



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 27 August 2021; 9.00am
Meeting Number: MINJDAP/101
Meeting Venue: City of Stirling
25 Cedric Street, Stirling

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.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	5
	Nil.....	5
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	5
	Nil.....	5
10.	State Administrative Tribunal Applications and Supreme Court Appeals	5
	10.1 331 (Lot 1) West Coast Drive, Trigg	5
11.	General Business.....	21
12.	Meeting Closure	22



Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Cr Suzanne Migdale (Local Government Member, City of Stirling)
Cr Felicity Farrelly (Local Government Member, City of Stirling)

Officers in attendance

Ms Amanda Sheers (City of Stirling)
Mr Fraser Henderson (City of Stirling)
Ms Giovanna Lumbaca (City of Stirling)
Ms Karina Bowater (City of Stirling)
Mr Russell Jackson (City of Stirling)

Minute Secretary

Mr Jackson Mawby (City of Stirling)
Ms Regan Clyde (City of Stirling)
Ms Mikayla Philips (City of Stirling)

Applicants and Submitters

Mr Murray Casselton (element)
Mr Craig Wallace (Lavan Legal)
Mr Stefan Oh (MJA Studio)
Mr Damiano Lombardo (Cundall)
Mr Peter Damen (Level5Design)
Mr Phillip Anderson (Momentum Wealth)
Mr Craig Muir (GHD)
Mr Julius Skinner (Thomson Geer)
Mayor Mark Irwin (City of Stirling)
Mr Nicholas Burton
Mr Wayne Blakeney
Mr Richard Elliot
Mr Roy Burton
Ms Peta Pagnozzi
Mr Michael Lawson

Members of the Public / Media

There were 30 members of the public in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.12am on 27 August 2021 and acknowledged the traditional owners and paid 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

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

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Ms Francesca Lefante, declared that she participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Ms Francesca Lefante acknowledged that she is not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before her, which will be considered on its planning merits.



7. Deputations and Presentations

- 7.1** Mr Wayne Blakeney addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.2** Mr Richard Elliot addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.3** Mr Craig Muir (GHD) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.4** Mr Roy Burton addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.5** Ms Peta Pagnozzi addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.6** Mr Julius Skinner (Thomson Geer) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.7** Mr Michael Lawson addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.8** Mr Nicholas Burton addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.9** Mayor Mark Irwin (City of Stirling) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.10** Mr Craig Wallace (Lavan) addressed the DAP against the recommendation for the application at Item 10.1.
- 7.11** Mr Stefan Oh (MJA Studio) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.12** Mr Damiano Lombardo (Cundall) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.13** Mr Peter Damen (Level 5 Design Pty Ltd) addressed the DAP against the recommendation for the application at Item 10.1.
- 7.14** Mr Murray Casselton (element) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.15** Mr Philip Anderson (Momentum Wealth) addressed the DAP against the recommendation for the application at Item 10.1.
- 7.16** The City of Stirling Officers addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.



PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Ms Suzanne Migdale

That the meeting be adjourned to allow members a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow members a comfort break.

The meeting was adjourned at 12.07pm.

The meeting was reconvened at 12.21pm.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 331 (Lot 1) West Coast Drive, Trigg

Development Description: Mixed Use Development – Six (6) Multiple Dwellings and One (1) Commercial Tenancy

Summary of Modifications: Submission of additional information and amended plans, modifications of the plans to change the ground floor use class to Office and removal of one (1) Multiple Dwelling

Applicant: Element

Owner: MW Investments No 9 Pty Ltd

Responsible Authority: City of Stirling

DAP File No: DAP/19/01722



REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: Cr Felicity Farrelly

1. That the Metro Inner-North JDAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 155/2020 of 2020, resolves to:

Reconsider its decision dated 23 March 2021 and **AFFIRM** its decision to **Refuse** DAP Application reference DAP/19/01722 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for the Mixed Use Development - Six (6) Multiple Dwellings and One (1) Commercial Tenancy at Lot 1, House Number 331 West Coast Drive, Trigg, for the following reasons:

