



## Metro North-West Joint Development Assessment Panel Minutes

**Meeting Date and Time:** 1 April 2020; 09:00am  
**Meeting Number:** MNWJDAP/283  
**Meeting Venue:** via electronic means.

*This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.*

### 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	3
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declarations of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications .....	5
	8.1 Lot 104, House Number 904 Beaufort Street, Lots 105, 32, 33 & 400, House Number 96 Tenth Avenue & Lawry Lane, Inglewood .....	5
	8.2 Lot 407 (3) Glenelg Place, Connolly .....	28
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....	32
	Nil .....	32
10	State Administrative Tribunal Applications and Supreme Court Appeals	32
11	General Business.....	32
12	Meeting Closure .....	32

The Metro North-West JDAP (MNWJDAP) is undertaking a trial as part of a Planning Reform Initiative.

You will notice some updates to the agendas, reports and minutes published for the MNWJDAP.

Any comments and feedback on these documents are welcome by contacting the Planning Reform team on

6551 9915 or [planningreform@dplh.wa.gov.au](mailto:planningreform@dplh.wa.gov.au).



## **Attendance**

### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)

#### *Item 8.1*

Cr David Boothman (Local Government Member, City of Stirling)  
Cr Suzanne Midgale (Local Government Member, City of Stirling)

#### *Item 8.2*

Ms Suzanne Thompson (Local Government Member, City of Joondalup)  
Ms Philippa Taylor (Local Government Member, City of Joondalup)

### **Officers in attendance**

#### *Item 8.1*

Mr Stevan Rodic (City of Stirling)  
Ms Giovanna Lumbaca (City of Stirling)  
Mr Chris Fudge (City of Stirling)

#### *Item 8.2*

Mr Chris Leigh (City of Joondalup)  
Mr Jonathan Creedon (City of Joondalup)

### **Minute Secretary**

Ms Adele McMahon (DAP Secretariat)  
Mr Phillip Goodwin (DAP Secretariat)  
Ms Zoe Hendry (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Graham Chave (Starbush Holdings Pty Ltd)  
Mr Tim Dawkins (Urbis Pty Ltd)  
Mr Vladmir Baltic (Transcore)  
Mr George Watts (Herring Storer)

#### *Item 8.2*

Mr Charles Donnelly  
Ms Jenny Sharpe  
Mr Dylan Wray (Resolve Group Pty Ltd)  
Mr Hennie Joubert (Jowebo Investments Pty Ltd)

### **Members of the Public / Media**

There were 10 members of the public in attendance.

Ms Lucy Jarvis from Community News was in attendance.



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:05am on 1 April 2020 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

The 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*.

### 1.1 Announcements by Presiding Member

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.

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Presiding Member announced that the Metro North-West JDAP is currently undertaking a trial of revised templates to promote greater consistency and transparency of information published on the DAP website. During this time, changes to the content contained within the Agendas, Minutes and Responsible Authority Reports may be observed.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Mr Fred Zuideveld (Specialist Member)

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

## 5. Declarations of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil



## 7. Deputations and Presentations

- 7.1 Mr Graham Chave (Starbush Holdings Pty Ltd) addressed the DAP in support of the application at Item 8.1.
- 7.2 Mr Tim Dawkins (Urbis) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Vladimir Baltic (Transcore) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr George Watts (Herring Storer) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel
- 7.5 City of Stirling officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.5 were heard prior to the application at Item 8.1.***

- 7.6 Mr Charles Donnelly addressed the DAP against the application at Item 8.2 and responded to questions from the panel.
- 7.7 Ms Jenny Sharpe addressed the DAP against the application at Item 8.2 and responded to questions from the panel.
- 7.8 Mr Dylan Wray (Resolve Group Pty Ltd) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel
- 7.9 City of Joondalup officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.6 - 7.9 were heard prior to the application at Item 8.2.***

## PROCEDURAL MOTION

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr David Boothman

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2017 to allow members to speak more than once on the same item and continue further debate on Item 8.1.

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

**REASON:** To allow the panel to speak more than once on the application.

*The Standing Orders were suspended at 10:29am.*



## PROCEDURAL MOTION

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr David Boothman

That the Standing Orders be reinstated in accordance with section 5.10.2h of the DAP Standing Orders 2017.

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

**REASON:** To reinstate the Standing Orders

*The Standing Orders were reinstated at 10:39am.*

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

#### 8.1 Lot 104, House Number 904 Beaufort Street, Lots 105, 32, 33 & 400, House Number 96 Tenth Avenue & Lawry Lane, Inglewood

Development Description:	Mixed Use Development – Shop & Two Restaurants
Applicant:	Urbis Pty Ltd
Owner:	ALDI Foods Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/19/01711

## REPORT RECOMMENDATION

**Moved by:** NIL

**Seconded by:** NIL

That the Metro North-West JDAP resolves to:

**Defer** a decision on DAP Application reference DAP/19/01711 and accompanying development plans in Attachment 1 for a period of six (6) weeks in accordance with Section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

1. To allow the Applicant to address / submit to the City of Stirling:
  - a. A Traffic Impact Statement that addresses the development proposal utilising current traffic data that includes, but is not limited to, the following:
    - Provides an assessment of the proposed development access points;
    - Models the site utilising the current traffic data;
    - The 19.0m Semi-trailer Truck Circulation Diagrams t16.099B.sk29d and t16.099B.sk30c are to remove the requirement for modification to the existing Beaufort Street/Tenth Avenue and Beaufort Street/Eleventh Avenue intersections;
    - The 19.0m Semi-trailer Truck Circulation Diagram t16.099B.sk31 is to be removed from the Traffic Impact Statement; and
    - Demonstrates how the commercial tenancies along Beaufort Street will be serviced by delivery vehicles up to 12.5m Single Unit Trucks within the site.



