



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

**Meeting Date and Time:** 7 February 2020, 9:00am  
**Meeting Number:** MNWJDAP/280  
**Meeting Venue:** City of Stirling  
25 Cedric Street, Stirling

### **Attendance**

#### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Cr David Boothman (Local Government Member, City of Stirling)  
Cr Elizabeth Re (Local Government Member, City of Stirling)

#### **Officers in attendance**

Mr Stevan Rodic (City of Stirling)  
Ms Karina Bowater (City of Stirling)  
Ms Giovanna Lumbaca (City of Stirling)  
Mr Robert Woods (City of Stirling)

#### **Minute Secretary**

Ms Amber Sumpton (City of Stirling)  
Mr Chris Fudge (City of Stirling)

#### **Applicants and Submitters**

Mr Paul McQueen (Lavan Legal)  
Mr Ross Montgomery  
Ms Alison Bunker  
Mr Anthony Raymond & Ms Ronda Raymond  
Mr Hide Shigeyoshi (Dynamic Planning and Developments)  
Ms Yvette Keys  
The Hon. Peter Martino  
Ms Sue Stirling  
Ms Angela Hislop  
Mr Tim Willing (Willing Property)  
Mr Richard Jois (Shawmac) – on behalf of Mr Paul Nguyen  
Mr Steven Postmus (Carrier and Postmus Architects)  
Mr Ben Doyle (Planning Solutions)  
Mr Trent Will (Planning Solutions)  
Mr Phillip Griffiths (Griffiths Architects)  
Mr James Thompson (MJA Studio)  
Mr Stefan Oh (MJA Studio)



---

## Members of the Public / Media

There were 28 members of the public in attendance.

### 1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 9.01am on 7 February 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 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.

### 2. Apologies

Nil

### 3. Members on Leave of Absence

Nil

### 4. Noting of Minutes

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

### 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

### 6. Disclosure of Interests

In accordance with section 2.4.6 of the DAP Code of Conduct 2017, DAP members participated in a site visit for the application at Item 8.1 prior to the DAP Meeting.

### 7. Deputations and Presentations

7.1 Mr Paul McQueen (Lavan Legal) addressed the DAP in support of the application at Item 8.1. Mr McQueen answered questions from the panel.

7.2 Mr Ross Montgomery addressed the DAP against the application at Item 8.1. Mr Montgomery answered questions from the panel.



- 7.3 Ms Alison Bunker addressed the DAP against the application at Item 8.1. Ms Bunker answered questions from the panel.
- 7.4 Mr Anthony Raymond and Ms Ronda Raymond addressed the DAP against the application at Item 8.1. Mr Raymond answered questions from the panel.
- 7.5 Mr Hide Shigeyoshi (Dynamic Planning and Developments) addressed the DAP against the application at Item 8.1. Mr Shigeyoshi answered questions from the panel.
- 7.6 Ms Yvette Keys addressed the DAP in support of the application at Item 8.1. Ms Keys answered questions from the panel.
- 7.7 The Hon. Peter Martino addressed the DAP in support of the application at Item 8.1. Mr Martino answered questions from the panel.
- 7.8 Ms Sue Stirling addressed the DAP in support of the application at Item 8.1. Ms Stirling answered questions from the panel.
- 7.9 Ms Angela Hislop addressed the DAP support of the application at Item 8.1. Ms Hislop answered questions from the panel.
- 7.10 Mr Tim Willing (Willing Property) addressed the DAP in support of the application at Item 8.1. Mr Willing answered questions from the panel.
- 7.11 Mr Richard Jois (Shawmac) on behalf of Mr Paul Nguyen addressed the DAP in support of the application at Item 8.1. Mr Jois answered questions from the panel.
- 7.12 Mr Steven Postmus (Carrier and Postmus Architects) addressed the DAP in support of the application at Item 8.1. Mr Postmus answered questions from the panel.
- 7.13 Mr Ben Doyle (Planning Solutions) addressed the DAP in support of the application at Item 8.1. Mr Doyle answered questions from the panel.
- 7.14 Mr Phillip Griffiths (Griffiths Architect) addressed the DAP in support of the application at Item 8.1. Mr Griffiths answered questions from the panel.
- 7.15 Mr James Thompson (MJA Studio) addressed the DAP in support of the application at Item 8.1. Mr Thompson answered questions from the panel.
- 7.16 Mr Stevan Rodic and Ms Karina Bowater (City of Stirling) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



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

|     |                          |   |
|-----|--------------------------|---|
| 8.1 | Property Location:       | Lot 131 and 132 (179 & 181) Central Avenue, Mount Lawley  |
|     | Development Description: | Demolition of existing buildings & construction of Six (6) Commercial Tenancies & 15 Multiple Dwellings |
|     | Applicant:               | Planning Solutions  |
|     | Owner:                   | Elizabeth Anne Fong, Alissa Marie Gerace, Sabatino Pizzolante   |
|     | Responsible Authority:   | City of Stirling  |
|     | DAP File No:             | DAP/19/01665  |

### REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

The City concludes that the Metro North West JDAP is unable to determine the DAP application reference DAP/19/01665 and accompanying plans (Attachment 1) for Demolition of existing buildings & construction of Six Commercial Tenancies & 15 Multiple Dwellings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley for the following reasons:

1. The application has not satisfied Clause 6.6.4 of Local Planning Scheme No.3, as development approvals for the demolition of the buildings on House Number 179 Central Avenue and House Number 181 Central Avenue has not been granted; and
2. A development application for the demolition of the buildings would not meet the requirements of Part 5 nor Part 6 of the Planning and Development (Development Assessment Panels) Regulations 2011 and as such cannot be considered by the JDAP.

