



## Metro North-West Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 14 April 2020; 9:30am  
**Meeting Number:** MNWJDAP/285  
**Meeting Venue:** via electronic means

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

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## Attendance

### DAP Members

Ms Sheryl Chaffer (A/Presiding Member)  
Ms Kym Petani (A/Deputy Presiding Member)  
Cr David Boothman (Local Government Member, City of Stirling)  
Cr Suzanne Migdale (Local Government Member, City of Stirling)

### Officers in attendance

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

### Minute Secretary

Ms Adele McMahon (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

### Applicants and Submitters

Mr Peter Blackall (Niche Living)  
Ms Ann Tupin (Niche Living)  
Ms Claire Smith (Flyt Pty Ltd)  
Mr Peter Simpson (PTS Town Planning)

### Members of the Public / Media

There was 1 member of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:33am on 14 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 A/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 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 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 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 is being conducted by electronic means open to the public. Members are reminded to announce their name and title prior to speaking.

## **2. Apologies**

Ms Karen Hyde (Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Mr Peter Keleman (A/Specialist Member)

## **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**

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 9.1, received on 9 April 2020.

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

DAP Member, Ms Karen Hyde, declared a Direct Pecuniary Interest in item 9.1. The planning consultant for this application is Taylor Burrell Barnett, who is Ms Hyde's employer.

DAP Member, Mr Fred Zuideveld, declared a Direct Pecuniary Interest in item 9.1. Mr Zuideveld is the architect for this application

DAP Member, Mr Peter Keleman, declared an Indirect Pecuniary Interest in item 9.1. Mr Keleman is a part owner a shareholder of a company engaged by Niche Living Construction for another project.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the A/Presiding Member determined that the members listed above, who had disclosed Direct and Indirect Pecuniary Interests, were not permitted to participate in the discussion and voting on the item.



DAP Member, Ms Kym Petani, declared an Impartiality Interest in item 9.1. GHD has been engaged by the City of Stirling to provide, Construction support for Stephenson Avenue, Culvert feasibility and design for Stephenson Avenue cross streets, Management Plans for Stephenson Avenue extensions, OSH consultancy panel services, and Building assessments for the Hamersely golfcourse. Ms Petani an employee and shareholder in GHD.

Additionally, Ms Petani is a member of the Inglewood on Beaufort local community group.

The A/Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest interest, was permitted to participate in the discussion and voting on the item.

## **7. Deputations and Presentations**

**7.1** Mr Peter Simpson (PTS Town Planning) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

**7.2** Mr Peter Blackall (Niche Living) responded to questions from the panel in relation to the application at Item 9.1.

**7.3** City of Stirling Officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

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

Nil

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

### **9.1 Lots 2-6 (939 - 947) Beaufort Street, Inglewood**

Development Description:	Mixed Use Development
Proposed Amendments:	Basement, Parking, Communal Areas and Internal Apartment Layouts
Applicant:	Taylor Burrell Barnett
Owner:	Diamond Development Alliance Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/18/01420



## REPORT RECOMMENDATION

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Kym Petani

That the Metro North-West JDAP resolves to:

- a. **Accept** that the DAP Application reference DAP/18/01420 as detailed on the DAP Form 2 dated 11 December 2019 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011; and
- b. **Approve** DAP Application reference DAP/18/01420 and accompanying plans (Attachment 1) for the proposed extension of time to the term of approval and amendments to the approved Five Storey Mixed Use Development at Lots 6, 5, 4, 3 and 2, House Numbers 939, 941, 943, 945 and 947, Beaufort Street, Inglewood, in accordance with *Clause 68, Schedule 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, for a further two (2) years subject to the following conditions:

### Conditions:

1. A 2.2 metre wide road widening area is to be ceded to the Crown on the north-west side of the lot along Sturgate Lane prior to the occupation of the development. The applicant/owner shall construct the 2.2 metre widening area in order to extend the width of the Sturgate Lane carriageway, including extension of the carriageway widening to the Normanby Road intersection, and install lighting in the laneway to the City's specification and satisfaction at the applicant/owner's costs.
2. A 2.0 metre by 2.0 metre corner truncation (after allowing for the widening) at the intersection of Normanby Road and Sturgate Lane shall be ceded to the crown free of cost to the City prior to the occupation of the development.
3. Prior to the completion of the development, an additional six (6) on-street car parking bays are to be provided at the applicant's expense along the northern side of Beaufort Street abutting the subject site, in consultation with the Department of Planning, lands and Heritage and to the satisfaction of the City.
4. Prior to the occupation of the development, a delivery/service vehicle embayment is to be constructed within the verge area on Normanby Road abutting the subject site at the owner's expense, to the satisfaction of City of Stirling.
5. An amended Waste Management Plan shall be submitted to the City of Stirling and approved prior to the submission of a Building Permit. The amended waste management plan is to demonstrate the development facilitating residential and commercial bin pickup via the Service Vehicle Embayment along Normanby Street frontage, to the satisfaction of the City. The waste management plan is to be complied with for the duration of the occupation of the development.



6. The removal of the two (2) street trees within the Normanby Road verge area to accommodate the delivery/service vehicle embayment will be undertaken by the City upon payment of the associated contribution costs as outlined in the City's Street and Reserve Tree Policy. The associated costs are to be paid by the owner/applicant prior to commencement of development and are a 90% contribution of the total.
7. The Normanby Road verge shall be upgraded to match the Beaufort Street paving styles, to the satisfaction of the City of Stirling.
8. No doors are permitted to open out into the road reserve.
9. All awnings must provide a minimum 1.0m clearance from the existing face of the kerb.
10. Lots 2, 3, 4, 5 and 6, House Numbers 947, 945, 943, 941 and 939 Beaufort Street, Inglewood shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.
11. The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval.
12. A practising structural engineer with heritage experience is required to submit floor plans and elevations with specification and detail, to the City with the Partial Demolition Permit prior to the submission of a Building Permit, to demonstrate how the structural integrity of the existing structure is to be maintained during building and demolition works. The details are to include but are not limited to a methodology statement of work sequence, details of proposed connection to the new work, detail of any support of existing floor, walls and roof structures required, and details of any foundation support required.
13. An amended Landscaping Plan shall be submitted to the City and approved in writing by the City, prior to the submission of a Building Permit.
14. 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. Aisle and ramp widths in compliance with AS/NZS 2890.1 section 2.5.2;
  - b. A minimum headroom clearance of 2200mm is to be provided along the full length of the ramps and parking areas, in compliance with AS/NZS2890.1 section 5.3.1.; and
  - c. A minimum headroom clearance of 2500mm is to be provided above the ACROD parking bay, in compliance with AS/NZS2890.6:2009 section 2.4.
15. All noise attenuation measures, identified by the Sealhurst Acoustic Report dated November 2019 are to be incorporated into the building design and implemented prior to occupancy of the development.



16. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any ground disturbing development or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with an approved management plan.
17. All bedrooms and living rooms are to meet the requirements set out within State Planning Policy 5.4: 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and associated Guidelines for residential development.
18. A minimum of three (3) bicycle parking bays allocated for customers of the commercial tenancies shall be provided on site prior to the occupation of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015.
19. The ground floor common space component of the development is for the exclusive use of residents of the building only, unless the further approval of the City is obtained.
20. Prior to the commencement of development, a land use tenancy plan for all permitted land uses as specified under Local Planning Scheme No.3, is to be provided to the satisfaction of the City of Stirling. The plan shall specify the land use and any other relevant details for each commercial tenancy using the land uses defined under Local Planning Scheme No.3.
21. Prior to the occupation of the development, the number and allocation of car parking bays is to be provided on-site as follows:
  - a. A minimum 56 residential car parking bays;
  - b. A minimum 9 residential visitor car parking bays; and
  - c. A minimum 21 non-residential car parking bays.
22. All non-residential and residential visitor bays are to be marked and signposted accordingly and to be accessible for all visitors, customers and staff to the satisfaction of the City.
23. A revised Parking Management Plan shall be submitted to the City of Stirling for approval prior to commencement of development. The Parking Management Plan shall include, but not be limited to, the following considerations:
  - a. Traffic management measures are to be provided at the top of the ramp up to the ground floor car park to provide a safe environment for vehicles entering and leaving the carpark, in compliance with AS/NZS2890.1:2004 section 5.3.1. Traffic lights, mirrors, signage and pavement markings are to be installed. Details are to be provided prior to the submission of a Building Permit;
  - b. Traffic management measures are to be provided at the foot of the ramp down to the basement car park to provide a safe environment for vehicles entering and leaving the basement, in compliance with AS/NZS2890.1:2004 section 5.3.1. Mirrors, signage and pavement markings are to be installed. Details are to be provided prior to the submission of a Building Permit;
  - c. How different types of parking will be managed and controlled within the facility, such as ACROD and visitors; and





- d. What safety and security measures will be implemented to protect those using the facility.  
The Parking Management Plan is to be complied with for the duration of the occupation of the development, unless otherwise varied by the City of Stirling.
24. Vehicular parking manoeuvring and circulation areas indicated on the approved plan shall be sealed and drained, the parking spaces marked out and maintained in good repair.
25. All parking areas are to comply with AS/NZS2890.1:2004 and AS/NZS2890.6:2009. In particular items to note include:
- a. Headroom (AS/NZS2890.1 section 5.3 and AS/NZS2890.6 section 2.4); and
  - b. Manoeuvring space (AS/NZS2890.1 section 2.4.2 (d)).
26. The finished level of pedestrian entrances to all non-residential tenancies accessed directly from a public road shall be at the finished pavement level in accordance with Universal Access design standards.
27. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.
28. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupancy or use of the development where a concealed drying area is not provided exclusively for the dwelling.
29. Crossovers shall be designed and constructed in accordance with the City's Local Planning Policy 6.7 - Parking and Access. Crossovers are to be installed prior to occupancy or use of the development.
30. Prior to the occupation of the development, any redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with City's Local Planning Policy 6.7 - Parking and Access.
31. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 6.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply provisions, and be maintained for the life of the development.
32. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within the 1.5 metres of where:
- a. vehicular access points adjoin the site, or
  - b. driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, or
- unless further approval of Council is obtained.
33. A Site Management Plan to be submitted and approved by the City of Stirling prior to submission of a Building Permit. The Site Management Plan to address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.





34. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage facilities, where provided.
35. Prior to occupancy of the development, all off-street parking to be available onsite during business hours for all customers and staff.
36. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
37. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.
38. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view of a public street.
39. All stormwater from all roofed and paved areas shall be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City.
40. All ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.
41. Prior to occupation of the development, the external finish of the boundary walls shall be to the same standard as the rest of the development, to the satisfaction of the City.
42. All external fixtures and building services of the residential development are to comply with deemed-to-comply provisions of Clause 6.4.5 of the Residential Design Codes (External Fixtures, Utilities and Facilities).
43. A Notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be placed on the Certificate of Title of the subject lot. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:  
  

*'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road transport noise. Road transport noise levels may rise or fall over time depending on the type and volume of traffic.'*
44. The traditional shop fronts are to be retained and protected, as indicated on the approved plans, following the methodology outlined in the Heritage Engineer's report dated 2 March 2020. The shop fronts and subsequent walls are to be remediated where necessary, to BCA standards, prior to any works commencing, to ensure subsequent building works including demolition and excavation will not further impact the retained shop fronts or cause the retained walls and shop fronts to fail.
45. Amended plans are to be submitted prior to the Building Permit, demonstrating an alternative finish to the feature cladding located on the south-western corner of the development, to the satisfaction of the City.