- b. To enable modifications to be made to the siting of the substation proposed on the south-eastern lot boundary to an on-site location which does not have an adverse impact on the visual amenity as viewed from the adjoining residential premises, and in greater conformity with the City's Beaufort Street Local Development Plan.
  - c. A revised Landscaping Plan that demonstrates compliance with the provisions of the City's Local Planning Policy 6.11 – Trees and Development, specifically in respect to each Advanced Tree being provided a minimum 9m<sup>2</sup> soil space with a minimum dimension of 2.0m at ground level free of intrusions, and each tree planting being a minimum size of 90 litres.
  - d. A revised Site Plan and Floor Plan that demonstrates the following:
    - The provision of a dedicated service bay on-site in accordance with the City's Local Planning Policy 6.7 – Parking and Access;
    - Modification to the service entry point assigned to the commercial tenancies along Beaufort Street which is to be accessed via the rear of the development;
    - 15 bicycle parking bays to be provided on-site comprising of five (5) allocated for employees and 10 allocated to visitors;
    - The three (3) car parking bays proposed between the Child Care Premise access and Eleventh Avenue are to be reduced to two (2) car parking bays and located so as to ensure adequate vehicle sight lines and manoeuvring space is provided for all other vehicles and pedestrians, and a safe environment is maintained;
    - The Relative Level of 20.92 at the Child Care Premises is to be deleted from the development plans; and
    - The Site Plan and Floor Plan are to be consistent in demonstrating the number of existing on-street car parking bays to be removed from the northern side of Eleventh Avenue.
  - e. An amended Acoustic Report that includes an assessment of the noise generated by the substation and the noise generated by waste servicing to the site.
2. Request the applicant to submit amended plans and additional information to the City of Stirling by 15 April 2020 to address the above matters.
  3. Require the City of Stirling to consider the amended plans and additional information and to submit a revised Responsible Authority Report by 13 May 2020.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

*Karen Hyde*



## ALTERNATE MOTION

**Moved by:** Cr David Boothman

**Seconded by:** Cr Suzanne Migdale

### Conditions

1. The development is to comply in all respects with the attached approved plans, as dated and stamped, together with any requirements detailed thereon by the City. The plans approved as part of this application form part of the planning approval issued.
2. The land owner to remove any encroaching parts of the development at such time as the reserved land is required for the upgrading of Beaufort Street at their own expense (if required). Any improvements made to, or loss of amenity will not be taken into consideration in determining any land acquisition cost or compensation which may be payable by Council or the WAPC at such time as the land is required.
3. Prior to the time an application is made for a Building Permit ~~relating to development on the current alignment of Lawry Lane~~, the road closure is to be finalised in accordance with Council Resolution 0517/014 dated 9 May 2017, to the satisfaction of the City. **[amended to allow preliminary works to start]**
4. **[deleted via reconsideration]**
5. The owner/applicant to complete all modifications to the existing road infrastructure in Tenth Avenue and Eleventh Avenue that are required to facilitate access to and from the site, prior to occupation of the development and subject to the satisfaction of the City. All works are to be based on the Pritchard Francis "Vehicle Movement and Crossover Modification Sketch" Drawing Number 17092-C9-SK-03 Revision C (Attachment 1 h).
6. All required works within the road reserve relating to the subject development, are subject to a separate approval from the City. Detailed civil engineering construction plans must be submitted for written approval to the satisfaction of the City with approval granted prior to commencement of the development.
7. Unless otherwise specified all costs of and incidental to the satisfaction of Conditions 3 ~~and 4~~ must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
8. ~~The section of wall facing Beaufort Street annotated as "Colorbond Steel Spandek" is to be clad with Durabric (or similar) or provided as a geometric pattern into concrete panels to match the eastern elevation, to the satisfaction of the City.~~ **[not relevant anymore due to Tyrepower site being included in the application area]**
9. ~~A revised colours and materials schedule is to be provided for approval by the City, for the colour of the awnings and rendered brickwork, to the satisfaction of the City and prior to commencement of development.~~ **[not relevant anymore due to revised design]**

*Karen Hyde*



10. A bond shall be paid for all construction works within the road reserve, prior to commencement of the development. The bond shall be determined by the City and will be based on the approved civil engineering construction plans. The bond will be returned once all works within the road reserve have been completed in accordance with the approved civil engineering construction plans and to the satisfaction of the City.
11. Prior to the occupation or use of the development, any redundant crossover(s) shall be removed and the kerbing, footpath and road verge reinstated at the owners cost, and to the satisfaction of the City.
12. All verge paving is to match the Beaufort Street Activity Centre Style, and to the satisfaction of the City.
13. Existing stormwater drainage pits and pipes within the site are to be removed and the existing connection to the City's drainage shall be capped, to the satisfaction of the City.
14. A Site Management Plan shall be submitted to the satisfaction of the City of Stirling prior to commencement of works. The Site Management Plan shall 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.
15. All deliveries to the site and waste collections from the site are to take place between the hours of 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays, unless otherwise provided by a Delivery Management Plan or Waste Management Plan approved by the City.
16. The applicant is to submit information to demonstrate that the actual noise emissions from the development once in operation will not cause or contribute to the assigned noise levels being exceeded at any noise sensitive premises. This information is to be provided to the City within a six month period from the commencement of operation. These levels are not to be exceeded for the life of the development and should noise emissions exceed assigned levels then further noise reduction measures are to be installed and implemented, to the satisfaction of the City.
17. A Waste Management Plan to be prepared and submitted to the City of Stirling for approval prior to commencement of the development, and to be adhered to at all times thereafter.
18. The proposed crossover/s shall be designed and constructed in accordance with the City's Crossover Policy.
19. The levels of the proposed parking areas are to comply with AS/NZS2890.1:2004, to the satisfaction of the City.
20. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
  - a) walls, letterboxes or fences adjoin vehicular access points to the site, or
  - b) a driveway meets a public street,



21. All off street parking to be available during business hours for all customers and staff.
22. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.
23. All bicycle parking facilities are to comply with AS 2890.3:2015.
24. 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 yards, where provided.
25. Stormwater from all roofed and paved areas to be collected and contained on site.
26. Landscaping within the road reserve, and specifically the provision of street trees and planter boxes, is to be undertaken at the owner's expense to the satisfaction of the City, prior to the completion of the development. Landscaping drawings are to be submitted to the City for approval prior to commencement of development. [planter boxes not proposed]
27. Amalgamation of Lots 104, 105, 32, 33, ~~Lawry Lane~~, and Part Lot 400, prior to occupation of the development and ~~Lawry Lane re-established in the proposed new alignment.~~
28. Windows and doors shall not be painted, obscured or otherwise covered in any way, to the satisfaction of the City.
29. This decision constitutes planning approval only and is valid for a period of three years from the date of the approval. If the development has not substantially commenced by 30 January 2021 this approval shall no longer be valid.