### The Report Recommendation LAPSED for want of a Mover and Seconder

*The panel noted the city's conclusion but moved to the alternate motions to determine the applicability of the demolition and then the development aspects of the application. The city's conclusion was not structured in a way which allowed the panel to make a proper determination on the application. Clause 6.6.4 of the scheme calls for separate approvals to be considered in a sequence, that is demolition first and then development.*

### ALTERNATE MOTION 1

*The Presiding Member declared that the Alternate Motion 1 be separated into two (2) parts in accordance with Section 5.5.3 of the DAP Standing Orders 2017.*

### SEQUENTIAL MOTION 1

**Moved by:** Cr Elizabeth Re

**Seconded by:** Cr David Boothman

That the Metro North-West Joint Development Assessment Panel resolves to:



- i) **Refuse** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for Demolition of Existing Buildings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, for the following reasons:
1. The proposed demolition is inconsistent with Clause 6.6.1 (a) of the City's Local Planning Scheme No.3 and the key objectives of Part 1.2 of the Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood, as the demolition of the existing buildings does not ensure the conservation and retention of buildings within the Heritage Protection Area Special Control Area dating from the early 1900s to the 1950s where the architectural style of the building is generally intact.
  2. The proposed demolition is inconsistent with Clause 6.6.1 (b) of the City's Local Planning Scheme No.3, as the demolition of the existing buildings does not ensure the retention of existing buildings referred to in Clause 6.6.1 (a) irrespective of whether the demolition of the building would have no adverse impact on the streetscape.
  3. The proposed demolition is inconsistent with the objective of Part 3 of the Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood, as the demolition of the existing building does not retain and conserve traditional buildings within the Heritage Protection Areas.
  4. The proposed demolition is inconsistent with the requirements of Part 3 of the Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood as there is evidence to suggest that the building was constructed prior to 1960, the building is an intact example of the Inter-War Bungalow architectural style which contributes to the heritage character of the area and the building is structurally sound and fit for habitation.
  5. The proposed demolition is inconsistent with Clause 67 (a) and (g) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the demolition of the existing buildings is contrary to the aims and provisions of the City's Local Planning Scheme No.3 and the City's Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood.
  6. The proposed demolition is inconsistent with Clause 67 (b) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the demolition of the existing buildings is not consistent with orderly and proper planning as it is contrary to the City's Local Planning Scheme No.3 and the City's Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood.



7. The proposed demolition is inconsistent with Clause 67 (k) and (l) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the demolition of the existing buildings is contrary to the conservation of the built heritage of Mount Lawley and will negatively affect the cultural significance of the local area.
8. The proposed demolition is inconsistent with Clause 67 (n)(ii) and (x) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the demolition of the existing buildings is will have an adverse impact on the amenity of the locality including the character of the locality and on the community as a whole notwithstanding the impact of the development on particular individuals.

**The Sequential Motion 1 was put and LOST (4/1).**

For: Cr Elizabeth Re

Against: Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr Fred Zuideveld  
Cr David Boothman

**SEQUENTIAL MOTION 2**

**Moved by:** Cr Elizabeth Re

**Seconded by:** Cr David Boothman

- ii) **Refuse** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for the Construction of Six Commercial Tenancies & 15 Multiple Dwellings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, for the following reasons:
  1. The proposed four storey building height does not meet the Element Objectives of State Planning Policy 7.3 Element 2.2 as it is inconsistent with the desired future scale and the existing single and two storey character of the street and the local area.
  2. The proposed street setbacks to Central Avenue do not meet the Element Objectives of State Planning Policy 7.3 Element 2.3 as the setbacks are not complimentary to the established landscape character of the street.
  3. The proposed plot ratio does not meet the Element Objectives of State Planning Policy 7.3 Element 2.5 as the overall bulk and scale is inappropriate for the existing character of the area.
  4. The proposed deep soil area is inconsistent with the Element Objectives of State Planning Policy 7.3 Element 3.3 as the development does not include sufficient area and volume for healthy plant and tree growth as deep soil areas are paved and restricted by carports.



5. The proposed development is inconsistent with the Element Objectives of State Planning Policy 7.3 Element 3.4 as no sufficient communal open space has been provided.
6. The proposed development is inconsistent with Element Objectives of State Planning Policy 7.3 Element 3.5 as direct overlooking is proposed into the private outdoor living areas and habitable rooms of adjacent properties.
7. The solid wall to Central Avenue is inconsistent with the Element Objectives of State Planning Policy 7.3 Element 3.6 as it provides concealment opportunities and restricts street surveillance.
8. The proposed vehicle access is inconsistent with the Element Objectives of State Planning Policy 7.3 Element 3.8 as vehicular access is not considered safe and does not provide access that is appropriate for the scale of development.
9. The circulation walkways are inconsistent with the Element Objectives of State Planning Policy 7.3 Element 4.5 as the minimum dimension does not allow safe and convenient access for all residents and visitors.
10. The proposed roof design is inconsistent with the Element Objectives of State Planning Policy 7.3 Element 4.11 as the roof form does not respond positively to the street due to lack consistency with the prevailing heritage design.
11. The proposed landscaping is inconsistent with the Element Objectives of State Planning Policy 7.3 Element 4.12 as the landscaping provided does is lacking and do not sufficiently support the growth and health of shade providing trees.
12. The proposed street setbacks, building height, and lack of upper floor articulation do not comply with the objectives of Clauses 4.2 and 6.1 of Local Planning Policy 3.1 Character Retention Guidelines – Mount Lawley, Menora and Inglewood as it is incongruous with the established heritage streetscape in terms of form, scale and bulk.
13. The proposed design, materials and detailing of the development do not comply with the objectives of Clauses 4.2 and 6.1 of Local Planning Policy 3.1 Character Retention Guidelines – Mount Lawley, Menora and Inglewood as it is not reflective of a traditional building and it is inconsistent with the design, materials and details as seen in the immediate streetscape and heritage precinct.
14. The proposed building height does not meet the objective of Local Planning Policy 4.2 Mixed Use and Commercial Centre Guidelines as the proposed four storey building height is not appropriate for the subject site in the context of single and two storey residential dwellings.





