the subject of this approval has been identified as potentially being in an area affected by acid sulphate soils and, as such, it is your responsibility to ensure that all building works comply with WAPC Bulletin 64. For more information contact the Department of Water and Environmental Regulation.
7. Potential nuisance from artificial light to be addressed in accordance with Australian Standard AS 4282- 1997. Development to comply in all respects with the Health (Public Building) Regulations 1992.
8. Ventilation of underground car park to comply with Australian Standard AS 1668.2.
9. Noisy Construction Work outside the period 7:00 am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
10. All street trees adjoining the subject land as shown on the submitted plans are to be retained and protected unless otherwise approved by the City. It is the responsibility of the applicant to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for the removal



of trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence.

11. In reference to Condition 15, an Advanced Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: *means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.*
12. As per Condition 7, the associated contribution costs for this development are as follows:
  - i) Helliwell value of the tree: \$11,508.48
  - ii) Tree removal costs: \$380.00
  - iv) Total for the associated works: \$11,888.48
  - v) Contribution payment required: \$10,699.63 (90% of the total including GST).
13. The bin enclosures must comply with the City of Stirling's Waste Management Local Law 2010. The bin enclosure must be large enough to fit all waste receptacles for the proposed number of units, taking into consideration the required provision all units. Ensure that receptacles do not cause a nuisance to the occupiers of adjoining units.
14. Noise from equipment and location of commercial and residential air conditioning condenser units and exhaust fan systems must comply with Environmental Protection (Noise) Regulations 1997. A further report is required to be submitted and approved by the City of Stirling prior to the issue of a Building Permit demonstrating compliance of all air conditioning, air handling and ventilation systems.
15. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sundays and public holidays.
16. Ensure that all aspects of the City's Local Law relating to the Prevention and Abatement of Dust and Liquid Waste are complied with both during and after demolition.
17. In reference to Condition 18, the "acid sulphate soils self-assessment form" can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

#### **AMENDING MOTION 1**

**Moved by:** Mr Peter Keleman

**Seconded by:** Ms Kym Petani

That Condition 3 be amended to read as follows:

*Prior to the completion of the development, an additional **six (6)** on-street car parking bays are to be provided at the applicant's expense along the northern side of Beaufort Street abutting the subject site, **in consultation with the Department of Planning, Lands and Heritage** and to the satisfaction of the City.*

**REASON:** The condition was amended to make provision for an additional off-street car parking space that could potentially be provided with realignment of the existing



spaces on the street verge of Other Regional Road, Beaufort Street, adjacent to the development.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**AMENDING MOTION 2**

**Moved by:** Ms Kym Petani

**Seconded by:** Ms Sheryl Chaffer

That Condition 5 be amended to read as follows:

*An amended Waste Management Plan shall be submitted to the City of Stirling and approved prior to the submission of a Building Permit. The amended waste management plan is to demonstrate the development facilitating residential and commercial bin pickup via the Service Vehicle Embayment along Normanby Street frontage, to the satisfaction of the City. The waste management plan is to be complied with for the duration of the occupation of the development.*

**REASON:** The panel members supported rewording of the condition so that the amendments to the Waste Management Plan are consistent with and reflect the submitted revised plans, which provide for residential and commercial waste bin pickup along the Normanby Street frontage rather than via Sturgate Lane.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**AMENDING MOTION 3**

**Moved by:** Ms Kym Petani

**Seconded by:** Ms Sheryl Chaffer

That Condition 6 be deleted and the remaining conditions be renumbered accordingly and new Advice Note 18 be added to read as follows:

***In relation to condition 5 the amended** Waste Management Plan provided to the City is to demonstrate the following:*

- a. Residential and commercial waste pickup is to be by 240L and 360L Mobile Garbage Bins; and*
- b. Residential and commercial waste collection from a delivery/service vehicle embayment within the verge area on Normanby Road abutting the subject site.*

*The Waste Management Plan is to be complied with for the duration of the development.*

**REASON:** The condition was deemed redundant due to the revised wording of Condition 5. The additional details are advisory and are more appropriate as an advice note.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**AMENDING MOTION 4**

**Moved by:** Mr Peter Keleman

**Seconded by:** Ms Sheryl Chaffer

That Condition 8 be deleted and remaining conditions be renumbered accordingly.



**REASON:** As the development does not propose large commercial delivery vehicles utilising the access ramp to the basement or onsite parking bays the panel members agreed that the condition is unnecessary. (Now Condition 14).

