



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 30 January 2020, 9.30am
Meeting Number: MNWJDAP/278
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

Ms Giovanna Lumbaca (City of Stirling)
Ms Giselle Allieux (City of Stirling)
Mr Michael Ball (City of Stirling)

Minute Secretary

Ms Amorette Kerklaan (City of Stirling)
Mr Jackson Mawby (City of Stirling)
Ms Amber Sumpton (City of Stirling)

Applicants and Submitters

Mr Peter Simpson (PTS Town Planning)
Mr Alan White (MJA Studios)
Mr Wes Barret (MJA Studios)

Members of the Public / Media

There was one member of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9.33am on 30 January 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.

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

2. Apologies

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

Nil.

7. Deputations and Presentations

7.1 Mr Alan White and Mr Wes Barret (MJA Studios) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Peter Simpson (PTS Town Planning) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.3 Ms Giselle Alliex and Ms Giovanna Lumbaca from the 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 102, House Number 2A Walter Road West, Inglewood
	Development Description:	Nursing Home and Office
	Applicant:	PTS Town Planning Pty Ltd
	Owner:	Brightwater Care Group Limited
	Responsible Authority:	City of Stirling
	DAP File No:	DAP/19/01692

REPORT RECOMMENDATION

Moved by: Cr David Boothman

Seconded by: Ms Karen Hyde

Officer Recommendation:

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/19/1692 and accompanying plans (Attachment 1) for the Nursing Home and Office at Lot 102, House Number 2A Walter Road West, Inglewood in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No.3 and pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:-

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 of Stirling. The plans approved as part of this application form part of the planning approval issued.
2. Prior to occupation of the development, privacy screening to the first floor and second floor balconies orienting to the eastern lot boundary, shall be 1.6m above finished floor level and visually impermeable to the satisfaction of the City of Stirling.
3. Amended plans are to be provided prior to the submission of a Building Permit, to the satisfaction of the City, to address the following:
 - a) The ACROD bay adjacent to the Village Square is required to be relocated or modified in order to comply with AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities);
 - b) The crossover is to be modified so that it includes a 1.5m wide pedestrian refuge between the vehicles entering and exiting the site; and
 - c) The crossover is to be delineated in red asphalt in order to highlight this area for pedestrians and vulnerable road users.



4. Prior to the submission of a Building Permit, a revised Landscaping Plan is to be provided to the satisfaction of the City demonstrating:
 - a) A minimum of two shade trees to be planted in the southern row of bays within the north-western carpark (which contains 32 car parking bays); and
 - b) Incorporation of water efficient irrigation systems.
5. Prior to the submission of a Building Permit, the applicant is to submit a Tree Protection Plan to the satisfaction of the City of Stirling demonstrating how the existing onsite mature trees and the two street trees being retained will be protected during construction. The Tree Protection Plan shall be in accordance with Australian Standard AS4970-2009 'Protection of Trees on Development Sites'. Measures identified in the Tree Protection Plan shall be implemented to the satisfaction of the City of Stirling.
6. Any existing onsite mature tree identified as a part of the Landscape Plan to be retained, that subsequently dies, will need to be replaced with an Advanced tree, to the satisfaction of the City.
7. Prior to occupation of the development, the Evergreen Trees (Magnolia 'Teddy Bear') proposed along the eastern boundary of the subject site shall be at least 2.0m in height during planting, to the satisfaction of the City.
8. Prior to occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the City of Stirling's Policy 6.6 – Landscaping, to the satisfaction of the City.
9. 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.
10. 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.
11. 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.
12. Prior to occupation of the development, the turning bays marked on the plans hereby approved are to be appropriately marked and sign posted as "No Parking – Turning Only", to the satisfaction of the City of Stirling.
13. Prior to occupation of the development, 30 bicycle parking bays are to be installed to comply with Australian Standards AS/NZS2890.3:2015 within the designated bicycle parking areas marked on the site plan, to the satisfaction of the City.
14. Prior to occupation of the development, the end-of-trip facilities shall be installed. The 30 lockers shall be well ventilated and be of a size sufficient to allow the storage of cycle attire and equipment, to the satisfaction of the City.



15. Prior to occupation of the development, pedestrian pathways shall provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas to the satisfaction of the City.
16. Prior to occupation of the development, adequate lighting being provided to communal pathways and parking areas to the satisfaction of the City of Stirling. Outside lighting is to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting.
17. Air conditioning units, ducts and other services shall be screened from view from the street and from the adjacent residential properties.
18. All stormwater from all roofed and paved areas shall be collected and contained onsite.
19. Prior to occupation of the development, all noise attenuation/mitigation measures identified and recommended in the Acoustic Report prepared by Hewshott International dated 5 November 2019 shall be implemented to the satisfaction of the City of Stirling.
20. The applicant shall provide the City with a further Acoustic Assessment Report to the satisfaction of the City of Stirling, 12 months from the date of occupation of the development, demonstrating that the noise attenuation/mitigation measures identified and recommended in the Acoustic Report prepared by Hewshott International dated 5 November 2019 have been implemented.
21. Collection and disposal of waste shall be managed in accordance with the Waste Management Plan prepared by Encycle Consulting dated 31 October 2019. The Waste Management Plan is to be complied with for the duration of the occupation of the development.
22. 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.
23. Prior to the submission of a Building Permit, a Site Management Plan is to be submitted to and approved by the City addressing 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.
24. No earthworks shall encroach onto Macaulay Reserve, located to the south of the subject site.
25. The crossover shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the City.
26. Prior to occupation of the development, any 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.



27. All signage is to be in strict accordance with the City of Stirling's Advertising Signs Policy, unless further approval of the City of Stirling is obtained.