#### Advice Notes

1. In the preparation of any legal agreement, easement or notification required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in connection with these conditions.
2. Where the applicant has not engaged a consulting engineer to design and supervise the construction, the amount is to be 3% of the cost of the construction as estimated by the City's Engineer Subdivisions and Development Works. Where the applicant has engaged a consulting engineer to design and supervise the construction, the amount is to be 1½% of the cost of the construction as estimated by the City's Engineer Subdivisions and Development Works.
3. The land owner is advised to submit an application for partial closure of Lot 400 Right of Way No. 29034.
4. Compliance with the Food Act 2008 and FSANZ Food Safety Standards.



5. Acceptable plans indicating the position and type of all proposed fittings and fixtures and details of floor, wall and ceiling finishes and floor drainage to be submitted for all food premises prior to internal fit out.
6. Potential nuisance from artificial light to be addressed in accordance with Australian Standard AS4282-1997.
7. Payment to the City of an inspection fee for the construction works within the road reserve is required prior to commencement of development, in accordance with the approved civil engineering construction plans (refer to advice note 2).
8. Payment to the City of a 12 months defects liability period retention bond of 5% is required, for the cost of construction as estimated by the City's Engineer Subdivisions and Development Works for works within the road reserve.
9. All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.
10. The integration of street trees and continuous awning is encouraged.
11. The Delivery Management Plan dated April 2018 attached to this approval is an approved Delivery Management Plan for the purpose of condition 15. Any amendment to the Delivery Management Plan is to be negotiated with, and approved by the City of Stirling.

**The Alternate Motion was WITHDRAWN by the mover**

**REASON:** To allow the City of Stirling time to develop an Alternate Recommendation relevant to this application.

**PROCEDURAL MOTION**

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr John Syme

That the application at Item 8.2 be heard prior to the application at Item 8.1.

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

**REASON:** Allow the City of Stirling time to develop an Alternate Recommendation relevant to this application.



## **ALTERNATE MOTION**

**Moved by:** Cr David Boothman

**Seconded by:** Cr Suzanne Migdale

That the Metro North-West JDAP resolves to:

**Approve** DAP Application reference DAP/19/01711 and accompanying plans (Attachment 1) for a Mixed Use Development – Shop and Two Restaurants at Lot 104, HN 904 Beaufort Street, Lots 105, 32, 33 and 400, HN 96 Tenth Avenue, and Lawry Lane, 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to:

### **Conditions**

#### **Development Services**

1. Prior to 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. 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 and the Beaufort Street Local Development Plan.
2. Amended plans are to be submitted prior to the building permit, demonstrating the substation on the south-eastern lot boundary to be relocated to an alternative onsite location, to the satisfaction of the City.
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 southern 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. A minimum of 15 bicycle parking bays, comprised of 10 bays allocated for customers and 5 bays allocated for staff of the commercial tenancies, shall be provided onsite prior to the occupation of the development. The design and construction of the bicycle bays shall be in accordance with AS/NZS2890.3:2015.

#### **Land**

5. Lot 104, House Number 904 Beaufort Street, and Lots 32, 33 and 105, House Number 96 Tenth Avenue, Inglewood shall be amalgamated into a single lot on a Certificate of Title including the land resultant from the closure of Lawry Lane and shall exclude the portion to be dedicated as road to create the new Lawry Lane road reserve in accordance with WAPC Subdivision Application Number 158830, prior to the occupation of the development.



## Engineering Services

6. An updated Traffic Impact Report for the development, addressing the WAPC Transport Impact Assessment Guidelines for Individual Developments (Part 4), is to be submitted to the City prior to the submission of a Building Permit.
7. A Road Safety Audit is to be commissioned by an Independent Senior Accredited Safety Auditor which will address the intersections of Tenth Avenue and Eleventh Avenue with Lawry Lane. Any adverse findings and recommendations which affect safety will be addressed by the Applicant prior to practical completion of the development, to the satisfaction of the City.
8. The Loading Bay shown in Beaufort Street is not supported by the City's Engineering Services Business Unit. The applicant will need to show how the commercial tenancies will be serviced by delivery vehicles. All delivery vehicles must be accommodated within the site, unless otherwise agreed by the City's Engineering Services Business Unit.
9. The intersection geometry of Tenth Avenue and Beaufort Street is to be maintained as it exists, unless otherwise agreed by the City's Engineering Services Business Unit.
10. The intersection geometry of Eleventh Avenue and Beaufort Street is to be maintained as it exists, with the exception of a minor modification to the existing splitter island in Eleventh Avenue, shown on the applicants Site Plan Job No. A1803 Drawing No. DA-00 Revision E, submitted to the City on 28 February 2020, and to the satisfaction of the City's Engineering Services Business Unit.
11. The design and construction of the proposed car parking bays and associated works within Tenth Avenue will require a separate approval from the City's Engineering Services Business Unit.
12. Design plans must be submitted and approved by the City's Engineering Services Business Unit prior to commencement of the development, and must include the following:
  - a. Maintain a 7.0m minimum pavement width along Tenth Avenue; and
  - b. Parking bays are to be 2.5m wide x 6.6m long, and surfaced in red bitumen. Construction must be completed to the satisfaction of the City's Engineering Services Business Unit prior to occupancy of the development.
13. All stormwater drainage is to be contained on-site, to the satisfaction of the City.
14. The existing stormwater drainage pits and pipes within the site are to be removed and the existing connection to the City's drainage shall be capped, and to the satisfaction of the City's Engineering Services Business Unit.
15. All proposed awnings must provide a minimum 1.0m clearance to the edge of the road, and to the satisfaction of the City's Engineering Services Business Unit.
16. All redundant crossovers are to be removed, and the developments abutting verges are to be upgraded and paved to match the existing Beaufort Street Activity Centre Styles at the owners cost, including tree plantings where possible, and to the satisfaction of the City's Engineering Services Business Unit.