15. The proposed street setback does not meet the objective of Local Planning Policy 4.2 Mixed Use and Commercial Centre Guidelines as in lieu of matching the adjacent property setbacks, a nil setback is proposed to Clifton Crescent, which does not strengthen the continuity of the existing streetscape.
16. The proposed parking shortfall does not meet the objectives of Local Planning Policy 6.7 Parking and Access as it does not provide adequate parking onsite and has the potential to create a major parking issue.
17. The proposed development is inconsistent with Clause 67 (a) and (g) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as it is contrary to the aims and provisions of the City's Local Planning Scheme No.3 and the City's Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood.
18. The proposed development is inconsistent with Clause 67 (b) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the built form does not address the standards and requirements of the City's Local Planning Scheme No.3 and the City's Local Planning Policy 3.1 - Character Retention Guidelines Mount Lawley, Menora and Inglewood.
19. The proposed development is inconsistent with Clause 67 (k) and (l) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as it is contrary to the conservation of the built heritage of Mount Lawley and will negatively affect the cultural significance of the local area.
20. The proposed development is inconsistent with Clause 67 (m), (n)(ii) and (x) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the development is incompatible with the established streetscape of the area, in particular bulk, height, scale and appearance of the development, the development will have an adverse impact on the amenity of the locality including the character of the locality and on the community as a whole notwithstanding the impact of the development on particular individuals.
21. The proposed development does not satisfy Clause 67 (s) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* as the development has outstanding access and manoeuvring issues which prevent adequate vehicular access and parking as well as inadequate access and egress.

**The Sequential Motion 2 was put and LOST (3/2).**

For: Cr Elizabeth Re  
Cr David Boothman

Against: Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr Fred Zuideveld

**The Alternate Motion 1 was put and LOST.**





## ALTERNATE MOTION 2

*The Presiding Member declared that the Alternate Motion 2 be separated into two (2) parts in accordance with Section 5.5.3 of the DAP Standing Orders 2017.*

## SEQUENTIAL MOTION 1

**Moved by:** Mr Fred Zuideveld

**Seconded by:** Ms Sheryl Chaffer

That the Metro North-West Joint Development Assessment Panel resolves to:

- i) **Approve** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for Demolition of Existing Buildings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, subject to the following:

### Conditions:

1. An Archival Record of the heritage property on Lot 131, HN 179 Central Avenue, Mount Lawley shall be submitted to the City prior to demolition of the traditional dwelling. The Archival record is to include photographs of the external and internal features of the traditional dwelling, to the satisfaction of the City.
2. An Archival Record of the heritage property on Lot 132, HN 181 Central Avenue, Mount Lawley shall be submitted to the City prior to demolition of the traditional dwelling. The Archival record is to include photographs of the external and internal features of the traditional dwelling, to the satisfaction of the City.
3. All street trees located in verge areas adjoining the subject lots are to be retained and protected.
4. Materials removed or displaced from the buildings shall not be placed in any street, road or right of way and, before commencing work, as the case may require, shall be kept sprayed with water so as to prevent any nuisance from dust.
5. Materials removed or displaced from the building being demolished or materials left standing shall not be burned on the demolition sites.

### Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.



2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention
3. 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 a Noise Management Plan for the construction site has been approved in writing by the City.
4. All street trees adjoining the subject land that are not conditioned for removal are to be retained and protected throughout the duration of the development. Should these trees die, decline, be damaged or are removed, charges will apply as per the City's Street and Reserve Tree Policy. Part of or all of your Verge Bond may be retained to cover the associated costs and further penalties and/or legal action may occur.

**The Sequential Motion was put and CARRIED (4/1).**

For: Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr Fred Zuideveld  
Cr David Boothman

Against: Cr Elizabeth Re

**REASON:** Having attended the site visit and considered the matters addressed in the RAR and the application reports the majority of the panel concluded the demolition as part of the overall application could be approved. The main element of the corner shop is to be retained/reinstated and the remainder of the building proposed for demolition were not regarded to be capable of purposeful reuse and did not contribute to the streetscape in a positive manner.