46. 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 two (2) new street trees to Normanby Road are to be *Lophostemon confertus* of a minimum 100L size. The owner/applicant shall pay the cost of planting the new street trees prior to the commencement of development, as determined by the City in the City's Street and Reserve Trees Policy.

**Advice Notes:**

- Note 1. Any conditions requiring changes to the built form are to be satisfied prior to the submission of a Building Permit, to the satisfaction of the City of Stirling.
- Note 2. The applicable Performance Bond for these ROW infrastructure works shall be:  
i) ROW Construction \$29,427 (being 2.2m x 76m x \$176/sqm); and  
ii) ROW Lighting \$17,784 (being 76m x \$234/m). The installation of lighting in the laneway by the applicant is in lieu of payment of ROW lighting contribution under LPS 3.  
A Bonding Agreement - Right of Way Construction is to be signed and submitted to the City together with the payment of the performance bond.
- Note 3. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
- Note 4. For all proposed works within the road reserve, detailed engineering construction plans are to be submitted and approved by the City of Stirling prior to works commencing on site. All relevant fees and bonds are to be paid by the owner, prior to the commencement of construction, to the satisfaction of the City.
- Note 5. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
- Note 6. The land or a portion of the land the subject of this approval has been identified as potentially being in an area affected by acid sulphate soils and, as such, it is your responsibility to ensure that all building works comply with WAPC Bulletin 64. For more information contact the Department of Water and Environmental Regulation.
- Note 7. Potential nuisance from artificial light to be addressed in accordance with Australian Standard AS 4282- 1997. Development to comply in all respects with the Health (Public Building) Regulations 1992.
- Note 8. Ventilation of underground car park to comply with Australian Standard AS 1668.2.
- Note 9. Noisy Construction Work outside the period 7:00 am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.



- Note 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.
- Note 11. 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.'*
- Note 12. The associated contribution costs for this development are as follows:
- i) Helliwell value of the tree: \$11,508.48
  - ii) Tree removal costs: \$380.00
  - iii) Total for the associated works: \$11,888.48
  - iv) Contribution payment required: \$10,699.63 (90% of the total including GST).
- Note 13. The bin enclosures must comply with the City of Stirling's Waste Management Local Law 2010. The bin enclosure must be large enough to fit all waste receptacles for the proposed number of units, taking into consideration the required provision all units. Ensure that receptacles do not cause a nuisance to the occupiers of adjoining units.
- Note 14. Noise from equipment and location of commercial and residential air conditioning condenser units and exhaust fan systems must comply with Environmental Protection (Noise) Regulations 1997. A further report is required to be submitted and approved by the City of Stirling prior to the issue of a Building Permit demonstrating compliance of all air conditioning, air handling and ventilation systems.
- Note 15. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sundays and public holidays.
- Note 16. Ensure that all aspects of the City's Local Law relating to the Prevention and Abatement of Dust and Liquid Waste are complied with both during and after demolition.
- Note 17. The "acid sulphate soils self-assessment form" can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)
- Note 18. The amended Waste Management Plan is to be provided to the city to demonstrate the following:
- i) Residential and commercial waste pickup is to be by 240L and 360L Mobile Garbage Bins; and
  - ii) Residential and commercial waste collection from a delivery/service vehicle embayment within the verge area on Normanby Road abutting the subject site.
- The Waste Management Plan is to be complied with for the duration of the development.



Note 19. The applicants are advised to adhere to the suggested methodology outlined by the Heritage Engineer in the report dated 2 March 2020, for the following:-

- i) Temporary bracing of traditional building;
- ii) Restoration of the shop fronts and walls to be retained;
- iii) Underpinning of walls due to basement excavation and new works;
- iv) Connection method of "old and new" work; and
- v) Site inspections at each stage indicated in report for approval by Heritage Engineer and City's Heritage Officer prior to progressing to the next stage of works.