- a) Pursuant to Schedule 2, Part 9, Clause 67(2) (m) and (n) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the height, bulk and scale of the proposed development is not compatible with its setting and has a significant negative impact on the immediate locality.
 - b) Pursuant to Schedule 2, Part 9, Clause 67(2) (g) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the height, bulk and scale of the proposed development does not satisfy the design intent and policy objectives of Local Planning Policy 4.2 – Mixed Use Design Guidelines, in respect to building height.
 - c) Pursuant to Schedule 2, Part 9, Clause 67(2) (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the bulk and scale of the proposed development does not satisfy Element Objective 2.5.1 of State Planning Policy 7.3 Residential Design Codes – Volume 2, in respect to plot ratio.
2. That Council REITERATES the reasons of refusal by the Metro Inner-North Joint Development Assessment Panel from its meeting held 23 March 2021, specifically in relation to the design, scale and massing of the proposed building which manifests in unacceptable impacts in terms of overshadowing and plot ratio, as no real changes have been made to the proposal since this meeting.
 3. That Council ADVISES the Metro Inner-North Joint Development Assessment Panel that a further development approval may not be required to change the Office land use to a Restaurant land use in the future and the car parking for a Restaurant land use will have a significant negative impact on the local streets surrounding the site.

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

For: Cr Suzanne Migdale
Cr Felicity Farrelly

Against: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme



ALTERNATE MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

That the Metro Inner-North JDAP Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 155/2020 of 2020, resolves to:

Reconsider its decision dated 23 March 2021 and **SET ASIDE the decision and substitute a new** decision to **APPROVE** DAP Application reference DAP/19/01722 and amended plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, to approve the Mixed Use Development - Six (6) Multiple Dwellings and One (1) Commercial Tenancy at Lot 1, House Number 331 West Coast Drive, Trigg, subject to the following conditions:

Conditions

Development Services

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 four (4) 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. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the development approval issued and are listed below:



Drawing Title	Date	Drawing Number	Revision	Drawn By
Existing Survey + Demolition Plan	8 June 2021	DA.00	A	MJA Studio
Floor Plan Lower + Upper Ground	8 June 2021	DA.01	A	MJA Studio
Floor Plan First + Second Floors	8 June 2021	DA.02	A	MJA Studio
Floor Plans Penthouse & Roof	8 June 2021	DA.03	A	MJA Studio
Elevations West & North	8 June 2021	DA.04	A	MJA Studio
Elevations East & South	8 June 2021	DA.05	A	MJA Studio
Sections	8 June 2021	DA.06	A	MJA Studio
Street Perspective 1	8 June 2021	DA.07	A	MJA Studio
Street Perspective 2	8 June 2021	DA.08	A	MJA Studio
Yield & Plot Ratio	8 June 2021	DA.09	A	MJA Studio
Overshadowing	8 June 2021	DA.10	A	MJA Studio
Overshadowing	8 June 2021	DA.11	A	MJA Studio
Landscape Calcs & Setback Diagrams	8 June 2021	DA.12	A	MJA Studio

4. Prior to the submission of the Building Permit, an amended Floor Plan & Elevations is to be submitted to the City of Stirling's satisfaction which demonstrates privacy screening as per the definition in SPP7.3 Volume 2, to the southern elevation of the balconies to Apartments 1.02 and 2.01.
5. Prior to occupation of the development, all privacy screening shall be visually impermeable, to the satisfaction of the City of Stirling.
6. Prior to the occupation of the development, 20% of the dwellings are to meet the Silver Level requirements of the Liveable Housing Design Guidelines as per the amended Planning Report received 16 June 2021 as prepared by Element to achieve the Element Objectives of Element 4.9 - Universal Design of State Planning Policy 7.3, Volume 2, to the satisfaction of the City of Stirling.
7. All Energy Efficiency measures as identified by the amended Planning Report received 16 June 2021 as prepared by Element are to be incorporated into the building design and implemented prior to the occupancy of the development to achieve the Element Objectives of Element 4.15 – Energy Efficiency of State Planning Policy 7.3, Volume 2, to the satisfaction of the City of Stirling.