**SEQUENTIAL MOTION 2**

**Moved by:** Ms Karen Hyde

**Seconded by:** Ms Sheryl Chaffer

- i) **Approve** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for Construction of Six Commercial Tenancies & 15 Multiple Dwellings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, subject to the following:



---

**Conditions:**

1. 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.
2. Prior to occupation of the development, Lots 131 and 132, House Numbers 179 and 181 Central Avenue Mount Lawley are to be amalgamated into a single lot on a Certificate of Title.
3. The site shall be truncated at 3m x 3m at the north-east corner of the lot in alignment with the front of the corner store deli. The truncation is to be ceded to the Crown free of cost.
4. Prior to lodgement of the building permit, amended plans are to be submitted for modifying the car parking configuration to the City's satisfaction, to address the following:
  - a. Parking bays for the commercial properties are to be grouped together and clearly signed;
  - b. Parking bays for all visitors are to be grouped together, clearly signed, and are to be 2.5m wide;
  - c. All resident parking bays abutting stores are to correlate to the apartment number / parking bay number of the adjacent store;
  - d. Wheel stops are to be provided where parking bays approach a footpath or store;
  - e. The 'secure bicycle bay' which conflicts with the adjacent parking bay at the south-west corner of the parking area is to be relocated; and
  - f. Prior to the completion of the development, an intercom system is to be installed for entering vehicles.
5. Prior to the completion of the development, the modification of the Clifton Crescent kerb alignment is to be completed to the satisfaction of the City.
6. Five on-street parking bays are to be provided in the Clifton Crescent verge to the satisfaction of the City at the applicant's cost. Detailed civil engineering construction plans, prepared by a suitably qualified person, must be submitted for written approval to the satisfaction of the City prior to commencement of the development. The bays are to be constructed prior to the completion of the development.
7. A Site Management Plan shall be submitted to the City of Stirling prior to commencement of works. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
8. Collection and disposal of waste shall be managed in accordance with Waste Management Plan prepared by Talis dated December 2019, to the satisfaction of the City.



9. Prior to the occupation of the development, the redundant crossovers 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.
10. 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.
11. 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.
12. Prior to the submission of an Occupancy Permit, the applicant is to supply certification confirming the constructed design of all car parks and vehicle access ways are compliant with Australian Standards AS/NZS2890.1:2004, AS/NZS2890.2:2002, AS/NZS2890.6:2009 and the approved plans, to the satisfaction of the City.
13. Prior to occupation of the development, onsite vehicular parking, manoeuvring and circulation areas indicated on the approved ground floor plan being sealed, drained and line marked to the satisfaction of the City.
14. The four visitor parking bays onsite shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City of Stirling.
15. Prior to occupation of the development all commercial parking bays are to be available onsite during business hours for all customers and staff.
16. Prior to submission of the Building Permit, the applicant is to provide a Stormwater Management Plan demonstrating stormwater from all roofed and paved areas to be collected and contained onsite. Stormwater must not affect or be allowed to flow onto or into any of the adjoining properties or reserve.
17. 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.
18. Prior to occupation of the development, a minimum of four Advanced Trees must be planted on site and be thereafter maintained. The trees must be provided with a minimum 2m x 2m planting area, with a nine square metre area free of intrusions. The trees planted on the slab are to be installed in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2- Apartments (Section 4.15).
19. Planting of three 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



20. The infill panels forming part of the front fencing shall be visually permeable as defined by the Residential Design Codes.
21. All multiple dwellings shall be provided with a mechanical dryer prior to the occupation of the development.
22. Exterior lighting shall be provided under all awnings, in parking areas, footpaths and all entry points, prior to occupation of the development.
23. 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.
24. All air-conditioning units, ducts and other services shall be screened from view and are to be located away from the primary street.
25. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans, to the satisfaction of the City.
26. The approved non-residential land uses are Office, Shop and Restaurant as indicated on the approved plans, to the satisfaction of the City.
27. Prior to the commencement of development, a report prepared by a qualified structural engineer demonstrating how the structural integrity of the corner store deli is to be maintained during demolition and building works is to be provided to the City for its approval. The development must be undertaken in accordance with the recommendations in the approved report for maintaining the structural integrity of the corner store deli during the demolition and building works.
28. 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.
29. 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.

#### **Advice Notes**

1. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention



3. 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 a Noise Management Plan for the construction site has been approved in writing by the City.
4. 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.
5. All works within the road reserve require separate approval through the City's Engineering Design Business Unit.
6. In reference to the infill panels forming part of the front fencing, 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*".
7. An Advanced Tree is defined in Local Planning Policy 6.11 as: *means a tree which requires planting in at least a 90 litre contained or greater size and which is at least two metres in height and at least two years of age.*
8. In reference to the planting of street trees, the associated contribution costs for the planting of three new street trees are as follows:

|      |                                 |                       |
|------|---------------------------------|-----------------------|
| i)   | Cost of new tree:               | \$655.00 (GST exempt) |
| ii)  | Number of new trees required:   | 3                     |
| iii) | Total for the associated works: | \$1,965.00            |

Tree species will be chosen by the City to reflect the surrounding streetscape. Costs include two years of watering and the provision that the City will replace the tree should it be damaged or die during that period.
9. All street trees adjoining the subject land that are not conditioned for removal are to be retained and protected throughout the duration of the development. Should these trees die, decline, be damaged or are removed, charges will apply as per the City's Street and Reserve Tree Policy. Part of or all of your Verge Bond may be retained to cover the associated costs and further penalties and/or legal action may occur.
10. In regards to the approved land uses, any proposal to change to these land uses may require further approval as specified under Local Planning Scheme No.3.
11. In regards to the provision of five on-street parking bays, the applicant is encouraged to contact the City prior to submitting detailed plans for construction.