Note 20. The associated contribution costs for the planting of two (2) new street trees are as follows:

- i) Cost of new street tree: \$860.00 (current cost);
- ii) Number of new street trees required: Two (2);
- iii) Total cost for the associated works: \$1,720.00

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.

Note 21. Prior to the submission of a Building Permit, the applicant is to supply certification confirming the design of all car parking bays, including ACROD bays, and parking areas are compliant with Australian Standards AS/NZS2890.1:2004, AS/NZS2890.2:2002 and AS/NZS2890.6:2009, to the satisfaction of the City.

Note 22. The stormwater overflow connection as shown does not meet the City's standard overflow connection requirements and needs to be amended to the satisfaction of the City's Engineering Services Business Unit.

## **AMENDING MOTION 1**

**Moved by:** Ms Kym Petani

**Seconded by:** Cr David Boothman

That the preamble part (b) be amended to read as follows:

**Approve** DAP Application reference DAP/18/01420 and accompanying plans (Attachment 1) for the proposed extension of time to the term of approval and amendments to the approved Five Storey Mixed Use Development at Lots 6, 5, 4, 3 and 2, House Numbers 939, 941, 943, 945 and 947, Beaufort Street, Inglewood, in accordance with Clause 68, Schedule 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, for a further two (2) years, **from the 8 November 2020**, subject to the following conditions:

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

**REASON:** To provide further clarification as to when the approval is valid until.



## AMENDING MOTION 2

**Moved by:** Cr Suzanne Migdale

**Seconded by:** Cr David Boothman

*That Condition No.21 is amended to read as follows:*

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

- a. A minimum 56 residential car parking bays;*
- b. A minimum 9 residential visitor car parking bays; and*
- c. A minimum ~~24~~ 16 non-residential car parking bays.*

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

**REASON:** The Panel were of the view that given the availability of on-street parking that a variation of the parking requirements was, in this case, justified.

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

- a. **Accept** that the DAP Application reference DAP/18/01420 as detailed on the DAP Form 2 dated 11 December 2019 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011; and
- b. **Approve** DAP Application reference DAP/18/01420 and accompanying plans (Attachment 1) for the proposed extension of time to the term of approval and amendments to the approved Five Storey Mixed Use Development at Lots 6, 5, 4, 3 and 2, House Numbers 939, 941, 943, 945 and 947, Beaufort Street, Inglewood, in accordance with *Clause 68, Schedule 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, for a further two (2) years, from the 8 November 2020, subject to the following conditions:

#### **Conditions:**

1. A 2.2 metre wide road widening area is to be ceded to the Crown on the north-west side of the lot along Sturgate Lane prior to the occupation of the development. The applicant/owner shall construct the 2.2 metre widening area in order to extend the width of the Sturgate Lane carriageway, including extension of the carriageway widening to the Normanby Road intersection, and install lighting in the laneway to the City's specification and satisfaction at the applicant/owner's costs.
2. A 2.0 metre by 2.0 metre corner truncation (after allowing for the widening) at the intersection of Normanby Road and Sturgate Lane shall be ceded to the crown free of cost to the City prior to the occupation of the development.
3. Prior to the completion of the development, an additional six (6) on-street car parking bays are to be provided at the applicant's expense along the northern side of Beaufort Street abutting the subject site, in consultation with the Department of Planning, lands and Heritage and to the satisfaction of the City.