8. The development is to achieve all Water Management and Conservation measures as identified by the amended Planning Report received 16 June 2021 as prepared by Element, and is to satisfy the Element Objectives of Element 4.16 – Water Management and Conservation of State Planning Policy 7.3, Volume 2, to the satisfaction of the City of Stirling.

Offsite Engineering

9. Prior to the submission of the Building Permit, an amended Site & Floor Plan is to be submitted to the City of Stirling's satisfaction, to provide a Car Embayment Bay within the Bennion Street verge area, with the existing footpath widened to a minimum 1.8m along the Bennion Street frontage, to the satisfaction of the City of Stirling.
10. Prior to practical completion of the development, the Car Embayment Bay, Bennion Street crossover and associated driveway, all associated road asset at the Bennion Street/West Coast Drive intersection and the adjacent crossover and verge re-alignment at House Number 4, Bennion Street, Trigg are to be constructed to the satisfaction of the City of Stirling, at the landowner's expense.
11. Prior to the lodgement of a Building Permit, detailed civil engineering construction drawings are to be prepared by a suitably qualified consultant which demonstrate the following works:
 - a. the Car Embayment Bay within the Bennion Street verge area;
 - b. the footpath widened to a minimum of 1.8m along the Bennion Street frontage;
 - c. all associated road assets at the Bennion Street/West Coast Drive intersection;
 - d. the adjacent crossover and verge re-alignment at House Number 4, Bennion Street, Trigg.

These drawings are to be submitted for written approval to the satisfaction of the City of Stirling

12. Prior to the occupation of the development, the City of Stirling is to be provided with "as constructed" copies in '.dwg' format, of all road and drainage modification works.
13. Prior to the occupation of the development, a payment is to be made to the City of Stirling of an inspection fee equivalent to 1½% of the tendered cost of construction works within the road reserve.
14. Prior to the occupation of the development, a payment to the City of Stirling of a 12 months defects liability period retention bond of 5% is required for the construction of all roads and associated drainage works, as estimated by the City of Stirling.
15. Prior to occupation of the development, appropriate parking restriction signage for the on-street car parking bay in Bennion Street is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development.



On-site Engineering

16. The number and allocation of car parking bays is to be provided on-site as follows:
 - a. 10 residential car parking bays;
 - b. 2 residential visitor car parking bays; and
 - c. 8 non-residential car parking bays, including 6 bays in the basement and 2 bays at ground floor level, available to the public.
17. Prior to the submission of a Building Permit, sufficient certification is to be submitted to the City of Stirling confirming the design of all on-site car parking bays are compliant with the Australian Standards AS/NZS 2890.1, AS 2890.2, AS/NZS 2890.6 and AS 2890.3, to the satisfaction of the City of Stirling.
18. Signage is to be positioned to face vehicles approaching the site from both north and south along West Coast Drive to advise of bay availability for the residential visitors and non-residential parking in the basement.
19. Prior to the occupation of the development, the Parking Management Plan contained in the Amended Transport Impact Statement prepared by Level 5 Design dated June 2021, is to be modified to address the reallocation of parking bays on-site, and to be submitted to the City for written approval, to the satisfaction of the City of Stirling.
20. Unless otherwise approved, no further 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.
21. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
22. The crossover shall be designed and constructed in accordance with the City of Stirling 's Local Planning Policy 6.7 - Parking and Access. The crossover is to be installed prior to occupation of the development.
23. Prior to the occupation of the development, the redundant crossovers shall be removed and the kerbing and road reserve reinstated at the owners cost in accordance with the City of Stirling's Local Planning Policy 6.7 – Parking and Access.

