



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

**Meeting Date and Time:** 28 June 2019; 3:00PM  
**Meeting Number:** MNWJDAP/262  
**Meeting Venue:** City of Joondalup  
90 Boas Avenue, Joondalup

### **Attendance**

#### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Fred Zuideveld (Specialist Member)

#### *Item 8.1*

Cr Giovanni Italiano (Local Government Member, City of Stirling)  
Cr Bianca Sandri (Local Government Member, City of Stirling)

#### *Item 10.1*

Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)  
Cr Nige Jones (Local Government Member, City of Joondalup)

### **Officers in attendance**

#### *Item 8.1*

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

#### *Item 10.1*

Mr Jeremy Thompson (City of Joondalup)  
Mr Chris Leigh (City of Joondalup)  
Ms Katherine McKelvie (Department of Planning, Lands and Heritage)

### **Minute Secretary**

Ms Wendy Cowley (City of Joondalup)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Kris Nolan (Urbis)  
Mr Sean Morrison (Urbis)  
Ms Emma Dunning (Urbis)  
Mr Simon Walker (Modus)  
Mr Peter Breckenridge (Metrowest)  
Mr Cory Fee (eDriving LLC)



*Item 10.1*

Mr Neil Teo (Dynamic Planning)  
Mr Julius Skinner (LSV Borello Lawyers)  
Mr Tim Reynolds (Herring Storer Acoustics)  
Ms Patricia Grimmer  
Ms Nannette Brammer  
Mr Geoff Wilkinson  
Ms Shailee Desai

**Members of the Public / Media**

There were 29 members of the public in attendance.

Ms Tyler Brown from Community News was in attendance.

**1. Declaration of Opening**

The Presiding Member declared the meeting open at 3.00 pm on 28 June 2019 and acknowledged the past and present traditional owners and custodians 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*.

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

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.

**2. Apologies**

Cr David Boothman (Local Government Member, City of Stirling)  
Cr Philippa Taylor (Local Government Member, City of Joondalup)

**3. Members on Leave of Absence**

Nil

**4. Noting of Minutes**

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

**5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.



## 6. Disclosure of Interests

DAP Member, Cr Giovanni Italiano, declared an impartiality interest in item 8.1. One of the land owners is known to Cr Italiano.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

- 7.1 Mr Cory Fee (eDriving LLC) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Emma Dunning (Urbis) and Mr Simon Walker (Modus) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Stirling addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.3 were heard prior to the application at Item 8.1.***

- 7.4 Ms Patricia Grimmer, Ms Nannette Brammer, Mr Geoff Wilkinson and Ms Shailee Desai addressed the DAP against the application at Item 10.1 and responded to questions from the panel.
- 7.5 Mr Julius Skinner (LSV Borrello Lawyers) and Mr Neil Teo (Dynamic Planning) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.6 The City of Joondalup addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

***The presentations at Items 7.4 - 7.6 were heard prior to the application at Item 10.1.***



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

|                          |  |
|--------------------------|--|
| 8.1 Property Location:   | Lots 76 and 100, House Number's 50 and 52<br>Porter Street, Gwelup |
| Development Description: | Child Care Premises  |
| Applicant:               | MSP Gwelup Pty Ltd c/- Urbis                                       |
| Owner:                   | MSP Gwelup Pty Ltd & Mr Giuseppe Marino                            |
| Responsible Authority:   | City of Stirling   |
| DAP File No:             | DAP/18/01537   |

### REPORT RECOMMENDATION

**Moved by:** Cr Bianca Sandri

**Seconded by:** Cr Giovanni Italiano

That the Metro North-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01537 and accompanying plans (Attachment 1) for a Child Care Premises at Lots 76 and 100, House Numbers 50 and 52 Porter Street, Gwelup, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Stirling Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

### Conditions

1. Lots 76 and 100, House Numbers 50 and 52 Porter Street, Gwelup shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to the occupation of the development.
2. A 6.0 metre by 6.0 metre corner truncation at the intersection of Porter Street and North Beach Road shall be ceded to the crown free of cost to the City prior to the occupation of the development, in accordance with Development Control Policy 1.7 – General Road Planning.
3. No landscaping or other obstruction above 0.75 metres in height to be planted or erected within the 6.0 metre by 6.0 metre truncation at the intersection of Porter Street and North Beach Road, in accordance with the Town Planning (Height of Obstructions at Corners) General By-Laws 1975.
4. No more than 22 staff members being on site at any given time.
5. No more than 112 children being cared for on site at any given time.
6. The operating hours of the Child Care Premises are limited to between 7:00am and 6:30pm weekdays, and 8:00am to 6:00pm Saturday (refer to Advice Note 15).
7. A minimum of four (4) bicycle parking bay shall be provided on-site prior to the occupation of development. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
8. The western ground floor external wall is to be treated with an anti-graffiti coating appropriate to the finished surface to reduce the likelihood of and improve ease of graffiti removal.