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**AMENDING MOTION 5**

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Kym Petani

That Condition 23 (now Condition 21) be amended to read as follows:

*Prior to the occupation of the development, the number and allocation of car parking bays is to be provided on-site as follows:*

- a. A minimum 62 residential car parking bays;*
  - b. A minimum 12 residential visitor car parking bays; and*
- The remainder of the car parking is to be allocated to the commercial land uses.*

For: Ms Sheryl Chaffer  
Ms Kym Petani  
Mr Peter Keleman

Against: Cr Giovanni Italiano  
Cr David Boothman

**REASON:** The panel members, in majority, supported a reduction in the minimum number of on-site residential visitor parking spaces, taking into account the available space for 3 after hours parking bays within the service bay on Normanby Street adjacent to the development and to facilitate reciprocal use of commercial and residential visitor bays.

**The Amending Motion was put and CARRIED (3/2).**

**AMENDING MOTION 6**

That Advice Note 1 be amended to read as follows:

*Any conditions requiring changes to the built form are to be satisfied prior to the submission of a Building Permit, to the satisfaction of the City of Stirling.*

**REASON:** The panel members were satisfied that the procedures to amend plans arising from the conditions of approval are adequately covered in the DAP legislation and regulations.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**ALTERNATE MOTION (AS AMENDED)**

*Administrative changes were made to Advice Notes 11 and 12 to reflect the updated condition numbers.*

That the Metro North-West JDAP resolves to:



**Approve** DAP Application reference DAP/18/01420 and accompanying plans (Attachment 1) for a Five Storey Mixed Use Development at Lots 6, 5, 4, 3 and 2, House Numbers 939, 941, 943, 945 and 947, Beaufort Street, Inglewood, in accordance with *Schedule 2, Clause 68 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 10.3 of the City of Stirling's Local Planning Scheme No.3, subject to:  
Right of Way Design and Construction

1. A 2.2 metre wide road widening area is to be ceded to the Crown on the north-west side of the lot along Sturgate Lane prior to the occupation of the development. The applicant/owner shall construct the 2.2 metre widening area in order to extend the width of the Sturgate Lane carriageway, including extension of the carriageway widening to the Normanby Road intersection, and install lighting in the laneway to the City's specification and satisfaction at the applicant/owner's costs (refer Advice Note 2).
2. A 2.0 metre by 2.0 metre corner truncation (after allowing for the widening) at the intersection of Normanby Road and Sturgate Lane shall be ceded to the crown free of cost to the City prior to the occupation of the development.

Road Design and Construction

3. Prior to the completion of the development, an additional six (6) on-street car parking bays are to be provided at the applicant's expense along the northern side of Beaufort Street abutting the subject site, in consultation with the Department of Planning, Lands and Heritage and to the satisfaction of the City.
4. Prior to the occupation of the development, a delivery/service vehicle embayment is to be constructed within the verge area on Normanby Road abutting the subject site at the owner's expense, to the satisfaction of City of Stirling.
5. An amended Waste Management Plan shall be submitted to the City of Stirling and approved prior to the submission of a Building Permit. The amended waste management plan is to demonstrate the development facilitating residential and commercial bin pickup via the Service Vehicle Embayment along Normanby Street frontage, to the satisfaction of the City. The waste management plan is to be complied with for the duration of the occupation of the development.
6. The removal of the street tree within the Normanby Road verge area to accommodate the delivery/service vehicle embayment will be undertaken by the City upon payment of the associated contribution costs as outlined in the City's Street and Reserve Tree Policy. The associated costs are to be paid by the owner/applicant prior to commencement of development and are a 90% contribution of the total as outlined in Advice Note 12.
7. The Normanby Road verge shall be upgraded to match the Beaufort Street paving styles, to the satisfaction of the City of Stirling.
8. No doors are permitted to open out into the road reserve.
9. All awnings must provide a minimum 1.0m clearance from the existing face of the kerb.