12. The following advice is provided from the City's Health Services Business Unit:
- a. The bin enclosure is to comply with the City of Stirling's Waste Management Local Law 2010.
  - b. All designated emergency exit doors are to have the doors opening towards egress if this is to be a Public Building.
  - c. Any outside lighting should meet Australia Standard AS4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any residential premises.
  - d. At the same time or prior to lodgement of the Building Permit, the Food Business proprietor is required to complete and submit a Food Premises Notification Form. The application form needs to be accompanied by two sets of floor plans & elevations at a scale of 1:100, with all fittings, fixtures and finishes and a full menu. Plans should also show hot and cold water supply and waste water services, staff toilet facilities, mechanical exhaust ventilation, grease trap (where applicable and in accordance with Water Corporation).
  - e. The food premises must be designed and constructed to be appropriate for the purposes for which they are used; provide adequate space for food production and equipment.
  - f. Ensure that any activities by the commercial tenancies do not create nuisances for tenants (i.e. ensuring the discharge from the exhaust hood of the food business does not cause a nuisance to tenants).

#### **AMENDING MOTION 1**

**Moved by:** Cr Elizabeth Re

**Seconded by:** Ms Sheryl Chaffer

That advice note 3 be amended to read as follows:

**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 a Noise Management Plan for the construction site has been approved in writing by the City.

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

**REASON:** To provide consistency with the wording of the City's Policy.

#### **AMENDING MOTION 2**

**Moved by:** Cr Elizabeth Re

**Seconded by:** Ms Karen Hyde

That advice note 12(d) be reworded as follows:

*At the same time or prior to lodgement of the Building Permit, the Food Business proprietor is required to complete and submit a Food Premises Notification Form. The application form needs to be accompanied by two sets of floor plans & elevations at a scale of 1:100, with all fittings, fixtures and finishes and a full menu. Plans should also show hot and cold water supply and waste water services, ~~staff~~ toilet facilities, mechanical exhaust ventilation, grease trap (where applicable and in accordance with Water Corporation).*





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

**REASON:** To ensure that all toilet facilities for all user groups were considered as part of this advice note

**AMENDING MOTION 3**

**Moved by:** Ms Karen Hyde

**Seconded by:** Ms Sheryl Chaffer

*The following amendments were made en bloc:*

- (i) That condition 3 be amended to read as follows:

*The site shall be truncated at ~~3m x 3m~~ at the north-east corner of the lot in alignment with the front of the corner store deli. The truncation is to be ceded to the Crown free of cost.*

**REASON:** The precise dimensions are not shown on the feature survey and the exact truncation should avoid impact upon the heritage shop frontage to be retained as part of the redevelopment. The panel wished to allow some flexibility in this regard.

- (ii) That condition 14 be amended to read as follows:

*The four visitor parking bays onsite shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, **and be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City of Stirling.***

**REASON:** To align the condition with the details as shown on the plans and to allow for the security/intercom system to be used to allow visitor access.

- (iii) That condition 18 be amended to read as follows:

*Prior to occupation of the development, a minimum of four Advanced Trees must be planted on site and be thereafter maintained. The trees must be provided with a minimum 2m x 2m planting area, with a nine square metre area free of intrusions, **or alternatively a sub-surface stratacell system with integrated sub-surface irrigation and conditioned soil be provided to a minimum cell area of 20m<sup>2</sup> as detailed in the CAPA Landscape Report.** The trees planted on the slab are to be installed in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2- Apartments (Section 4.15).*

**REASON:** To allow flexibility in the design and management of the landscape to utilise innovations in order to ensure the landscape thrives.

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



## AMENDING MOTION 4

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr Fred Zuideveld

That condition 6 be amended to read as follows:

*At least five (5) on-street parking bays are to be provided in the Clifton Crescent verge to the satisfaction of the City at the applicant's cost. Detailed civil engineering construction plans, prepared by a suitably qualified person, must be submitted for written approval to the satisfaction of the City prior to commencement of the development. The bays are to be constructed prior to the completion of the development.*

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

**REASON:** To allow flexibility for more than 5 bays to be provided should the detailed design and streetscape allow for such. But to identify that no less than 5 bays should be provided in Clifton Crescent.

## SEQUENTIAL MOTION 2 (AS AMENDED)

- ii) **Approve** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for Construction of Six Commercial Tenancies & 15 Multiple Dwellings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, subject to the following:

### Conditions:

1. 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.
2. Prior to occupation of the development, Lots 131 and 132, House Numbers 179 and 181 Central Avenue Mount Lawley are to be amalgamated into a single lot on a Certificate of Title.
3. The site shall be truncated at the north-east corner of the lot in alignment with the front of the corner store deli. The truncation is to be ceded to the Crown free of cost.
4. Prior to lodgement of the building permit, amended plans are to be submitted for modifying the car parking configuration to the City's satisfaction, to address the following:
  - a. Parking bays for the commercial properties are to be grouped together and clearly signed;
  - b. Parking bays for all visitors are to be grouped together, clearly signed, and are to be 2.5m wide;