Environmental Health

24. All noise attenuation measures identified by the Environmental Acoustic Report prepared by Lloyd George Acoustics dated 8 June 2021 are to be incorporated into the building design and implemented prior to the occupation of the development.



25. Unless otherwise agreed, 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, to the satisfaction of the City of Stirling.
26. 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.
27. Any outside lighting to comply with Australian Standards AS4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

Parks & Sustainability

28. Prior to occupation of the development, a minimum of two (2) Advanced trees must be planted on site in the area indicated on the approved plan and be thereafter maintained. The trees 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, to the satisfaction of the City of Stirling.
29. All landscaped areas are to be planted, reticulated and mulched prior to the occupation of the development and maintained thereafter in accordance with the City of Stirling 's Local Planning Policy 6.6 – Landscaping.

General

30. 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.
31. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupation of the development, where a concealed drying area is not provided exclusively for the dwelling.
32. A minimum of 14 bicycle parking bays allocated for customers of the commercial tenancy 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 AS2890.3:2015.
33. A minimum of four (4) bicycle parking bays allocated to the residents and residential visitors of the multiple dwellings 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 AS2890.3:2015.
34. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the commencement of development. The Site Management Plan shall address dust, noise, waste management, parking, traffic, storage of materials and site safety / security. The Site Management Plan is to be complied with for the duration of the construction of the development.
35. Stormwater from all roofed and paved areas to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.



36. No goods or materials are to be 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.
37. All external fixtures, building services and utilities of the development are to be integrated into the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive areas, in accordance with State Planning Policy 7.3 – Residential Design Codes, Volume 2 (Element 4.18 Utilities), to the satisfaction of the City of Stirling.
38. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City of Stirling to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
2. In regards to the approved land use, any proposal to change the land use may require further approval in accordance with the City of Stirling's Local Planning Scheme No.3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Engineering Services

3. 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 of Stirling.
4. In relation to the bond for works within the road reserve, the 12 months defects liability period will commence from the date of practical completion, and the bond will be returned upon successful completion of any defects that may have arisen during that period.

Parks & Sustainability

5. In reference to the condition regarding Advanced trees, 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.'*



Environmental Health

6. The following advice is provided from the City of Stirling's Environmental Health Services Business Unit:
 - a. The demolition is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - b. A Dust Management Plan is required for the demolition.
 - c. The demolition is to comply with the *Health (Asbestos) Regulations 1992*.
 - d. The building is to comply with the provisions of the *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*.
 - e. Mechanical services are to comply with Australian Standards AS1668.2 Provide compliance certification of installation of all mechanical services.
 - f. If a water based system is selected, the air conditioning system to comply with the provisions of the Health (Air-Handling & Water Systems) Regulations 1994.
 - g. Plumbing is to comply with the Plumbing Code of Australia. Compliance certification of installation of all hydraulic services is to be provided.
 - h. Noise is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - i. Copies of the Environmental Noise Report, Ambient Noise Assessment Report & BCA Part F5 Report are to be provided to the City as per Lloyd George Acoustics Report; 19095200-01c DA Acoustic; Part 5 Future Reporting. Consultants recommendations contained within 4.1, 4.2 and 4.3 are to be considered and addressed in the above reports. The noise report is also to consider truck delivery days and times, and servicing times of commercial waste and recycling bins.
 - j. The car parking is to comply with the provisions of the *Health Act (Carbon Monoxide) Regulations 1975*. Ventilation of underground car park to comply with Australian Standard AS1668.2.
 - k. All areas within the development that are classed as a public building are to comply with the *Health (Public Buildings) Regulations 1992*.
 - l. Development to comply in all respects with the *Health (Public Building) Regulations 1992*.
 - m. Delivery vehicles must comply with the *Environmental Protection (Noise) Regulations*.

General

7. Construction noise is to comply with the *Environmental Protection (Noise) Regulations*. Noisy Construction Work outside the period 7 am to 7 pm 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 by the City of Stirling.
8. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
9. The development is to be connected to the reticulated sewerage network.