## General

10. Lots 2, 3, 4, 5 and 6, House Numbers 947, 945, 943, 941 and 939 Beaufort Street, Inglewood shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.
11. The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval.
12. A practising structural engineer with heritage experience is required to submit floor plans and elevations with specification and detail, to the City with the Partial Demolition Permit prior to the submission of a Building Permit, to demonstrate how the structural integrity of the existing structure is to be maintained during building and demolition works. The details are to include but are not limited to a methodology statement of work sequence, details of proposed connection to the new work, detail of any support of existing floor, walls and roof structures required, and details of any foundation support required.
13. An amended Landscaping Plan shall be submitted to the City of Stirling and approved in writing prior to the submission of a Building Permit. The landscaping plan shall demonstrate compliance with the provisions of the City's Local Planning Policy 6.6 -Landscaping and Local Planning Policy 6.11 - Trees & Development, with respect to Advanced Trees on site, landscaping provision for commercial developments and reticulation.
14. Amended plans are to be provided prior to the submission of a Building Permit application, to the satisfaction of the City of Stirling (refer to Advice Note 1), to address the following:
  - a. Aisle and ramp widths in compliance with AS/NZS 2890.1 section 2.5.2 and AS 2890.2 Table 3.1;
  - b. Swept paths of service vehicles in compliance with AS 2890.2; and
  - c. Swept paths of vehicles in compliance with AS/NZS 2890.1 are required around the stair well to the rear of residential Unit 9.
15. The submission of an Acoustic Report from a qualified acoustic (noise) consultant is required to the satisfaction of the City, prior to the submission of a Building Permit. All noise attenuation measures, identified by the report are to be incorporated into the building design and implemented prior to occupancy of the development.
16. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any ground disturbing development or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with an approved management plan.
17. All bedrooms are to meet the requirements set out within State Planning Policy 5.4: 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and associated Guidelines for residential development (35db day time and 30db night time levels).



18. A minimum of three (3) bicycle parking bays allocated for customers of the commercial tenancies shall be provided on site prior to the occupation of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015.
19. The Gymnasium and Meeting Room components of the development are for the exclusive use of residents of the building only, unless the further approval of the City is obtained.
20. Prior to the commencement of development, a land use tenancy plan for all permitted land uses as specified under Local Planning Scheme No.3, is to be provided to the satisfaction of the City of Stirling. The plan shall specify the land use and any other relevant details for each commercial tenancy using the land uses defined under Local Planning Scheme No.3.
21. Prior to the occupation of the development, the number and allocation of car parking bays is to be provided on-site as follows:
  - a. A minimum 62 residential car parking bays;
  - b. A minimum 12 residential visitor car parking bays; andThe remainder of the car parking is to be allocated to the commercial land uses.
22. All non-residential and residential visitor bays are to be marked and signposted accordingly and to be accessible for all visitors, customers and staff to the satisfaction of the City.
23. A Parking Management Plan shall be submitted to the City of Stirling for approval prior to commencement of development. The Parking Management Plan shall include, but not be limited to, the following considerations:
  - a. How access to the parking areas will be controlled;
  - b. How different types of parking will be managed and controlled within the facility, such as ACROD and visitors; and
  - c. What safety and security measures will be implemented to protect those using the facility.The Parking Management Plan is to be complied with for the duration of the occupation of the development, unless otherwise varied by the City of Stirling.
24. Vehicular parking manoeuvring and circulation areas indicated on the approved plan shall be sealed and drained, the parking spaces marked out and maintained in good repair.
25. All parking areas (including ACROD car parking bays) are to comply with AS/NZS2890.1:2004, AS2890.2:2002 and AS/NZS2890.6:2009. In particular items to note include:
  - a. Headroom (AS/NZS2890.1 section 5.3, AS/NZS2890.2 table 2.1, and AS/NZS2890.6 section 2.4);
  - b. Manoeuvring space (AS/NZS2890.1 section 2.4.2 (d), and AS/NZS2890.2 table 4.1); and
  - c. Ramp gradients and widths (AS/NZS2890.1 sections 2.5.3 and 2.5.2 respectively, and AS/NZS2890.2 tables 3.1 and 3.2) (refer to Advice Note 1).



26. The finished level of pedestrian entrances to all non-residential tenancies accessed directly from a public road shall be at the finished pavement level in accordance with Universal Access design standards.
27. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.
28. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupancy or use of the development where a concealed drying area is not provided exclusively for the dwelling.
29. Crossovers shall be designed and constructed in accordance with the City's Local Planning Policy 6.7 - Parking and Access. Crossovers are to be installed prior to occupancy or use of the development (refer to Advice Note 5).
30. Prior to the occupation of the development, any redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with City's Local Planning Policy 6.7 - Parking and Access.
31. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 6.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply provisions, and be maintained for the life of the development.
32. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within the 1.5 metres of where:
  - a. vehicular access points adjoin the site, or
  - b. driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, orunless further approval of Council is obtained.
33. A Site Management Plan to be submitted and approved by the City of Stirling prior to submission of a Building Permit. The Site Management Plan to address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
34. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage facilities, where provided.
35. Prior to occupancy of the development, all off-street parking to be available onsite during business hours for all customers and staff.
36. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
37. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.



38. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view of a public street.
39. All stormwater from all roofed and paved areas shall be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City.
40. All ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.
41. Prior to occupation of the development, the external finish of the boundary wall/s shall be to the same standard as the rest of the development, to the satisfaction of the City.
42. All external fixtures and building services of the residential development are to comply with deemed-to-comply provisions of Clause 6.4.5 of the Residential Design Codes (External Fixtures, Utilities and Facilities).

### **Advice Notes**

1. Any conditions requiring changes to the built form are to be satisfied prior to the submission of a Building Permit, to the satisfaction of the City of Stirling.
2. In reference to Condition 1, the applicable Performance Bond for these works shall be:
  - a. ROW Construction \$23,341 (being 2.2m x 76m x \$139.60/sqm); and
  - b. ROW Lighting \$16,264 (being 76m x \$214/m). The installation of lighting in the laneway by the applicant is in lieu of payment of ROW lighting contribution under LPS3.A Bonding Agreement – Right of Way Construction is to be signed and submitted to the City together with the payment of the performance bond.
3. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
4. For all proposed works within the road reserve, detailed engineering construction plans are to be submitted and approved by the City of Stirling prior to works commencing on site. All relevant fees and bonds are to be paid by the owner, prior to the commencement of construction, to the satisfaction of the City.
5. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
6. The land or a portion of the land the subject of this approval has been identified as potentially being in an area affected by acid sulphate soils and, as such, it is your responsibility to ensure that all building works comply with WAPC Bulletin 64. For more information contact the Department of Water and Environmental Regulation.



7. Potential nuisance from artificial light to be addressed in accordance with Australian Standard AS 4282- 1997. Development to comply in all respects with the Health (Public Building) Regulations 1992.
8. Ventilation of underground car park to comply with Australian Standard AS 1668.2.
9. Noisy Construction Work outside the period 7:00 am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
10. All street trees adjoining the subject land as shown on the submitted plans are to retained and protected unless otherwise approved by the City. It is the responsibility of the applicant to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for the removal of trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence.
11. In reference to Condition 13, an Advanced Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: *means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.*
12. As per Condition 6, the associated contribution costs for this development are as follows:

i)	Helliwell value of the tree:	\$11,508.48
ii)	Tree removal costs:	\$380.00
iv)	Total for the associated works:	\$11,888.48
v)	Contribution payment required:	\$10,699.63 (90% of the total including GST).
13. The bin enclosures must comply with the City of Stirling's Waste Management Local Law 2010. The bin enclosure must be large enough to fit all waste receptacles for the proposed number of units, taking into consideration the required provision all units. Ensure that receptacles do not cause a nuisance to the occupiers of adjoining units.
14. Noise from equipment and location of commercial and residential air conditioning condenser units and exhaust fan systems must comply with Environmental Protection (Noise) Regulations 1997. A further report is required to be submitted and approved by the City of Stirling prior to the issue of a Building Permit demonstrating compliance of all air conditioning, air handling and ventilation systems.
15. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sundays and public holidays.
16. Ensure that all aspects of the City's Local Law relating to the Prevention and Abatement of Dust and Liquid Waste are complied with both during and after demolition.



17. In reference to Condition 16, the "acid sulphate soils self-assessment form" can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).
18. In relation to condition 5 the amended Waste Management Plan is to be provided to the city to demonstrate the following:
  - a. Residential and commercial waste pickup is to be by 240L and 360L Mobile Garbage Bins; and
  - b. Residential and commercial waste collection from a delivery/service vehicle embayment within the verge area on Normanby Road abutting the subject site.The Waste Management Plan is to be complied with for the duration of the development.