9. The requirements and recommendations of the Bushfire Management Plan and Bushfire Emergency Evacuation Plan, prepared by Strategen dated January 2019, shall be complied with and observed at all times, to the satisfaction of the City.
10. All stormwater from all roofed and paved areas shall be collected and contained on site. Prior to the approval of a building permit the applicant is to demonstrate how the site will be drained, to the satisfaction of the City.
11. Prior to the commencement of development the Applicant is to liaise with and obtain relevant approval from the Department of Fire and Emergency Services (DFES) and the Water Corporation in regards to the existing fire hydrant located within the proposed crossover.
12. A 2.1m wide footpath is to be located at the back of the kerb along the developments Porter Street frontage from the proposed site crossover to link with the existing roundabout footpath, at the Applicants expense and to the satisfaction of the City (refer to Advice Notes 1 and 2).
13. Collection and disposal of waste shall be managed in accordance with the Waste Management Plan prepared by Encycle Consulting dated 23 May 2019. The Waste Management Plan is to be complied with for the duration of the occupation of the development.
14. Prior to the occupation of the development, a minimum of 33 car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS/NZS2890.1:2004 and AS/NZS2890.6:2009.
15. Prior to the occupation of the development, a designated courier / delivery bay shall be marked and / or sign posted and thereafter maintained, in accordance with Local Planning Policy 6.7 – Parking and Access.
16. Tandem bays (bays numbered 11 to 18 inclusive) are to be assigned as staff parking bays only. The staff car parking bays shall be marked and/or sign posted so as to be clearly identifiable as staff parking bays.
17. All car parking areas are to be graded to comply with Australian Standard AS/NZS2890.1, Section 2.4.6.
18. Prior to the occupation of the development all off street parking to be available during business hours for all customers and staff.
19. 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.
20. Crossover/s shall be designed and constructed in accordance with the City's Local Planning Policy 6.7 - Parking and Access. Crossovers are to be installed prior to occupancy or use of the development (refer to Advice Note 17).
21. Prior to the occupation or use of the development, any redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with the City's Local Planning Policy 6.7 - Parking and Access.



22. Prior to the commencement of the development, the Applicant shall submit an amended landscaping plan and obtain written approval from the City. The landscaping plan is to be in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping and Local Planning Policy 6.11 – Trees and Development. The landscaping plan is specifically to amend and demonstrate the following:
  - a. The two (2) 45 litre trees proposed abutting tandem car parking bays 11 through 14 are to be relocated to garden beds immediately adjacent within the Outdoor Play Area 2; and
  - b. The canopy support forward of Store 1 as depicted on Drawing No. LP-001 Rev F, a remnant of the previous build form design, is to be removed from the landscape plan.
23. Prior to occupation of the development, a minimum of five (5) Advanced Trees must be planted on site in the areas 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 (refer to Advice Note 19).
24. Planting of two (2) new street trees at the Applicants cost will be scheduled to occur in the next available planting season after the completion of the development. The Owner/Applicant shall pay the cost of planting of the new street trees prior to commencement of development, as determined by the City in the City's Local Planning Policy 6.11 - Trees and Development (refer to Advice Note 20).
25. 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's Local Planning Policy 6.6 - Landscaping.
26. Control measures and recommendations identified in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics dated May 2019 shall be incorporated into the design, development and operation of the proposed Child Care Premises, to the satisfaction of the City.
27. 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 planning approval issued.
28. Fencing within the primary street setback area is to be visually permeable above 1.2m from natural ground level, in accordance with Clause 5.2.4 of the Residential Design Codes Volume 1 (Street Walls and Fences) (refer to Advice Note 3 and 16).
29. Prior to occupancy or use of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes Volume 1 (Visual Privacy) deemed-to-comply provisions.
30. A Site Management Plan is to be submitted and approved by the City prior to the commencement of any site works. The plan is to include details of measures to be implemented with respect to the control of dust, waste management, parking, storage of materials, traffic, noise and vibration from the site during the construction phase.