AMENDING MOTION 1

Moved by: Ms Francesca Lefante

Seconded by: Ms Lee O'Donohue

That condition no. 16 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme

Against: Cr Suzanne Migdale
Cr Felicity Farrelly

REASON: The proposal is considered to include sufficient on-site parking. The variation to visitor parking is not considered to substantially impact the amenity of the area given the location of public parking areas and on-street parking in the local area, for which there are limited parking restrictions.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-North JDAP Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 155/2020 of 2020, resolves to:

Reconsider its decision dated 23 March 2021 and **SET ASIDE the decision and substitute a new** decision to **APPROVE** DAP Application reference DAP/19/01722 and amended plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, to approve the Mixed Use Development - Six (6) Multiple Dwellings and One (1) Commercial Tenancy at Lot 1, House Number 331 West Coast Drive, Trigg, subject to the following conditions:

Conditions

Development Services

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 four (4) 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. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the development approval issued and are listed below:



Drawing Title	Date	Drawing Number	Revision	Drawn By
Existing Survey + Demolition Plan	8 June 2021	DA.00	A	MJA Studio
Floor Plan Lower + Upper Ground	8 June 2021	DA.01	A	MJA Studio
Floor Plan First + Second Floors	8 June 2021	DA.02	A	MJA Studio
Floor Plans Penthouse & Roof	8 June 2021	DA.03	A	MJA Studio
Elevations West & North	8 June 2021	DA.04	A	MJA Studio
Elevations East & South	8 June 2021	DA.05	A	MJA Studio
Sections	8 June 2021	DA.06	A	MJA Studio
Street Perspective 1	8 June 2021	DA.07	A	MJA Studio
Street Perspective 2	8 June 2021	DA.08	A	MJA Studio
Yield & Plot Ratio	8 June 2021	DA.09	A	MJA Studio
Overshadowing	8 June 2021	DA.10	A	MJA Studio
Overshadowing	8 June 2021	DA.11	A	MJA Studio
Landscape Calcs & Setback Diagrams	8 June 2021	DA.12	A	MJA Studio

4. Prior to the submission of the Building Permit, an amended Floor Plan & Elevations is to be submitted to the City of Stirling's satisfaction which demonstrates privacy screening as per the definition in SPP7.3 Volume 2, to the southern elevation of the balconies to Apartments 1.02 and 2.01.
5. Prior to occupation of the development, all privacy screening shall be visually impermeable, to the satisfaction of the City of Stirling.
6. Prior to the occupation of the development, 20% of the dwellings are to meet the Silver Level requirements of the Liveable Housing Design Guidelines as per the amended Planning Report received 16 June 2021 as prepared by Element to achieve the Element Objectives of Element 4.9 - Universal Design of State Planning Policy 7.3, Volume 2, to the satisfaction of the City of Stirling.
7. All Energy Efficiency measures as identified by the amended Planning Report received 16 June 2021 as prepared by Element are to be incorporated into the building design and implemented prior to the occupancy of the development to achieve the Element Objectives of Element 4.15 – Energy Efficiency of State Planning Policy 7.3, Volume 2, to the satisfaction of the City of Stirling.



8. The development is to achieve all Water Management and Conservation measures as identified by the amended Planning Report received 16 June 2021 as prepared by Element, and is to satisfy the Element Objectives of Element 4.16 – Water Management and Conservation of State Planning Policy 7.3, Volume 2, to the satisfaction of the City of Stirling.