- c. All resident parking bays abutting stores are to correlate to the apartment number / parking bay number of the adjacent store;
  - d. Wheel stops are to be provided where parking bays approach a footpath or store;
  - e. The 'secure bicycle bay' which conflicts with the adjacent parking bay at the south-west corner of the parking area is to be relocated; and
  - f. Prior to the completion of the development, an intercom system is to be installed for entering vehicles.
5. Prior to the completion of the development, the modification of the Clifton Crescent kerb alignment is to be completed to the satisfaction of the City.
  6. At least five (5) on-street parking bays are to be provided in the Clifton Crescent verge to the satisfaction of the City at the applicant's cost. Detailed civil engineering construction plans, prepared by a suitably qualified person, must be submitted for written approval to the satisfaction of the City prior to commencement of the development. The bays are to be constructed prior to the completion of the development.
  7. A Site Management Plan shall be submitted to the City of Stirling prior to commencement of works. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
  8. Collection and disposal of waste shall be managed in accordance with Waste Management Plan prepared by Talis dated December 2019, to the satisfaction of the City.
  9. Prior to the occupation of the development, the redundant crossovers 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.
  10. 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.
  11. 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.
  12. Prior to the submission of an Occupancy Permit, the applicant is to supply certification confirming the constructed design of all car parks and vehicle access ways are compliant with Australian Standards AS/NZS2890.1:2004, AS/NZS2890.2:2002, AS/NZS2890.6:2009 and the approved plans, to the satisfaction of the City.
  13. Prior to occupation of the development, onsite vehicular parking, manoeuvring and circulation areas indicated on the approved ground floor plan being sealed, drained and line marked to the satisfaction of the City.



14. The four visitor parking bays onsite shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, and be suitably sign posted from the street or communal driveway.
15. Prior to occupation of the development all commercial parking bays are to be available onsite during business hours for all customers and staff.
16. Prior to submission of the Building Permit, the applicant is to provide a Stormwater Management Plan demonstrating stormwater from all roofed and paved areas to be collected and contained onsite. Stormwater must not affect or be allowed to flow onto or into any of the adjoining properties or reserve.
17. 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.
18. Prior to occupation of the development, a minimum of four Advanced Trees must be planted on site and be thereafter maintained. The trees must be provided with a minimum 2m x 2m planting area, with a nine square metre area free of intrusions, or alternatively a sub-surface stratacell system with integrated sub-surface irrigation and conditioned soil be provided to a minimum cell area of 20m<sup>2</sup> as detailed in the CAPA Landscape Report. The trees planted on the slab are to be installed in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2- Apartments (Section 4.15).
19. Planting of three 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
20. The infill panels forming part of the front fencing shall be visually permeable as defined by the Residential Design Codes.
21. All multiple dwellings shall be provided with a mechanical dryer prior to the occupation of the development.
22. Exterior lighting shall be provided under all awnings, in parking areas, footpaths and all entry points, prior to occupation of the development.
23. 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.
24. All air-conditioning units, ducts and other services shall be screened from view and are to be located away from the primary street.
25. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans, to the satisfaction of the City.
26. The approved non-residential land uses are Office, Shop and Restaurant as indicated on the approved plans, to the satisfaction of the City.



27. Prior to the commencement of development, a report prepared by a qualified structural engineer demonstrating how the structural integrity of the corner store deli is to be maintained during demolition and building works is to be provided to the City for its approval. The development must be undertaken in accordance with the recommendations in the approved report for maintaining the structural integrity of the corner store deli during the demolition and building works.
28. 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.
29. 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.

### Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention
3. 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 a Noise Management Plan for the construction site has been approved in writing by the City.
4. 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.
5. All works within the road reserve require separate approval through the City's Engineering Design Business Unit.
6. In reference to the infill panels forming part of the front fencing, 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*".
7. An Advanced Tree is defined in Local Planning Policy 6.11 as: *means a tree which requires planting in at least a 90 litre contained or greater size and which is at least two metres in height and at least two years of age.*



8. In reference to the planting of street trees, the associated contribution costs for the planting of three new street trees are as follows:
- |      |                                 |                       |
|------|---------------------------------|-----------------------|
| i)   | Cost of new tree:               | \$655.00 (GST exempt) |
| ii)  | Number of new trees required:   | 3                     |
| iii) | Total for the associated works: | \$1,965.00            |
- Tree species will be chosen by the City to reflect the surrounding streetscape. Costs include two years of watering and the provision that the City will replace the tree should it be damaged or die during that period.
9. All street trees adjoining the subject land that are not conditioned for removal are to be retained and protected throughout the duration of the development. Should these trees die, decline, be damaged or are removed, charges will apply as per the City's Street and Reserve Tree Policy. Part of or all of your Verge Bond may be retained to cover the associated costs and further penalties and/or legal action may occur.
10. In regards to the approved land uses, any proposal to change to these land uses may require further approval as specified under Local Planning Scheme No.3.
11. In regards to the provision of five on-street parking bays, the applicant is encouraged to contact the City prior to submitting detailed plans for construction.
12. The following advice is provided from the City's Health Services Business Unit:
- The bin enclosure is to comply with the City of Stirling's Waste Management Local Law 2010.
  - All designated emergency exit doors are to have the doors opening towards egress if this is to be a Public Building.
  - Any outside lighting should meet Australia Standard AS4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any residential premises.
  - At the same time or prior to lodgement of the Building Permit, the Food Business proprietor is required to complete and submit a Food Premises Notification Form. The application form needs to be accompanied by two sets of floor plans & elevations at a scale of 1:100, with all fittings, fixtures and finishes and a full menu. Plans should also show hot and cold water supply and waste water services, toilet facilities, mechanical exhaust ventilation, grease trap (where applicable and in accordance with Water Corporation).
  - The food premises must be designed and constructed to be appropriate for the purposes for which they are used; provide adequate space for food production and equipment.
  - Ensure that any activities by the commercial tenancies do not create nuisances for tenants (i.e. ensuring the discharge from the exhaust hood of the food business does not cause a nuisance to tenants).