4. Prior to the occupation of the development, a delivery/service vehicle embayment is to be constructed within the verge area on Normanby Road abutting the subject site at the owner's expense, to the satisfaction of City of Stirling.
5. An amended Waste Management Plan shall be submitted to the City of Stirling and approved prior to the submission of a Building Permit. The amended waste management plan is to demonstrate the development facilitating residential and commercial bin pickup via the Service Vehicle Embayment along Normanby Street frontage, to the satisfaction of the City. The waste management plan is to be complied with for the duration of the occupation of the development.
6. The removal of the two (2) street trees within the Normanby Road verge area to accommodate the delivery/service vehicle embayment will be undertaken by the City upon payment of the associated contribution costs as outlined in the City's Street and Reserve Tree Policy. The associated costs are to be paid by the owner/applicant prior to commencement of development and are a 90% contribution of the total.
7. The Normanby Road verge shall be upgraded to match the Beaufort Street paving styles, to the satisfaction of the City of Stirling.
8. No doors are permitted to open out into the road reserve.
9. All awnings must provide a minimum 1.0m clearance from the existing face of the kerb.
10. Lots 2, 3, 4, 5 and 6, House Numbers 947, 945, 943, 941 and 939 Beaufort Street, Inglewood shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.
11. The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval.
12. A practising structural engineer with heritage experience is required to submit floor plans and elevations with specification and detail, to the City with the Partial Demolition Permit prior to the submission of a Building Permit, to demonstrate how the structural integrity of the existing structure is to be maintained during building and demolition works. The details are to include but are not limited to a methodology statement of work sequence, details of proposed connection to the new work, detail of any support of existing floor, walls and roof structures required, and details of any foundation support required.
13. An amended Landscaping Plan shall be submitted to the City and approved in writing by the City, prior to the submission of a Building Permit.
14. 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. Aisle and ramp widths in compliance with AS/NZS 2890.1 section 2.5.2;
  - b. A minimum headroom clearance of 2200mm is to be provided along the full length of the ramps and parking areas, in compliance with AS/NZS2890.1 section 5.3.1.; and
  - c. A minimum headroom clearance of 2500mm is to be provided above the ACROD parking bay, in compliance with AS/NZS2890.6:2009 section 2.4.





15. All noise attenuation measures, identified by the Sealhurst Acoustic Report dated November 2019 are to be incorporated into the building design and implemented prior to occupancy of the development.
16. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any ground disturbing development or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with an approved management plan.
17. All bedrooms and living rooms are to meet the requirements set out within State Planning Policy 5.4: 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and associated Guidelines for residential development.
18. A minimum of three (3) bicycle parking bays allocated for customers of the commercial tenancies shall be provided on site prior to the occupation of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015.
19. The ground floor common space component of the development is for the exclusive use of residents of the building only, unless the further approval of the City is obtained.
20. Prior to the commencement of development, a land use tenancy plan for all permitted land uses as specified under Local Planning Scheme No.3, is to be provided to the satisfaction of the City of Stirling. The plan shall specify the land use and any other relevant details for each commercial tenancy using the land uses defined under Local Planning Scheme No.3.
21. Prior to the occupation of the development, the number and allocation of car parking bays is to be provided on-site as follows:
  - a. A minimum 56 residential car parking bays;
  - b. A minimum 9 residential visitor car parking bays; and
  - c. A minimum 16 non-residential car parking bays.
22. All non-residential and residential visitor bays are to be marked and signposted accordingly and to be accessible for all visitors, customers and staff to the satisfaction of the City.
23. A revised Parking Management Plan shall be submitted to the City of Stirling for approval prior to commencement of development. The Parking Management Plan shall include, but not be limited to, the following considerations:
  - a. Traffic management measures are to be provided at the top of the ramp up to the ground floor car park to provide a safe environment for vehicles entering and leaving the carpark, in compliance with AS/NZS2890.1:2004 section 5.3.1. Traffic lights, mirrors, signage and pavement markings are to be installed. Details are to be provided prior to the submission of a Building Permit;





- b. Traffic management measures are to be provided at the foot of the ramp down to the basement car park to provide a safe environment for vehicles entering and leaving the basement, in compliance with AS/NZS2890.1:2004 section 5.3.1. Mirrors, signage and pavement markings are to be installed. Details are to be provided prior to the submission of a Building Permit;
- c. How different types of parking will be managed and controlled within the facility, such as ACROD and visitors; and
- d. What safety and security measures will be implemented to protect those using the facility.