Offsite Engineering

9. Prior to the submission of the Building Permit, an amended Site & Floor Plan is to be submitted to the City of Stirling's satisfaction, to provide a Car Embayment Bay within the Bennion Street verge area, with the existing footpath widened to a minimum 1.8m along the Bennion Street frontage, to the satisfaction of the City of Stirling.
10. Prior to practical completion of the development, the Car Embayment Bay, Bennion Street crossover and associated driveway, all associated road asset at the Bennion Street/West Coast Drive intersection and the adjacent crossover and verge re-alignment at House Number 4, Bennion Street, Trigg are to be constructed to the satisfaction of the City of Stirling, at the landowner's expense.
11. Prior to the lodgement of a Building Permit, detailed civil engineering construction drawings are to be prepared by a suitably qualified consultant which demonstrate the following works:
 - a. the Car Embayment Bay within the Bennion Street verge area;
 - b. the footpath widened to a minimum of 1.8m along the Bennion Street frontage;
 - c. all associated road assets at the Bennion Street/West Coast Drive intersection;
 - d. the adjacent crossover and verge re-alignment at House Number 4, Bennion Street, Trigg.

These drawings are to be submitted for written approval to the satisfaction of the City of Stirling

12. Prior to the occupation of the development, the City of Stirling is to be provided with "as constructed" copies in '.dwg' format, of all road and drainage modification works.
13. Prior to the occupation of the development, a payment is to be made to the City of Stirling of an inspection fee equivalent to 1½% of the tendered cost of construction works within the road reserve.
14. Prior to the occupation of the development, a payment to the City of Stirling of a 12 months defects liability period retention bond of 5% is required for the construction of all roads and associated drainage works, as estimated by the City of Stirling.
15. Prior to occupation of the development, appropriate parking restriction signage for the on-street car parking bay in Bennion Street is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development.



On-site Engineering

16. Prior to the submission of a Building Permit, sufficient certification is to be submitted to the City of Stirling confirming the design of all on-site car parking bays are compliant with the Australian Standards AS/NZS 2890.1, AS 2890.2, AS/NZS 2890.6 and AS 2890.3, to the satisfaction of the City of Stirling.
17. Signage is to be positioned to face vehicles approaching the site from both north and south along West Coast Drive to advise of bay availability for the residential visitors and non-residential parking in the basement.
18. Prior to the occupation of the development, the Parking Management Plan contained in the Amended Transport Impact Statement prepared by Level 5 Design dated June 2021, is to be modified to address the reallocation of parking bays on-site, and to be submitted to the City for written approval, to the satisfaction of the City of Stirling.
19. Unless otherwise approved, no further 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.
20. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
21. The crossover shall be designed and constructed in accordance with the City of Stirling 's Local Planning Policy 6.7 - Parking and Access. The crossover is to be installed prior to occupation of the development.
22. Prior to the occupation of the development, the redundant crossovers shall be removed and the kerbing and road reserve reinstated at the owners cost in accordance with the City of Stirling's Local Planning Policy 6.7 – Parking and Access.

Environmental Health

23. All noise attenuation measures identified by the Environmental Acoustic Report prepared by Lloyd George Acoustics dated 8 June 2021 are to be incorporated into the building design and implemented prior to the occupation of the development.
24. Unless otherwise agreed, 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, to the satisfaction of the City of Stirling.
25. 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.



26. Any outside lighting to comply with Australian Standards AS4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

Parks & Sustainability

27. Prior to occupation of the development, a minimum of two (2) Advanced trees must be planted on site in the area indicated on the approved plan and be thereafter maintained. The trees 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, to the satisfaction of the City of Stirling.
28. All landscaped areas are to be planted, reticulated and mulched prior to the occupation of the development and maintained thereafter in accordance with the City of Stirling 's Local Planning Policy 6.6 – Landscaping.

General

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 occupation of the development, where a concealed drying area is not provided exclusively for the dwelling.
31. A minimum of 14 bicycle parking bays allocated for customers of the commercial tenancy 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 AS2890.3:2015.
32. A minimum of four (4) bicycle parking bays allocated to the residents and residential visitors of the multiple dwellings 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 AS2890.3:2015.
33. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the commencement of development. The Site Management Plan shall address dust, noise, waste management, parking, traffic, storage of materials and site safety / security. The Site Management Plan is to be complied with for the duration of the construction of the development.
34. Stormwater from all roofed and paved areas to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.
35. No goods or materials are to be 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.