17. No doors are permitted to open out into the road reserve.

### **Rights of Way & Property Services**

18. The proposed 6.0m wide relocated Lawry Lane, inclusive of 2.0m x 2.0m corner truncations at the intersections with Tenth Avenue and Eleventh Avenue, as shown on the development plans, is required to be ceded to the Crown free of costs and dedicated as road reserve prior to occupation of the development.
19. The redundant 5.0m wide Lawry Lane reserve is to be closed and amalgamated into the adjoining Lots 105, 32, 33 and 400 prior to occupation of the development.
20. The owner is required to construct, drain and provide sufficient illumination to the proposed new Lawry Lane road reserve to the City's satisfaction at the owner's cost prior to occupation. A Performance Bond to the value of \$110,000 is to be lodged with the City as security for compliance with the construction of the new Lawry Lane road reserve and lighting requirement prior to commencing the development.
21. The owner entering into an appropriate Legal Agreement supported by an Absolute Caveat on the Certificates of Title to Lots 105, 32, 33 and 400 with the City prior to commencing the development with respect to the future maintenance of the new Lawry Lane road reserve (to the satisfaction of the City of Stirling) and include but not be limited to:-
- (a) repair and maintenance;
  - (b) illumination during the hours between dusk and dawn every day;
  - (c) cleaning and removal of rubbish;
  - (d) in the event the owner fails to maintain the Lawry Lane road reserve to the City's satisfaction, the City may carry out the necessary repair/maintenance in the road reserve at the owners cost;
  - (e) Lawry Lane road reserve is to remain open for use at all times;
  - (f) the City may install future underground services within the Lawry Lane road reserve subject to the owner's approval;
  - (g) the owner is required to hold an appropriate Public Liability policy covering the new Lawry Lane road;
  - (h) no changes to the layout and design of the carpark will be permitted without prior approval of the City;
  - (i) in the event the Owner wishes to terminate this legal agreement, the owner at its own cost will be required to construct, light and drain the Lawry Lane road reserve to the satisfaction of the City;
  - (j) in the event the owner changes the use of the land and/or uses the land for a purpose other than the approved purpose, the City of Stirling may terminate this Legal Agreement and the owner at its own cost will be required to construct, light and drain the Lawry Lane road reserve to the satisfaction of the City; and
  - (k) the owner shall not sell or otherwise transfer the land (or portion of the land) without obtaining from the purchaser of the land a Deed of Covenant whereby the Purchaser agrees to be bound by all the conditions and covenants contained in this Legal Agreement.

*Karen Hyde*



## Environmental Health

22. All deliveries to the site and waste collections from the site are to take place between the hours of 7am to 7pm Monday to Saturday and 7am to 7pm Sundays and Public Holidays, unless otherwise provided by a Delivery Management Plan or Waste Management Plan approved by the City.
23. The applicant is to submit information to demonstrate that the actual noise emissions from the development once in operation will not cause or contribute to the assigned noise levels being exceeded at any noise sensitive premises. This information is to be provided to the City within a two month period from the commencement of operation. These levels are not to be exceeded for the life of the development and should noise emissions exceed assigned levels then further noise reduction measures are to be installed and implemented, to the satisfaction of the City.
24. 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.
25. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

## Onsite Engineering

26. Amended plans are to be provided prior to the submission of a Building Permit application, to the satisfaction of the City of Stirling, to address the following:
  - (a) The three (3) car parking bays proposed between the Child Care Premise access and Eleventh Avenue are to be reduced to two (2) car parking bays, to ensure adequate vehicle sight lines and manoeuvring space is provided for all other vehicles and pedestrians, and a safe environment is maintained, to the satisfaction of the City; and
  - (b) The Relative Level of 20.92 at the Child Care Premises is to be deleted from the development plans.
27. Any service area gates and fencing are not to compromise vehicle sight lines for passenger and service vehicles, to the satisfaction of the City.
28. The car parking bays immediately to the south of the ALDI store, noted as being 4.8m long, are to comply with AS/NZS 2890.1 section 2.4.1.(a)(i).
29. The development is to comply with AS/NZS 2890.1:2004 (off street parking facilities), AS 2890.2:2002 (off street commercial vehicle facilities) and AS/NZS 2890.6:2009 (Off street parking for people with disabilities).
30. Stormwater from all roofed and paved areas, including the new Lawry Lane, is to be contained and not allowed to enter any other property or road reserve, to the satisfaction of the City.
31. The levels of the proposed parking areas are to comply with AS/NZS2890.1:2004, to the satisfaction of the City.



32. Vehicular parking, manoeuvring and circulation areas indicated on the approved plans being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.

### **Heritage**

33. The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval.

### **Parks & Sustainability**

34. An amended Landscaping Plan shall be submitted to the City and approved in writing by the City, prior to the submission of a Building Permit.
35. Prior to occupation of the development, 14 Advanced Trees must be planted on site in the areas indicated on the amended Landscaping Plan to be submitted to the City of Stirling and approved in writing prior to the submission of a Building Permit. The tree/s must be provided with a minimum nine (9) square metres of soil space and a minimum dimension of two (2) metres at ground level free of intrusions, and must be maintained for thereafter.
36. All landscaped areas are to be planted, reticulated and mulched in accordance with the approved plan prior to occupation of the development and maintained in accordance with the City of Stirling's Policy 6.6 - Landscaping.
37. All street trees adjoining the subject land as shown on the submitted plans are to be retained and protected. It is the responsibility of the applicant to ensure that the survey plan is correct as any inaccuracy of the plans will not be considered justification for removal of the tree(s) in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence.

### **Department of Planning, Lands and Heritage**

38. Canopy and signage located within the Other Regional Road reservation is to be removed at the time when the reserved land is required for the upgrading of Beaufort Street at the landowners' expense, if required. No structures of a permanent nature (i.e. main supermarket building) are supported within the land set aside for future road widening.

### **General**

39. A Construction Management Plan shall be submitted to the satisfaction of the City of Stirling prior to commencement of works. The Construction Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Construction Management Plan is to be complied with for the duration of the construction of the development.
40. A Waste Management Plan for the site (all tenancies) shall be submitted to the City and approved in writing by the City, prior to the submission of a Building Permit.