The Parking Management Plan is to be complied with for the duration of the occupation of the development, unless otherwise varied by the City of Stirling.

- 24. Vehicular parking manoeuvring and circulation areas indicated on the approved plan shall be sealed and drained, the parking spaces marked out and maintained in good repair.
- 25. All parking areas are to comply with AS/NZS2890.1:2004 and AS/NZS2890.6:2009. In particular items to note include:
  - a. Headroom (AS/NZS2890.1 section 5.3 and AS/NZS2890.6 section 2.4); and
  - b. Manoeuvring space (AS/NZS2890.1 section 2.4.2 (d)).
- 26. The finished level of pedestrian entrances to all non-residential tenancies accessed directly from a public road shall be at the finished pavement level in accordance with Universal Access design standards.
- 27. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.
- 28. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupancy or use of the development where a concealed drying area is not provided exclusively for the dwelling.
- 29. Crossovers shall be designed and constructed in accordance with the City's Local Planning Policy 6.7 - Parking and Access. Crossovers are to be installed prior to occupancy or use of the development.
- 30. Prior to the occupation of the development, any redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with City's Local Planning Policy 6.7 - Parking and Access.
- 31. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 6.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply provisions, and be maintained for the life of the development.
- 32. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within the 1.5 metres of where:
  - a. vehicular access points adjoin the site, or
  - b. driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, orunless further approval of Council is obtained.



33. A Site Management Plan to be submitted and approved by the City of Stirling prior to submission of a Building Permit. The Site Management Plan to address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
34. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage facilities, where provided.
35. Prior to occupancy of the development, all off-street parking to be available onsite during business hours for all customers and staff.
36. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
37. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.
38. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view of a public street.
39. All stormwater from all roofed and paved areas shall be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City.
40. All ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.
41. Prior to occupation of the development, the external finish of the boundary walls shall be to the same standard as the rest of the development, to the satisfaction of the City.
42. All external fixtures and building services of the residential development are to comply with deemed-to-comply provisions of Clause 6.4.5 of the Residential Design Codes (External Fixtures, Utilities and Facilities).
43. A Notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be placed on the Certificate of Title of the subject lot. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:

*'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road transport noise. Road transport noise levels may rise or fall over time depending on the type and volume of traffic.'*



44. The traditional shop fronts are to be retained and protected, as indicated on the approved plans, following the methodology outlined in the Heritage Engineer's report dated 2 March 2020. The shop fronts and subsequent walls are to be remediated where necessary, to BCA standards, prior to any works commencing, to ensure subsequent building works including demolition and excavation will not further impact the retained shop fronts or cause the retained walls and shop fronts to fail.
45. Amended plans are to be submitted prior to the Building Permit, demonstrating an alternative finish to the feature cladding located on the south-western corner of the development, to the satisfaction of the City.
46. 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 two (2) new street trees to Normanby Road are to be *Lophostemon confertus* of a minimum 100L size. The owner/applicant shall pay the cost of planting the new street trees prior to the commencement of development, as determined by the City in the City's Street and Reserve Trees Policy.