---

**The Sequential Motion 2 (as amended) was put and CARRIED (3/2).**

**For:** Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr Fred Zuideveld

**Against:** Cr Elizabeth Re  
Cr David Boothman

**REASON:** The majority of the panel felt that the development application was well resolved, retained the essence of the corner store and enhanced the corner as a hub for local community activity, contributed well in terms of land uses and building typology and was consistent with the underlying zones and R Code of the City's Scheme. Features and measures which required conditions as set out in the alternate recommendation were appropriate and only required minor modification which was achieved through some amending motions agreed by the panel. Having already approved the demolition aspect of the application the panel voted on the development and the majority were in favour of the conditional approval.

**ALTERNATE MOTION (AS AMENDED)**

That the Metro North-West Joint Development Assessment Panel resolves to:

- i) **Approve** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for Demolition of Existing Buildings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, subject to the following:

**Conditions:**

1. An Archival Record of the heritage property on Lot 131, HN 179 Central Avenue, Mount Lawley shall be submitted to the City prior to demolition of the traditional dwelling. The Archival record is to include photographs of the external and internal features of the traditional dwelling, to the satisfaction of the City.
2. An Archival Record of the heritage property on Lot 132, HN 181 Central Avenue, Mount Lawley shall be submitted to the City prior to demolition of the traditional dwelling. The Archival record is to include photographs of the external and internal features of the traditional dwelling, to the satisfaction of the City.
3. All street trees located in verge areas adjoining the subject lots are to be retained and protected.
4. Materials removed or displaced from the buildings shall not be placed in any street, road or right of way and, before commencing work, as the case may require, shall be kept sprayed with water so as to prevent any nuisance from dust.





5. Materials removed or displaced from the building being demolished or materials left standing shall not be burned on the demolition sites.

**Advice Notes:**

1. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
  2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention
  3. 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 a Noise Management Plan for the construction site has been approved in writing by the City.
  4. All street trees adjoining the subject land that are not conditioned for removal are to be retained and protected throughout the duration of the development. Should these trees die, decline, be damaged or are removed, charges will apply as per the City's Street and Reserve Tree Policy. Part of or all of your Verge Bond may be retained to cover the associated costs and further penalties and/or legal action may occur.
- ii) **Approve** DAP Application reference DAP/19/01665 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations*, and the provisions of the City of Stirling Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, for Construction of Six Commercial Tenancies & 15 Multiple Dwellings at Lot 131, HN 179 Central Avenue Mount Lawley and Lot 132, HN 181 Central Avenue Mount Lawley, subject to the following:

**Conditions:**

1. 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.
2. Prior to occupation of the development, Lots 131 and 132, House Numbers 179 and 181 Central Avenue Mount Lawley are to be amalgamated into a single lot on a Certificate of Title.
3. The site shall be truncated at the north-east corner of the lot in alignment with the front of the corner store deli. The truncation is to be ceded to the Crown free of cost.



4. Prior to lodgement of the building permit, amended plans are to be submitted for modifying the car parking configuration to the City's satisfaction, to address the following:
  - a. Parking bays for the commercial properties are to be grouped together and clearly signed;
  - b. Parking bays for all visitors are to be grouped together, clearly signed, and are to be 2.5m wide;
  - c. All resident parking bays abutting stores are to correlate to the apartment number / parking bay number of the adjacent store;
  - d. Wheel stops are to be provided where parking bays approach a footpath or store;
  - e. The 'secure bicycle bay' which conflicts with the adjacent parking bay at the south-west corner of the parking area is to be relocated; and
  - f. Prior to the completion of the development, an intercom system is to be installed for entering vehicles.
5. Prior to the completion of the development, the modification of the Clifton Crescent kerb alignment is to be completed to the satisfaction of the City.
6. At least five (5) on-street parking bays are to be provided in the Clifton Crescent verge to the satisfaction of the City at the applicant's cost. Detailed civil engineering construction plans, prepared by a suitably qualified person, must be submitted for written approval to the satisfaction of the City prior to commencement of the development. The bays are to be constructed prior to the completion of the development.
7. A Site Management Plan shall be submitted to the City of Stirling prior to commencement of works. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
8. Collection and disposal of waste shall be managed in accordance with Waste Management Plan prepared by Talis dated December 2019, to the satisfaction of the City.
9. Prior to the occupation of the development, the redundant crossovers 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.
10. 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.
11. 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.