41. A Shopping Trolley Management Plan shall be submitted to the City and is to address issues, but not limited to, collection of trolleys from surrounding areas and trolley storage, to the satisfaction of the City.
42. The finished level of pedestrian entrances to all commercial tenancies accessed directly from a public road shall be at the finished pavement level in accordance with Universal Access design standards.
43. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining laneway to the satisfaction of the City.
44. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
  - (a) walls, letterboxes or fences adjoin vehicular access points to the site, or
  - (b) a 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.
45. All blank expanses of ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.
46. 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.
47. All off street parking to be available during business hours for all customers and staff.
48. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.
49. The design and construction of the bicycle bays shall be in accordance with Australian Standard AS 2890.3 (as amended) Parking Facilities Part 3: Bicycle Parking.
50. 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 yards, where provided.
51. Stormwater from all roofed and paved areas to be collected and contained on site.
52. Windows and doors shall not be painted, obscured or otherwise covered in any way, to the satisfaction of the City.
53. A Signage Strategy is to be submitted to the City for approval prior to the occupation of the development.



## **Advice Notes**

### **Engineering Services**

1. Payment to the City of an inspection fee for the construction works within the road reserve is required, in accordance with the approved civil engineering construction plans and based on the following:
  - (a) Where the person has not engaged a consulting engineer to design and supervise the construction, the amount is to be 3% of the cost of the construction as estimated by the City's Engineer Subdivisions and Development Works; and
  - (b) Where the person has engaged a consulting engineer to design and supervise the construction, the amount is to be 1½% of the cost of the construction as estimated by the City's Engineer Subdivisions and Development Works.
2. Payment to the City of a 12 months defects liability period retention bond of 5% is required, for the cost of construction as estimated by the City's Engineer Subdivisions and Development Works for works within the road reserve.
3. The line marking of additional on-street car parking bays and additional parking restriction signage that may be required along the developments Beaufort Street frontage are to be installed by the City at the applicants cost.
4. Where the satisfaction of any condition requires the preparation of a legal agreement or similar instrument, the legal costs, registration fees and stamp duty (including the City's legal costs) must be paid by the owner.
5. 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.

### **Parks and Sustainability**

6. The associated contribution costs for the planting of two (2) new street trees is as follows:
  - i) Cost of new tree: \$655.00 (current cost)
  - ii) Number of new trees required: Two (2)
  - iii) Total for the associated works: \$1,310.00Tree species will be chosen by the City to reflect the surrounding streetscape. Costs include 2 years of watering and the provision that the City will replace the tree should it be damaged or die during that period.
7. An Advanced Tree is defined in Local Planning Policy 6.11 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.'*
8. The development is to be connected to the reticulated sewerage network.



9. Construction noise is to comply with the Environmental Protection (Noise) Regulations. 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. All bin enclosures are to comply with the City of Stirling's Waste Management Local Law 2010.
12. 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.
13. Any areas within the development that could be classed as a public building are to comply with the Health (Public Buildings) Regulations 1992.
14. Delivery vehicles must also comply with the Environmental Protection (Noise) Regulations.
15. Where any legal document or associated document is required under this approval, the applicant is responsible for all costs associated with the preparation and lodgement including the City's legal costs.
16. The easement providing access to Lot 800, HN 908 Beaufort Street, Inglewood (Childcare site) is required to be registered on the Certificate of Title prior to the commencement of construction on site, to the satisfaction of the City.

#### **AMENDING MOTION 1**

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr Suzanne Migdale

The following amendments were made en bloc:

- (i) That condition 1 be amended to read as follows;

*Prior to ~~commencement of development~~ **occupation**, 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. 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 and the Beaufort Street Local Development Plan.*

**REASON:** To provide clarity in terms of timing relating to the need for the tenancy plan. Tenancies were unlikely to be known prior to commencement of the development but would be prior to occupation.



- (ii) That condition 2 be amended to read as follows;

*Amended plans are to be submitted prior to the building permit **for that element**, demonstrating the substation on the south-eastern lot boundary to be relocated to an alternative onsite location, to the satisfaction of the City.*

**REASON:** The amended plans required only relate to the substation and therefore the condition was edited to confirm this and not delay commencement on the remainder of the development.

- (iii) That condition 6 be deleted and the remaining conditions be renumbered accordingly.

**REASON:** The key consideration for traffic management where additional information is required relates to the intersection of tenth and eleventh avenue with Lawry Lane. This matter is adequately dealt with through condition 7. The volume of traffic created by the Aldi application is consistent with previous approvals and information provided at that time.

- (iv) That condition 35 (now condition 34) be amended to read as follows;

*Prior to occupation of the development, 14 Advanced Trees must be planted on site in the areas indicated on the amended Landscaping Plan to be submitted to the City of Stirling and approved in writing prior to the submission of a Building Permit. ~~The tree/s must be provided with a minimum nine (9) square metres of soil space and a minimum dimension of two (2) metres at ground level free of intrusions, and must be maintained for thereafter.~~*

**REASON:** The condition rewording allows for greater flexibility in regard to the maintenance and sustainability measures taken to ensure the trees thrive.

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

## **AMENDING MOTION 2**

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr John Syme

That condition 8 (now condition 7) be deleted and the remaining conditions be renumbered accordingly.

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

For: Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr John Syme

Against: Cr David Boothman  
Cr Suzanne Migdale

**REASON:** The delivery vehicles for the specialty shops on the Beaufort Street frontage will be small vans which can be accommodated. It is not possible to provide rear access to these tenancies. The condition was therefore deleted.

*Karen Hyde*



### AMENDING MOTION 3

**Moved by:** Mr John Syme

**Seconded by:** NIL

That condition 20 (now condition 18) be amended to read as follows:

*The owner is required to construct, drain and provide sufficient illumination to the proposed new Lawry Lane road reserve to the City's satisfaction at the owner's cost prior to occupation. A Performance Bond to the value of \$110,000 is to be lodged with the City as security for compliance with the construction of the new Lawry Lane road reserve and lighting requirement prior to commencing the development.*

**The Amending Motion was LAPSED for want of a seconder**

### ALTERNATE MOTION (AS AMENDED)

That the Metro North-West JDAP resolves to:

**Approve** DAP Application reference DAP/19/01711 and accompanying plans (Attachment 1) for a Mixed Use Development – Shop and Two Restaurants at Lot 104, HN 904 Beaufort Street, Lots 105, 32, 33 and 400, HN 96 Tenth Avenue, and Lawry Lane, 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to:

#### Conditions

##### **Development Services**

1. Prior to occupation, 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. 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 and the Beaufort Street Local Development Plan.
2. Amended plans are to be submitted prior to the building permit for that element, demonstrating the substation on the south-eastern lot boundary to be relocated to an alternative onsite location, to the satisfaction of the City.
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 southern 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. A minimum of 15 bicycle parking bays, comprised of 10 bays allocated for customers and 5 bays allocated for staff of the commercial tenancies, shall be provided onsite prior to the occupation of the development. The design and construction of the bicycle bays shall be in accordance with AS/NZS2890.3:2015.