31. All signage is to be in strict accordance with the City's Local Planning Policy 6.1 - Advertising Signs, unless further development approval is obtained.
32. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997.
33. Air-conditioning units, ducts and other services shall be screened from view and are to be located away from the streets.
34. 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 of Stirling.
35. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within 1.5 metres of where:
  - a. vehicular access points adjoin the site, or
  - b. driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, orunless further approval of Council is obtained.
36. All external fixtures and building services of the development are to comply with deemed-to comply provisions of Clause 5.4.4 of the Residential Design Codes Volume 1 (External Fixtures, Utilities and Facilities).

#### **Advice Notes**

1. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
2. 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.
3. In relation to Condition 28, the front fencing to the southern and western lot boundaries must be able to withstand a vehicle collision in accordance with AS2890.1:2004. The structure must prevent vehicles overhanging to the adjoining property.
4. In regard to the Herring Storer Environmental Acoustic Assessment dated May 2019; the proposed development is expected to comply with the West Australian Environmental Noise Regulations. However, in reference to the 'Summary'; the final location of associated mechanical equipment, and design of prospective development to the north, may result in the Child Care Centre premises having to accept responsibility to undertake future noise mitigation measures.
5. All construction works to comply with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. Noisy construction work outside the period 7:00am 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.





6. When installed, the level of noise emanating from all fixed plant and equipment at the premises is not to exceed that prescribed in the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
7. The provision of food must be in accordance with the all relevant provisions of the *Food Act 2008* and Australia New Zealand Food Standards Code. Plans and specifications of food preparation and storage areas should be submitted for Health assessment, with the following details:
  - i. Two copies of scale floor plans showing the position of all fixtures and equipment (scale 1:50);
  - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
  - iii. Finishes of every wall, floor and ceiling;
  - iv. Indication of hot and cold water supply and waste water services;
  - v. Mechanical exhaust ventilation;
  - vi. Location of all sinks including hand washbasins; an
  - vii. Bin storage enclosure with wash down facilities.
    - Information about the scale and type of food preparation are to be provided.
    - The designated hand wash basin/s must be a minimum of 11L in capacity and have an instant supply of warm water through a single outlet at all times.
    - The applicant must submit a Food Premises Notification-Registration to the City.
    - Compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons, will most likely be applicable. A food safety plan must be submitted to the City for 'Verification' approval prior to providing a food service.
    - The applicant is to contact the City's Environmental Health Services to arrange a final inspection, prior to commencement of commercial food operations.
8. The bin enclosure(s) must comply with the City of Stirling's Waste Management Local Law 2010. The bin enclosure must be large enough to fit all waste receptacles for the proposed land use. Ensure that receptacles do not cause a nuisance to the occupiers of adjoining residential premises.
9. At demolition stage the premises is to comply with the Local Law Relating to the Prevention and Abatement of Dust and Liquid Waste.
10. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 6:30pm, Monday to Friday.
11. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
12. Compliance with the provisions of the Building Code of Australia.
13. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.





14. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.
15. In reference to condition 6, the operating time restrictions do not apply to staff arrival and departure times for setup and closure.
16. In reference to condition 28, visually permeable is defined as "*in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street*".
17. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
18. Connection to deep sewer in the locality.
19. In reference to Condition 23, an Advanced Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: '*means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.*'
20. In relation to Condition 24, the associated contribution costs for the planting of two (2) new street trees is as follows:
  - a. Cost of new tree: \$860.00 (current cost excluding GST)
  - b. Number of new trees required: Two (2)
  - c. Total for the associated works: \$1,720.00

Tree 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.

21. 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.



## AMENDING MOTION 1

The following amendments were made en bloc:

**Moved by:** Mr Fred Zuideveld

**Seconded by:** Cr Bianca Sandri

- i) That Condition 29 be deleted and the remaining Conditions be renumbered accordingly.