36. All external fixtures, building services and utilities of the development are to be integrated into the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive areas, in accordance with State Planning Policy 7.3 – Residential Design Codes, Volume 2 (Element 4.18 Utilities), to the satisfaction of the City of Stirling.
37. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City of Stirling to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
2. In regards to the approved land use, any proposal to change the land use may require further approval in accordance with the City of Stirling's Local Planning Scheme No.3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Engineering Services

3. 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 of Stirling.
4. In relation to the bond for works within the road reserve, the 12 months defects liability period will commence from the date of practical completion, and the bond will be returned upon successful completion of any defects that may have arisen during that period.

Parks & Sustainability

5. In reference to the condition regarding Advanced trees, 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.'*



Environmental Health

6. The following advice is provided from the City of Stirling's Environmental Health Services Business Unit:
 - a. The demolition is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - b. A Dust Management Plan is required for the demolition.
 - c. The demolition is to comply with the *Health (Asbestos) Regulations 1992*.
 - d. The building is to comply with the provisions of the *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*.
 - e. Mechanical services are to comply with Australian Standards AS1668.2 Provide compliance certification of installation of all mechanical services.
 - f. If a water based system is selected, the air conditioning system to comply with the provisions of the Health (Air-Handling & Water Systems) Regulations 1994.
 - g. Plumbing is to comply with the Plumbing Code of Australia. Compliance certification of installation of all hydraulic services is to be provided.
 - h. Noise is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - i. Copies of the Environmental Noise Report, Ambient Noise Assessment Report & BCA Part F5 Report are to be provided to the City as per Lloyd George Acoustics Report; 19095200-01c DA Acoustic; Part 5 Future Reporting. Consultants recommendations contained within 4.1, 4.2 and 4.3 are to be considered and addressed in the above reports. The noise report is also to consider truck delivery days and times, and servicing times of commercial waste and recycling bins.
 - j. The car parking is to comply with the provisions of the *Health Act (Carbon Monoxide) Regulations 1975*. Ventilation of underground car park to comply with Australian Standard AS1668.2.
 - k. All areas within the development that are classed as a public building are to comply with the *Health (Public Buildings) Regulations 1992*.
 - l. Development to comply in all respects with the *Health (Public Building) Regulations 1992*.
 - m. Delivery vehicles must comply with the *Environmental Protection (Noise) Regulations*.

General

7. Construction noise is to comply with the *Environmental Protection (Noise) Regulations*. Noisy Construction Work outside the period 7 am to 7 pm 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 by the City of Stirling.
8. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
9. The development is to be connected to the reticulated sewerage network.



The Report Recommendation (as amended) was put and CARRIED (3/2).

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme

Against: Cr Suzanne Migdale
Cr Felicity Farrelly

REASON: The majority of the Panel considered that the latest development proposal is consistent with the planning framework, including LPS3, local centre provisions, LLP4.2 and R-Codes. The inclusion of an office use on the ground floor is a permitted use and considered appropriate in terms of meeting the needs of the community, and has addressed the parking and servicing issues raised in the local area from the previous café/restaurant.

The Panel gave due regard of the provisions of LPP4.2 and formed the opinion that the changes made to the development plans along the southern elevation have reduced the bulk and scale of the building and improved the interface between the proposal and adjoining lower zoned properties. The upper floor penthouse is not considered to impact on the streetscape due to the setback, design, materials and colours and accordingly the building height was supported. The Panel considered that the overshadowing and orientation impacts on adjoining property are acceptable given the changes in building form, recessed upper floor, boundary setback increases, locational aspects of the site and RAR comments. The Panel concurred with DRP comments on the design, materials and finishes of development

Overall, it was considered that the variations to height and plot ratio could now be supported on the basis of improvements to the building design, increased setbacks and reduced impact on the surrounding residential area.

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

Ms Francesca Lefante 
Presiding Member, Metro Inner-North JDAP



12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2.03pm.

A handwritten signature in black ink, appearing to be 'F. Lefante', written over a horizontal line.