12. Prior to the submission of an Occupancy Permit, the applicant is to supply certification confirming the constructed design of all car parks and vehicle access ways are compliant with Australian Standards AS/NZS2890.1:2004, AS/NZS2890.2:2002, AS/NZS2890.6:2009 and the approved plans, to the satisfaction of the City.
13. Prior to occupation of the development, onsite vehicular parking, manoeuvring and circulation areas indicated on the approved ground floor plan being sealed, drained and line marked to the satisfaction of the City.
14. The four visitor parking bays onsite shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, and be suitably sign posted from the street or communal driveway.
15. Prior to occupation of the development all commercial parking bays are to be available onsite during business hours for all customers and staff.
16. Prior to submission of the Building Permit, the applicant is to provide a Stormwater Management Plan demonstrating stormwater from all roofed and paved areas to be collected and contained onsite. Stormwater must not affect or be allowed to flow onto or into any of the adjoining properties or reserve.
17. 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.
18. Prior to occupation of the development, a minimum of four Advanced Trees must be planted on site and be thereafter maintained. The trees must be provided with a minimum 2m x 2m planting area, with a nine square metre area free of intrusions, or alternatively a sub-surface stratacell system with integrated sub-surface irrigation and conditioned soil be provided to a minimum cell area of 20m<sup>2</sup> as detailed in the CAPA Landscape Report. The trees planted on the slab are to be installed in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2- Apartments (Section 4.15).
19. Planting of three 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
20. The infill panels forming part of the front fencing shall be visually permeable as defined by the Residential Design Codes.
21. All multiple dwellings shall be provided with a mechanical dryer prior to the occupation of the development.
22. Exterior lighting shall be provided under all awnings, in parking areas, footpaths and all entry points, prior to occupation of the development.
23. 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.



24. All air-conditioning units, ducts and other services shall be screened from view and are to be located away from the primary street.
25. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans, to the satisfaction of the City.
26. The approved non-residential land uses are Office, Shop and Restaurant as indicated on the approved plans, to the satisfaction of the City.
27. Prior to the commencement of development, a report prepared by a qualified structural engineer demonstrating how the structural integrity of the corner store deli is to be maintained during demolition and building works is to be provided to the City for its approval. The development must be undertaken in accordance with the recommendations in the approved report for maintaining the structural integrity of the corner store deli during the demolition and building works.
28. 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.
29. 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.

#### **Advice Notes**

1. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention
3. 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 a Noise Management Plan for the construction site has been approved in writing by the City.
4. 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.
5. All works within the road reserve require separate approval through the City's Engineering Design Business Unit.



6. In reference to the infill panels forming part of the front fencing, 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”*.
7. An Advanced Tree is defined in Local Planning Policy 6.11 as: *means a tree which requires planting in at least a 90 litre contained or greater size and which is at least two metres in height and at least two years of age.*
8. In reference to the planting of street trees, the associated contribution costs for the planting of three new street trees are as follows:
  - i) Cost of new tree: \$655.00 (GST exempt)
  - ii) Number of new trees required: 3
  - iii) Total for the associated works: \$1,965.00

Tree species will be chosen by the City to reflect the surrounding streetscape. Costs include two years of watering and the provision that the City will replace the tree should it be damaged or die during that period.
9. All street trees adjoining the subject land that are not conditioned for removal are to be retained and protected throughout the duration of the development. Should these trees die, decline, be damaged or are removed, charges will apply as per the City's Street and Reserve Tree Policy. Part of or all of your Verge Bond may be retained to cover the associated costs and further penalties and/or legal action may occur.
10. In regards to the approved land uses, any proposal to change to these land uses may require further approval as specified under Local Planning Scheme No.3.
11. In regards to the provision of five on-street parking bays, the applicant is encouraged to contact the City prior to submitting detailed plans for construction.
12. The following advice is provided from the City's Health Services Business Unit:
  - a. The bin enclosure is to comply with the City of Stirling's Waste Management Local Law 2010.
  - b. All designated emergency exit doors are to have the doors opening towards egress if this is to be a Public Building.
  - c. Any outside lighting should meet Australia Standard AS4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any residential premises.
  - d. At the same time or prior to lodgement of the Building Permit, the Food Business proprietor is required to complete and submit a Food Premises Notification Form. The application form needs to be accompanied by two sets of floor plans & elevations at a scale of 1:100, with all fittings, fixtures and finishes and a full menu. Plans should also show hot and cold water supply and waste water services, toilet facilities, mechanical exhaust ventilation, grease trap (where applicable and in accordance with Water Corporation).



- e. The food premises must be designed and constructed to be appropriate for the purposes for which they are used; provide adequate space for food production and equipment.
- f. Ensure that any activities by the commercial tenancies do not create nuisances for tenants (i.e. ensuring the discharge from the exhaust hood of the food business does not cause a nuisance to tenants).

**The Alternate Motion (as amended) was put and CARRIED (3/2).**

For: Ms Karen Hyde  
Ms Sheryl Chaffer  
Mr Fred Zuideveld

Against: Cr Elizabeth Re  
Cr David Boothman

**REASON:** The panel considered all materials presented by the City the presenters and the applicant and overall the majority of the panel were not in favour of refusing either the demolition or the development. Instead the majority of the panel considered the demolition to be appropriate to enable an improved streetscape and corner treatment and that the elements being demolished did not contribute to either the streetscape or offer the potential to activate the corner. The application was regarded as consistent with underlying zoning of the land. In addition, the application had been assessed and supported by the city’s Design Review Panel. The application was therefore regarded as capable of conditional approval.

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

Nil

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

| Current Applications |  |  |
|----------------------|--|--|
| LG Name              | Property Location                              | Application Description                      |
| City of Joondalup    | Lot 104 & 105 (8 & 10) Brechin Court, Duncraig | 3 Levels, 16 Apartments, Multiple Dwellings  |
| City of Stirling     | Lot 101 (191) Balcatta Road, Balcatta          | Extension to the Existing Bunnings Warehouse |

**11. General Business / Meeting Close**

The Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 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 12.20pm

Ms Karen Hyde   
Presiding Member, Metro North-West JDAP