**REASON:** This condition is superfluous as it does not apply to any part of the building.

- ii) That Condition 28 be amended to read as follows:

*Fencing within the primary street setback area is to be visually permeable above 1.2m from natural ground level, in accordance with Clause 5.2.4 of the Residential Design Codes Volume 1 (Street Walls and Fences) (refer to Advice Note ~~3~~ and 16).*

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

**REASON:** Advice Note 3 had been referenced incorrectly in this condition.

## AMENDING MOTION 2

The following amendments were made en bloc:

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr Bianca Sandri

- i) That a new Condition 37 (now Condition 36) be added to read as follows:

*Prior to occupation a Traffic and Parking Management Plan is required to be submitted to the City of Stirling's satisfaction.*

- ii) That a new Advice Note 22 be added to read as follows:

*The Traffic and Parking Management Plan to include information on drop off and pick up arrangements and staff parking.*

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

**REASON:** To ensure there is appropriate parking management for the facility in this location where there is already parking demand for other uses.



### AMENDING MOTION 3

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr Giovanni Italiano

That condition 7 be amended to read as follows:

*A minimum of **eight (8)** ~~four (4)~~ bicycle parking bay shall be provided on-site prior to the occupation of development. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.*

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

**REASON:** To ensure consistency with the City of Stirling's Policy and the correction of a typographical error.

#### REPORT RECOMMENDATION (AS AMENDED)

*Administration Correction – The reference to the condition in Advice Note 3 has been removed to reflect the changes made in Amending Motion 1(ii).*

That the Metro North-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01537 and accompanying plans (Attachment 1) for a Child Care Premises at Lots 76 and 100, House Numbers 50 and 52 Porter Street, Gwelup, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Stirling Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

#### Conditions

1. Lots 76 and 100, House Numbers 50 and 52 Porter Street, Gwelup shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to the occupation of the development.
2. A 6.0 metre by 6.0 metre corner truncation at the intersection of Porter Street and North Beach Road shall be ceded to the crown free of cost to the City prior to the occupation of the development, in accordance with Development Control Policy 1.7 – General Road Planning.
3. No landscaping or other obstruction above 0.75 metres in height to be planted or erected within the 6.0 metre by 6.0 metre truncation at the intersection of Porter Street and North Beach Road, in accordance with the Town Planning (Height of Obstructions at Corners) General By-Laws 1975.
4. No more than 22 staff members being on site at any given time.
5. No more than 112 children being cared for on site at any given time.
6. The operating hours of the Child Care Premises are limited to between 7:00am and 6:30pm weekdays, and 8:00am to 6:00pm Saturday (refer to Advice Note 15).



7. A minimum of eight (8) bicycle parking bay shall be provided on-site prior to the occupation of development. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
8. The western ground floor external wall is to be treated with an anti-graffiti coating appropriate to the finished surface to reduce the likelihood of and improve ease of graffiti removal.
9. The requirements and recommendations of the Bushfire Management Plan and Bushfire Emergency Evacuation Plan, prepared by Strategen dated January 2019, shall be complied with and observed at all times, to the satisfaction of the City.
10. All stormwater from all roofed and paved areas shall be collected and contained on site. Prior to the approval of a building permit the applicant is to demonstrate how the site will be drained, to the satisfaction of the City.
11. Prior to the commencement of development the Applicant is to liaise with and obtain relevant approval from the Department of Fire and Emergency Services (DFES) and the Water Corporation in regards to the existing fire hydrant located within the proposed crossover.
12. A 2.1m wide footpath is to be located at the back of the kerb along the developments Porter Street frontage from the proposed site crossover to link with the existing roundabout footpath, at the Applicants expense and to the satisfaction of the City (refer to Advice Notes 1 and 2).
13. Collection and disposal of waste shall be managed in accordance with the Waste Management Plan prepared by Encycle Consulting dated 23 May 2019. The Waste Management Plan is to be complied with for the duration of the occupation of the development.
14. Prior to the occupation of the development, a minimum of 33 car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS/NZS2890.1:2004 and AS/NZS2890.6:2009.
15. Prior to the occupation of the development, a designated courier / delivery bay shall be marked and / or sign posted and thereafter maintained, in accordance with Local Planning Policy 6.7 – Parking and Access.
16. Tandem bays (bays numbered 11 to 18 inclusive) are to be assigned as staff parking bays only. The staff car parking bays shall be marked and/or sign posted so as to be clearly identifiable as staff parking bays.
17. All car parking areas are to be graded to comply with Australian Standard AS/NZS2890.1, Section 2.4.6.
18. Prior to the occupation of the development all off street parking to be available during business hours for all customers and staff.
19. 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.