##### **Land**

*Karen Hyde*



5. Lot 104, House Number 904 Beaufort Street, and Lots 32, 33 and 105, House Number 96 Tenth Avenue, Inglewood shall be amalgamated into a single lot on a Certificate of Title including the land resultant from the closure of Lawry Lane and shall exclude the portion to be dedicated as road to create the new Lawry Lane road reserve in accordance with WAPC Subdivision Application Number 158830, prior to the occupation of the development.

### **Engineering Services**

6. A Road Safety Audit is to be commissioned by an Independent Senior Accredited Safety Auditor which will address the intersections of Tenth Avenue and Eleventh Avenue with Lawry Lane. Any adverse findings and recommendations which affect safety will be addressed by the Applicant prior to practical completion of the development, to the satisfaction of the City.
7. The intersection geometry of Tenth Avenue and Beaufort Street is to be maintained as it exists, unless otherwise agreed by the City's Engineering Services Business Unit.
8. The intersection geometry of Eleventh Avenue and Beaufort Street is to be maintained as it exists, with the exception of a minor modification to the existing splitter island in Eleventh Avenue, shown on the applicants Site Plan Job No. A1803 Drawing No. DA-00 Revision E, submitted to the City on 28 February 2020, and to the satisfaction of the City's Engineering Services Business Unit.
9. The design and construction of the proposed car parking bays and associated works within Tenth Avenue will require a separate approval from the City's Engineering Services Business Unit.
10. Design plans must be submitted and approved by the City's Engineering Services Business Unit prior to commencement of the development, and must include the following:
  - a. Maintain a 7.0m minimum pavement width along Tenth Avenue; and
  - b. Parking bays are to be 2.5m wide x 6.6m long, and surfaced in red bitumen. Construction must be completed to the satisfaction of the City's Engineering Services Business Unit prior to occupancy of the development.
11. All stormwater drainage is to be contained on-site, to the satisfaction of the City.
12. The existing stormwater drainage pits and pipes within the site are to be removed and the existing connection to the City's drainage shall be capped, and to the satisfaction of the City's Engineering Services Business Unit.
13. All proposed awnings must provide a minimum 1.0m clearance to the edge of the road, and to the satisfaction of the City's Engineering Services Business Unit.
14. All redundant crossovers are to be removed, and the developments abutting verges are to be upgraded and paved to match the existing Beaufort Street Activity Centre Styles at the owners cost, including tree plantings where possible, and to the satisfaction of the City's Engineering Services Business Unit.
15. No doors are permitted to open out into the road reserve.



## Rights of Way & Property Services

16. The proposed 6.0m wide relocated Lawry Lane, inclusive of 2.0m x 2.0m corner truncations at the intersections with Tenth Avenue and Eleventh Avenue, as shown on the development plans, is required to be ceded to the Crown free of costs and dedicated as road reserve prior to occupation of the development.
17. The redundant 5.0m wide Lawry Lane reserve is to be closed and amalgamated into the adjoining Lots 105, 32, 33 and 400 prior to occupation of the development.
18. The owner is required to construct, drain and provide sufficient illumination to the proposed new Lawry Lane road reserve to the City's satisfaction at the owner's cost prior to occupation. A Performance Bond to the value of \$110,000 is to be lodged with the City as security for compliance with the construction of the new Lawry Lane road reserve and lighting requirement prior to commencing the development.
19. The owner entering into an appropriate Legal Agreement supported by an Absolute Caveat on the Certificates of Title to Lots 105, 32, 33 and 400 with the City prior to commencing the development with respect to the future maintenance of the new Lawry Lane road reserve (to the satisfaction of the City of Stirling) and include but not be limited to:-
  - (a) repair and maintenance;
  - (b) illumination during the hours between dusk and dawn every day;
  - (c) cleaning and removal of rubbish;
  - (d) in the event the owner fails to maintain the Lawry Lane road reserve to the City's satisfaction, the City may carry out the necessary repair/maintenance in the road reserve at the owners cost;
  - (e) Lawry Lane road reserve is to remain open for use at all times;
  - (f) the City may install future underground services within the Lawry Lane road reserve subject to the owner's approval;
  - (g) the owner is required to hold an appropriate Public Liability policy covering the new Lawry Lane road;
  - (h) no changes to the layout and design of the carpark will be permitted without prior approval of the City;
  - (i) in the event the Owner wishes to terminate this legal agreement, the owner at its own cost will be required to construct, light and drain the Lawry Lane road reserve to the satisfaction of the City;
  - (j) in the event the owner changes the use of the land and/or uses the land for a purpose other than the approved purpose, the City of Stirling may terminate this Legal Agreement and the owner at its own cost will be required to construct, light and drain the Lawry Lane road reserve to the satisfaction of the City; and
  - (k) the owner shall not sell or otherwise transfer the land (or portion of the land) without obtaining from the purchaser of the land a Deed of Covenant whereby the Purchaser agrees to be bound by all the conditions and covenants contained in this Legal Agreement.