**Advice Notes:**

- Note 1. Any conditions requiring changes to the built form are to be satisfied prior to the submission of a Building Permit, to the satisfaction of the City of Stirling.
- Note 2. The applicable Performance Bond for these ROW infrastructure works shall be:
  - i) ROW Construction \$29,427 (being 2.2m x 76m x \$176/sqm); and
  - ii) ROW Lighting \$17,784 (being 76m x \$234/m). The installation of lighting in the laneway by the applicant is in lieu of payment of ROW lighting contribution under LPS 3.A Bonding Agreement - Right of Way Construction is to be signed and submitted to the City together with the payment of the performance bond.
- Note 3. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
- Note 4. For all proposed works within the road reserve, detailed engineering construction plans are to be submitted and approved by the City of Stirling prior to works commencing on site. All relevant fees and bonds are to be paid by the owner, prior to the commencement of construction, to the satisfaction of the City.
- Note 5. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
- Note 6. The land or a portion of the land the subject of this approval has been identified as potentially being in an area affected by acid sulphate soils and, as such, it is your responsibility to ensure that all building works comply with WAPC Bulletin 64. For more information contact the Department of Water and Environmental Regulation.



- Note 7. Potential nuisance from artificial light to be addressed in accordance with Australian Standard AS 4282- 1997. Development to comply in all respects with the Health (Public Building) Regulations 1992.
- Note 8. Ventilation of underground car park to comply with Australian Standard AS 1668.2.
- Note 9. Noisy Construction Work outside the period 7:00 am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
- Note 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.
- Note 11. 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.'*
- Note 12. The associated contribution costs for this development are as follows:
- i) Helliwell value of the tree: \$11,508.48
  - ii) Tree removal costs: \$380.00
  - iii) Total for the associated works: \$11,888.48
  - iv) Contribution payment required: \$10,699.63 (90% of the total including GST).
- Note 13. The bin enclosures must comply with the City of Stirling's Waste Management Local Law 2010. The bin enclosure must be large enough to fit all waste receptacles for the proposed number of units, taking into consideration the required provision for all units. Ensure that receptacles do not cause a nuisance to the occupiers of adjoining units.
- Note 14. Noise from equipment and location of commercial and residential air conditioning condenser units and exhaust fan systems must comply with Environmental Protection (Noise) Regulations 1997. A further report is required to be submitted and approved by the City of Stirling prior to the issue of a Building Permit demonstrating compliance of all air conditioning, air handling and ventilation systems.
- Note 15. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sundays and public holidays.
- Note 16. Ensure that all aspects of the City's Local Law relating to the Prevention and Abatement of Dust and Liquid Waste are complied with both during and after demolition.
- Note 17. The "acid sulphate soils self-assessment form" can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)



Note 18. The amended Waste Management Plan is to be provided to the city to demonstrate the following:

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

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

Note 19. The applicants are advised to adhere to the suggested methodology outlined by the Heritage Engineer in the report dated 2 March 2020, for the following:-

- i) Temporary bracing of traditional building;
- ii) Restoration of the shop fronts and walls to be retained;
- iii) Underpinning of walls due to basement excavation and new works;
- iv) Connection method of "old and new" work; and
- v) Site inspections at each stage indicated in report for approval by Heritage Engineer and City's Heritage Officer prior to progressing to the next stage of works.

Note 20. The associated contribution costs for the planting of two (2) new street trees are as follows:

- i) Cost of new street tree: \$860.00 (current cost);
- ii) Number of new street trees required: Two (2);
- iii) Total cost for the associated works: \$1,720.00

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.

Note 21. Prior to the submission of a Building Permit, the applicant is to supply certification confirming the design of all car parking bays, including ACROD bays, and parking areas are compliant with Australian Standards AS/NZS2890.1:2004, AS/NZS2890.2:2002 and AS/NZS2890.6:2009, to the satisfaction of the City.

Note 22. The stormwater overflow connection as shown does not meet the City's standard overflow connection requirements and needs to be amended to the satisfaction of the City's Engineering Services Business Unit.

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

**REASON:** The Panel was satisfied that the proposed modifications to the original approved plans are minor, consistent with the intent of the original approval and the objectives of the City's Local Planning Scheme No 3, Beaufort St Local Development Plan and relevant planning policies. Although there have been some changes to the local and regional planning framework since the original approval, the revised proposal is consistent with the future planning vision of the locality and the new and updated conditions provide greater clarity for implementation.



## 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 10:06am.