20. Crossover/s shall be designed and constructed in accordance with the City's Local Planning Policy 6.7 - Parking and Access. Crossovers are to be installed prior to occupancy or use of the development (refer to Advice Note 17).
21. Prior to the occupation or use of the development, any redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with the City's Local Planning Policy 6.7 - Parking and Access.
22. Prior to the commencement of the development, the Applicant shall submit an amended landscaping plan and obtain written approval from the City. The landscaping plan is to be in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping and Local Planning Policy 6.11 – Trees and Development. The landscaping plan is specifically to amend and demonstrate the following:
  - a. The two (2) 45 litre trees proposed abutting tandem car parking bays 11 through 14 are to be relocated to garden beds immediately adjacent within the Outdoor Play Area 2; and
  - b. The canopy support forward of Store 1 as depicted on Drawing No. LP-001 Rev F, a remnant of the previous build form design, is to be removed from the landscape plan.
23. Prior to occupation of the development, a minimum of five (5) Advanced Trees must be planted on site in the areas 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 (refer to Advice Note 19).
24. Planting of two (2) new street trees at the Applicants cost will be scheduled to occur in the next available planting season after the completion of the development. The Owner/Applicant shall pay the cost of planting of the new street trees prior to commencement of development, as determined by the City in the City's Local Planning Policy 6.11 - Trees and Development (refer to Advice Note 20).
25. 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's Local Planning Policy 6.6 - Landscaping.
26. Control measures and recommendations identified in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics dated May 2019 shall be incorporated into the design, development and operation of the proposed Child Care Premises, to the satisfaction of the City.
27. 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 planning approval issued.
28. Fencing within the primary street setback area is to be visually permeable above 1.2m from natural ground level, in accordance with Clause 5.2.4 of the Residential Design Codes Volume 1 (Street Walls and Fences) (refer to Advice Note 16).



29. A Site Management Plan is to be submitted and approved by the City prior to the commencement of any site works. The plan is to include details of measures to be implemented with respect to the control of dust, waste management, parking, storage of materials, traffic, noise and vibration from the site during the construction phase.
30. All signage is to be in strict accordance with the City's Local Planning Policy 6.1 - Advertising Signs, unless further development approval is obtained.
31. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997.
32. Air-conditioning units, ducts and other services shall be screened from view and are to be located away from the streets.
33. 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 of Stirling.
34. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within 1.5 metres of where:
  - a. vehicular access points adjoin the site, or
  - b. driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, orunless further approval of Council is obtained.
35. All external fixtures and building services of the development are to comply with deemed-to-comply provisions of Clause 5.4.4 of the Residential Design Codes Volume 1 (External Fixtures, Utilities and Facilities).
36. Prior to occupation a Traffic and Parking Management Plan is required to be submitted to the City of Stirling's satisfaction.

#### **Advice Notes**

1. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
2. 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.
3. The front fencing to the southern and western lot boundaries must be able to withstand a vehicle collision in accordance with AS2890.1:2004. The structure must prevent vehicles overhanging to the adjoining property.





4. In regard to the Herring Storer Environmental Acoustic Assessment dated May 2019; the proposed development is expected to comply with the West Australian Environmental Noise Regulations. However, in reference to the 'Summary'; the final location of associated mechanical equipment, and design of prospective development to the north, may result in the Child Care Centre premises having to accept responsibility to undertake future noise mitigation measures.
5. All construction works to comply with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. Noisy construction work outside the period 7:00am 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.
6. When installed, the level of noise emanating from all fixed plant and equipment at the premises is not to exceed that prescribed in the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
7. The provision of food must be in accordance with the all relevant provisions of the *Food Act 2008* and Australia New Zealand Food Standards Code. Plans and specifications of food preparation and storage areas should be submitted for Health assessment, with the following details:
  - i. Two copies of scale floor plans showing the position of all fixtures and equipment (scale 1:50);
  - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
  - iii. Finishes of every wall, floor and ceiling;
  - iv. Indication of hot and cold water supply and waste water services;
  - v. Mechanical exhaust ventilation;
  - vi. Location of all sinks including hand washbasins; an
  - vii. Bin storage enclosure with wash down facilities.
    - Information about the scale and type of food preparation are to be provided.
    - The designated hand wash basin/s must be a minimum of 11L in capacity and have an instant supply of warm water through a single outlet at all times.
    - The applicant must submit a Food Premises Notification-Registration to the City.
    - Compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons, will most likely be applicable. A food safety plan must be submitted to the City for 'Verification' approval prior to providing a food service.
    - The applicant is to contact the City's Environmental Health Services to arrange a final inspection, prior to commencement of commercial food operations.
8. The bin enclosure(s) must comply with the City of Stirling's Waste Management Local Law 2010. The bin enclosure must be large enough to fit all waste receptacles for the proposed land use. Ensure that receptacles do not cause a nuisance to the occupiers of adjoining residential premises.
9. At demolition stage the premises is to comply with the Local Law Relating to the Prevention and Abatement of Dust and Liquid Waste.





10. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 6:30pm, Monday to Friday.
11. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
12. Compliance with the provisions of the Building Code of Australia.
13. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.
14. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.
15. In reference to condition 6, the operating time restrictions do not apply to staff arrival and departure times for setup and closure.
16. In reference to condition 28, visually permeable is defined as "*in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street*".
17. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
18. Connection to deep sewer in the locality.
19. In reference to Condition 23, an Advanced Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: '*means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.*'
20. In relation to Condition 24, the associated contribution costs for the planting of two (2) new street trees is as follows:
  - a. Cost of new tree: \$860.00 (current cost excluding GST)
  - b. Number of new trees required: Two (2)
  - c. Total for the associated works: \$1,720.00

Tree 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.

21. 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.



22. The Traffic and Parking Management Plan to include information on drop off and pick up arrangements and staff parking.

**The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.**

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

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

Nil

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

|                          |  |
|--------------------------|--|
| 10.1 Property Location:  | Portion of 9040 (34) Kallatina Drive, Iluka    |
| Development Description: | Commercial Development                         |
| Applicant:               | Dynamic Planning and Developments              |
| Owner:                   | Davidson Pty Ltd and Roman Catholic Archbishop |
| Responsible Authority:   | City of Joondalup                              |
| DAP File No:             | DAP/18/01543                                   |

**REPORT RECOMMENDATION**

**Moved by:** Cr Nige Jones

**Seconded by:** Cr Christine Hamilton-Prime

That the Metro North-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 61 of 2019, resolves to:

**Reconsider** its decision dated 13 May 2019 and **approve** DAP Application reference DAP/18/01543 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* and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme*, subject to the following amended conditions:

**Conditions**

11. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of development. The Waste Management Plan shall include, but not be limited to, the following;
- Days, times and frequency of pick up;
  - Type and size of waste vehicle to be used;
  - Type and size of bins to be used; and
  - Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.



12. A Delivery Management Plan shall be submitted to and approved by the City prior to commencement of the development. The Delivery Management Plan shall include, but not be limited to, the following;
- Restricting deliveries by semi-rigid vehicles of 12.5m or more in length to between hours of 7am to 7pm;
  - Instruction to drivers for the use of Burns Beach Road access only and not to use Calis Avenue or Mykonos View when approaching or accessing the site;
  - Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
  - Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.

21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the commencement of the development. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
  - Consideration of mirrors at the exit on Calis Avenue; and
  - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
- a. T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
  - b. T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.

All other conditions and advice notes remain as per the decision of 13 May 2019.

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

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

The Presiding Member noted the following State Administrative Tribunal Applications -

| <b>Current Applications</b> |  |  |
|-----------------------------|--|--|
| <b>LG Name</b>              | <b>Property Location</b>                                     | <b>Application Description</b>               |
| City of Joondalup           | Lot 96 & 97 (9 & 11) Davallia Road, Duncraig                 | 13 Multiple Dwellings                        |
| City of Stirling            | Lot 90 (38) Geneff Street & Lot 89 (59) Hertha Road, Innaloo | Multiple Dwelling Development                |
| City of Stirling            | Lot 101 (191) Balcatta Road, Balcatta                        | Extension to the Existing Bunnings Warehouse |



## 11. General Business / Meeting Close

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

There being no further business, the Presiding Member declared the meeting closed at 4.48 pm.