## Environmental Health

20. All deliveries to the site and waste collections from the site are to take place between the hours of 7am to 7pm Monday to Saturday and 7am to 7pm Sundays and Public Holidays, unless otherwise provided by a Delivery Management Plan or Waste Management Plan approved by the City.
21. The applicant is to submit information to demonstrate that the actual noise emissions from the development once in operation will not cause or contribute to the assigned noise levels being exceeded at any noise sensitive premises. This information is to be provided to the City within a two month period from the commencement of operation. These levels are not to be exceeded for the life of the development and should noise emissions exceed assigned levels then further noise reduction measures are to be installed and implemented, to the satisfaction of the City.
22. 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.
23. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

## Onsite Engineering

24. Amended plans are to be provided prior to the submission of a Building Permit application, to the satisfaction of the City of Stirling, to address the following:
  - (a) The three (3) car parking bays proposed between the Child Care Premise access and Eleventh Avenue are to be reduced to two (2) car parking bays, to ensure adequate vehicle sight lines and manoeuvring space is provided for all other vehicles and pedestrians, and a safe environment is maintained, to the satisfaction of the City; and
  - (b) The Relative Level of 20.92 at the Child Care Premises is to be deleted from the development plans.
25. Any service area gates and fencing are not to compromise vehicle sight lines for passenger and service vehicles, to the satisfaction of the City.
26. The car parking bays immediately to the south of the ALDI store, noted as being 4.8m long, are to comply with AS/NZS 2890.1 section 2.4.1.(a)(i).
27. The development is to comply with AS/NZS 2890.1:2004 (off street parking facilities), AS 2890.2:2002 (off street commercial vehicle facilities) and AS/NZS 2890.6:2009 (Off street parking for people with disabilities).
28. Stormwater from all roofed and paved areas, including the new Lawry Lane, is to be contained and not allowed to enter any other property or road reserve, to the satisfaction of the City.
29. The levels of the proposed parking areas are to comply with AS/NZS2890.1:2004, to the satisfaction of the City.



30. Vehicular parking, manoeuvring and circulation areas indicated on the approved plans being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.

### **Heritage**

31. The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval.

### **Parks & Sustainability**

32. An amended Landscaping Plan shall be submitted to the City and approved in writing by the City, prior to the submission of a Building Permit.
33. Prior to occupation of the development, 14 Advanced Trees must be planted on site in the areas indicated on the amended Landscaping Plan to be submitted to the City of Stirling and approved in writing prior to the submission of a Building Permit.
34. All landscaped areas are to be planted, reticulated and mulched in accordance with the approved plan prior to occupation of the development and maintained in accordance with the City of Stirling's Policy 6.6 - Landscaping.
35. All street trees adjoining the subject land as shown on the submitted plans are to be retained and protected. It is the responsibility of the applicant to ensure that the survey plan is correct as any inaccuracy of the plans will not be considered justification for removal of the tree(s) in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence.

### **Department of Planning, Lands and Heritage**

36. Canopy and signage located within the Other Regional Road reservation is to be removed at the time when the reserved land is required for the upgrading of Beaufort Street at the landowners' expense, if required. No structures of a permanent nature (i.e. main supermarket building) are supported within the land set aside for future road widening.

### **General**

37. A Construction Management Plan shall be submitted to the satisfaction of the City of Stirling prior to commencement of works. The Construction Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Construction Management Plan is to be complied with for the duration of the construction of the development.
38. A Waste Management Plan for the site (all tenancies) shall be submitted to the City and approved in writing by the City, prior to the submission of a Building Permit.
39. A Shopping Trolley Management Plan shall be submitted to the City and is to address issues, but not limited to, collection of trolleys from surrounding areas and trolley storage, to the satisfaction of the City.



40. The finished level of pedestrian entrances to all commercial tenancies accessed directly from a public road shall be at the finished pavement level in accordance with Universal Access design standards.
41. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining laneway to the satisfaction of the City.
42. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
  - (a) walls, letterboxes or fences adjoin vehicular access points to the site, or
  - (b) a 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.
43. All blank expanses of ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.
44. 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.
45. All off street parking to be available during business hours for all customers and staff.
46. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.
47. The design and construction of the bicycle bays shall be in accordance with Australian Standard AS 2890.3 (as amended) Parking Facilities Part 3: Bicycle Parking.
48. 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 yards, where provided.
49. Stormwater from all roofed and paved areas to be collected and contained on site.
50. Windows and doors shall not be painted, obscured or otherwise covered in any way, to the satisfaction of the City.
51. A Signage Strategy is to be submitted to the City for approval prior to the occupation of the development.



## **Advice Notes**

### **Engineering Services**

1. Payment to the City of an inspection fee for the construction works within the road reserve is required, in accordance with the approved civil engineering construction plans and based on the following:
  - (a) Where the person has not engaged a consulting engineer to design and supervise the construction, the amount is to be 3% of the cost of the construction as estimated by the City's Engineer Subdivisions and Development Works; and
  - (b) Where the person has engaged a consulting engineer to design and supervise the construction, the amount is to be 1½% of the cost of the construction as estimated by the City's Engineer Subdivisions and Development Works.
2. Payment to the City of a 12 months defects liability period retention bond of 5% is required, for the cost of construction as estimated by the City's Engineer Subdivisions and Development Works for works within the road reserve.
3. The line marking of additional on-street car parking bays and additional parking restriction signage that may be required along the developments Beaufort Street frontage are to be installed by the City at the applicants cost.
4. Where the satisfaction of any condition requires the preparation of a legal agreement or similar instrument, the legal costs, registration fees and stamp duty (including the City's legal costs) must be paid by the owner.
5. 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.

### **Parks and Sustainability**

6. The associated contribution costs for the planting of two (2) new street trees is as follows:
  - i) Cost of new tree: \$655.00 (current cost)
  - ii) Number of new trees required: Two (2)
  - iii) Total for the associated works: \$1,310.00Tree species will be chosen by the City to reflect the surrounding streetscape. Costs include 2 years of watering and the provision that the City will replace the tree should it be damaged or die during that period.
7. An Advanced Tree is defined in Local Planning Policy 6.11 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.'*
8. The development is to be connected to the reticulated sewerage network.



9. Construction noise is to comply with the Environmental Protection (Noise) Regulations. 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. All bin enclosures are to comply with the City of Stirling's Waste Management Local Law 2010.
12. 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.
13. Any areas within the development that could be classed as a public building are to comply with the Health (Public Buildings) Regulations 1992.
14. Delivery vehicles must also comply with the Environmental Protection (Noise) Regulations.
15. Where any legal document or associated document is required under this approval, the applicant is responsible for all costs associated with the preparation and lodgement including the City's legal costs.
16. The easement providing access to Lot 800, HN 908 Beaufort Street, Inglewood (Childcare site) is required to be registered on the Certificate of Title prior to the commencement of construction on site, to the satisfaction of the City.