**REASON:** The panel members, in majority, did not support the report recommendation reasons for refusal for the following reasons:

- The applicant submitted details of the land use allocation prior to the JDAP determination and approval is conditional upon submission of a detailed land use tenancy plan;
- The revised drawings demonstrate that the design of the development, is sensitive to the heritage and local planning objectives of the LPP character retention guidelines, resulting in built form with variable setbacks on ground and upper levels, facades that are well articulated, appropriately detailed and building scale that is not out of context with the mix of low and medium rise development in the surrounding Inglewood streetscape and locality;
- Approval of the building height and scale is consistent with the discretionary variations provided by the local planning scheme and policies as the development does not cause overshadowing of residential properties, the height and built form provides a focal point at the corner of Beaufort Street and Normanby Road, there is adequate setback and building separation to avoid bulk and overlooking of adjacent properties;
- Car parking provision is adequate, taking into account the number of on site and adjacent off-site kerbside parking, reciprocal use of non-residential spaces and proximity to public transport;
- Variable setbacks, widening of Sturgate Lane and landscape treatment improve the streetscape and amenity of the right of way, consistent with the local planning policy; and
- The aims and objectives of the current and the known future planning framework are not compromised, the mixed-use development contributes to the activation of Beaufort Street and other, more minor issues, can be resolved via specific conditions of approval.

**The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.**

*Cr Christine Hamilton-Prime and Cr Sophie Dwyer left the panel at 9:49am.  
Cr Giovanni Italiano and Cr David Boothman re-joined the panel at 9:49am.*



## 9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

- 9.1 Property Location: Lot 28 (46) - Strata Lot 1 Angove Drive, Hillarys  
Development Description: Amendment to Development Approval - Mixed Use Development  
Proposed Amendments: Amendment of Condition 5, Construction of Landscaping Structures and Proposed Signage  
Applicant: CF Town Planning & Development  
Owner: Clive Road Holdings Pty Ltd  
Responsible Authority: City of Joondalup  
DAP File No: DAP/15/00754

### REPORT RECOMMENDATION

**Moved by:** Cr Sophie Dwyer      **Seconded by:** Cr Christine Hamilton-Prime

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/15/00754 as detailed on the DAP Form 2 dated 10 September 2018 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/15/00754 as detailed on the DAP Form 2 dated 10 September 2018 and development plans contained in Attachment 2 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of subclause 68(2), 73(b) and 77(4)(b) of *Planning and Development (Local Planning Schemes) Regulations 2015*, for the proposed additions and modifications to the approved three storey mixed use development at Lot 28 (46) Angove Drive, Hillarys, subject to:

### Amended Conditions of JDAP decision dated 24 October 2016

5. The maximum number of patrons within the tenancy 1 café dining area shall be 75 at any given time to the satisfaction of the City.

### Additional Conditions

1. The relocation of planter boxes within the verge area does not form part of this approval.
2. All signage shall be contained within the property boundaries.
3. The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.
4. The signs must not include fluorescent, reflective or retro reflective colours.
5. The signage is to be located to the north of the vehicle entry and setback a minimum 1.5 metres from the front lot boundary and access way.



6. A maximum of 86 seats shall be situated within the dining area, generally in accordance with the 'layout plan' (SK02) dated 22/10/2018.

All other conditions and requirements detailed on the previous approvals dated 1 October 2015 and 24 October 2016 shall remain unless altered by this application.

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motion.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**10. Appeals to the State Administrative Tribunal**

The Presiding Member noted the following State Administrative Tribunal Applications -

<b>Current Applications</b>		
<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>
City of Joondalup	Lots 348 and 347 (50 and 52) Littorina Avenue, Heathridge	Construction of fourteen (14) multiple dwellings
City of Joondalup	Lot 125 (1) & 126 (3) Chipala Court, Edgewater	Fourteen (14) Multiple Dwellings
City of Stirling	Lot 18 (6) Wanneroo Road, Yokine	Extension to the Shopping Centre (Dog Swamp)
City of Stirling	Lot 157 (2A) Sanderling Street, and Lot 604 (114) Cedric Street Stirling WA 6021	Mixed Use Development
City of Stirling	Lot 14691 (2) Plantation Street, Menora	Retirement Complex (Bethanie Aged Care)
City of Stirling	Lot 100 (304) Scarborough Beach Road, Osborne Park	Motor Vehicle Sales and Repair
City of Stirling	Lot 101 (191) Balcatta Road, Balcatta	Extension to the Existing Bunnings Warehouse
City of Wanneroo	Lot 140 (81) Ghost Gum Boulevard, Banksia Grove	Proposed Child Care, Service Station, Showrooms, Veterinary Consulting, Drive Through and Take Away Food Outlets

**11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 11:32am.