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

**REASON:** The panel did not move to support the RAR recommendation for deferral as many of the reasons for deferral could be managed by way of conditions. The alternate approval with conditions provided by the City was amended by the panel to provide greater clarity, certainty and validity to the conditional approval which was ultimately supported unanimously by panel members.

*Cr David Boothman and Cr Suzanne Migdale left the panel at 11:00am.*

*Cr Suzanne Thompson and Cr Philippa Taylor joined the panel at 11:00am.*



## 8.2 Lot 407 (3) Glenelg Place, Connolly

Development Description: Multiple Dwelling Development (27 New Apartments)  
Applicant: Resolve Group Pty Ltd  
Owner: Jowebo Investments Pty Ltd  
Responsible Authority: City of Joondalup  
DAP File No: DAP/19/01696

### REPORT RECOMMENDATION

**Moved by:** Cr Suzanne Thompson

**Seconded by:** Ms Karen Hyde

1. **Accept** that the DAP Application reference DAP/19/01696 is appropriate for consideration as a "Multiple Dwelling" land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Joondalup Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/19/01696 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Metropolitan Region Scheme* and the *City of Joondalup Local Planning Scheme No.3* subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This approval relates to the 27 multiple dwelling development and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
4. A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
  - all forward works for the site;
  - the delivery of materials and equipment to the site;
  - the storage of materials and equipment on the site;
  - traffic, access and parking arrangements for the contractors and subcontractors;
  - the management of noise, vibration and dust during the construction process; and
  - other matters likely to impact on the surrounding properties.



Works shall be undertaken in accordance with the approved Construction Management Plan.

5. A full schedule of colours and materials for all exterior parts of the building (including retaining walls and detail on the 'artwork panels' to the exterior of the lift shaft) is to be submitted to the City and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
6. A detailed landscaping plan shall be submitted to, and approved, by the City prior to commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:
  - be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - provide all details relating to paving, treatment of verges and tree plantings, including treatment of rootable soil zones;
  - provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
  - include suitable tree species to the eastern boundary that minimise maintenance that could be required by adjoining residents to the east due to leaf fall;
  - be based on water sensitive urban design and designing out crime principles.
7. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City.
8. An arborist report shall be submitted to and approved by the City prior to commencement of development. The arborist report shall include an assessment of all existing trees indicated for retention on the approved plans and appropriate methods to ensure their protection during and after construction.
9. A Waste Management Plan indicating the method of rubbish collection is to be submitted and approved by the City prior to the commencement of development. Waste management shall be implemented in accordance with the approved Waste Management Plan.
10. Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of development and lighting shall be installed in accordance with the approved lighting plan.
11. Any proposed building plant and equipment, including air conditioning units, piping and ducting shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.

*Karen Hyde*



12. Details of all units indicated as being designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia) shall be submitted to and approved by the City prior to commencement of development. Works shall be undertaken in accordance with these approved details.
13. Detailed plans for modifications within the verge, including changes to kerbing, new pedestrian paths and landscaping, shall be submitted to and approved by the City prior to commencement of development. Works shall be undertaken in accordance with the approved drawings, at the developer's expense, to the satisfaction of the City.
14. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
15. Walls, fences and other structures shall be no higher than 0.75 metres within 1.5 metres of where the driveway meets the front boundary, to provide adequate sightlines.
16. The five on-site visitor bays shall be marked and permanently made available for visitor parking and shall remain accessible to visitors.
17. Bicycle parking facilities provided shall be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of development.
18. All development shall be contained within the property boundaries, unless otherwise approved by the City.
19. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
20. Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards;
21. Fencing and gates to the basement parking area entrance, the communal open space area and Unit 2 and 3 courtyards as shown on the approved plans, shall be visually permeable as defined by *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*;



22. The 'privacy screens' for the balconies of Units 9, 16 and 23 shall comply with the definition of screening under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*. All screening shall be a minimum of 1.6 metres above the finished floor level, at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining dwelling. All screening shall be installed to the satisfaction of the City prior to occupation of the dwellings.
23. The applicant/owner shall register an easement over the existing car parking bays in the south western corner of the site which are accessed via Lot 404 Glenelg Place in order to maintain their use by the Connolly Community Centre. The easement shall be at the developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of title, prior to occupation of the development.

### Advice Notes

1. With respect to the schedule of colours and materials, the City encourages the developer to incorporate materials and colours to the external surface of the building and associated structures, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
2. The development is to comply with the *Environmental Protection Act 1986*, the *Environmental Protection (Noise) Regulations 1997* and the recommendations made in the Acoustic Report by Herring Storer Acoustics dated September 2019 (reference number 24854-2-19254).
3. The bin store area is to be designed and equipped to the satisfaction of the City. It shall be provided with a hose cock and have a concrete floor graded to a floor waste connected to sewer.
4. All laundry areas to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
5. Ventilation to toilets and any other room which contains a W/C must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and mechanical ventilation to the basement car park is to comply with the relevant Australian Standards.

### The Report Recommendation was put and CARRIED (4/1).

For: Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr John Syme  
Cr Suzanne Thompson

Against: Cr Philippa Taylor



**REASON:** The Recommendation in the RAR was supported on the basis that the development was contemplated in the zoning and R Code applicable to the site, the land use and typology of dwellings provided diversity of accommodation for the centre and the built form was generally compliant with SPP7.3 acceptable outcomes. Noting the community submissions regarding overlooking and overshadowing, the panel carefully considered the plans and conditions and found them to be responsive to those submissions regarding tree species, privacy and setbacks. It was also noted that the development was not restricting the car parking associated with the community centre which was a beneficial outcome. Whilst alternate designs could have been contemplated for the site the majority of the panel were of the view that a favourable decision could be made on this application.

*Cr Suzanne Thompson and Cr Philippa Taylor left the panel at 12:26pm.  
Cr David Boothman and Cr Suzanne Migdale rejoined the panel at 12:26pm.*

**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil

**10 State Administrative Tribunal Applications and Supreme Court Appeals**

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01557 DR159/2019	City of Joondalup	Lot 104 & 105 (8 & 10) Brechin Court, Duncraig	3 Levels, 16 Apartments, Multiple Dwellings	01/08/2019

**11 General Business**

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.

**12 Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 1:15pm.