Advice Notes

1. No construction materials are to be stored on the adjacent public open space.
2. No access through the reserve is permitted without prior written approval by the City.
3. Construction noise is to comply with the Environmental Protection (Noise) Regulations. Noisy Construction Work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
4. The Salon must be registered with the City and comply with Health Skin Penetration Regulations 1998 and the Hairdressing Establishment Regulations 1972. Initial plans indicate there are insufficient sinks / hand wash basins in the Salon. Prior to construction works commencing, fitout plans for the Salon should be forward to the City's Health Section for review.
5. Any areas within the development that could be classed as a public building are to comply with the Health (Public Buildings) Regulations.
6. The food premise/s is to comply with the Food Act 2008 and the Australia New Zealand Food Standards Code. Prior to operation, the food premises proprietor is required to apply for a Food Premises Registration.
7. In the event that either of the two street tree assets adjacent to the construction site dies as a result of the development, the applicant/landowner will be charged the Helliwell value of the tree.
8. The owner/occupier of the premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance as outlined under the City of Stirling Health Local Law 2009.
9. Any future fencing proposed between the subject site and Macaulay Reserve shall be visually permeable in order to promote passive surveillance from the subject site to Macaulay Reserve.
10. An Advanced Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: *'a tree which requires planting in at least a 90 litre container or greater size and which is at least 2m in height and at least 2 years of age.'*



11. Prior to the submission of a Building Permit, the applicant is required to satisfactorily address the outstanding planning matters in the conditions of approval. The applicant is advised that a matrix detailing actions taken to meet conditions of approval is to be submitted to the City of Stirling (Development Services – Planning) and written confirmation is to be received that all conditions are met prior to submitting a Building Permit. A copy of this confirmation is to be submitted with the Building Permit. If associated actions are incomplete, the Building Permit application will not be accepted by the City.
12. 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.

AMENDING MOTION 1

The following amendments were made en bloc:

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

- (i) That Condition 1 be amended to read as follows:

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 of Stirling.~~ The plans approved as part of this application form part of the planning approval issued.

REASON: The approved plans in the RAR do not have any annotations and therefore it would not be appropriate for the City to annotate the plans post JDAP determination.

- (ii) That Condition 3(c) be amended to read as follows:

*The crossover is to be delineated in red asphalt, **or other appropriate material (as agreed with the City of Stirling)**, in order to highlight this area for pedestrians and vulnerable road users.*

REASON: The panel considered that there are other options to delineate the crossover, which could be further discussed with the City of Stirling as part of the detailed design.

- (iii) That Condition 4(a) be amended to read as follows:

Prior to the submission of a Building Permit, a revised Landscaping Plan is to be provided to the satisfaction of the City demonstrating:

- a) *~~A minimum of two shade trees to be planted in the southern row of bays within the north-western carpark (which contains 32 car parking bays);~~ **The 28 bays (two rows) directly to the north of the main entrance from Walter Road West being provided with one tree per six bays; and***

REASON: The rewording of this condition enables a number of options to be considered at the detailed landscape design.



- (iv) That Condition 6 be amended to read as follows:

*Any existing onsite mature tree identified as a part of the Landscape Plan to be retained, that subsequently dies **within 12 months following the issue of an occupancy certificate**, will need to be replaced with an Advanced tree, to the satisfaction of the City.*

REASON: To provide clarity about the condition and retention of mature trees.

- (v) That Condition 24 be amended to read as follows:

*No earthworks shall encroach onto Macaulay Reserve, located to the south of the subject site **without prior written approval of the City of Stirling**.*

REASON: The panel considered there may be an opportunity to better integrate the site with the Reserve and this provides the flexibility to have these discussions.

The Amending Motions were put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Cr Elizabeth Re

Seconded by: Nil

That a new Condition 28 be added to read as follows:

Incorporation of renewable energy technology is included to the satisfaction of the City of Stirling.

The Amending Motion LAPSED for want of a seconder.

AMENDING MOTION 3

Moved by: Ms Karen Hyde

Seconded by: Councillor Elizabeth Re

That a new Advice Note 13 be added to read as follows:

The applicant is encouraged to investigate opportunities for additional sustainability measures to be incorporated into the development in collaboration with the City of Stirling.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that the addition of Advice Note 13 is a reflection of the comments made by the Design Review Panel.



AMENDING MOTION 4

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Fred Zuideveld

That Condition 2 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Ms Karen Hyde
Ms Sheryl Chaffer
Mr Fred Zuideveld

Against: Cr David Boothman
Cr Elizabeth Re

REASON: The Panel considered that this condition was not required as the closest balcony is 10m from the eastern boundary which exceeds the Deemed to Comply 7.5m under the R-Codes. The balconies are orientated to the north and south and Condition 7 requires 2m high trees to be planted along the eastern boundary.

AMENDING MOTION 5

Moved by: Mr Fred Zuideveld

Seconded by: Nil

That Advice Note 2 be amended to read as follows:

*No **construction** access through the reserve is permitted without prior written approval by the City.*

The Amending Motion LAPSED for want of a seconder.

REPORT RECOMMENDATION (AS AMENDED)

Officer Recommendation:

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/19/1692 and accompanying plans (Attachment 1) for the Nursing Home and Office at Lot 102, House Number 2A Walter Road West, Inglewood in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No.3 and pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the planning approval issued.



2. Amended plans are to be provided prior to the submission of a Building Permit, to the satisfaction of the City, to address the following:
 - a) The ACROD bay adjacent to the Village Square is required to be relocated or modified in order to comply with AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities);
 - b) The crossover is to be modified so that it includes a 1.5m wide pedestrian refuge between the vehicles entering and exiting the site; and
 - c) The crossover is to be delineated in red asphalt, or other appropriate material (as agreed with the City of Stirling), in order to highlight this area for pedestrians and vulnerable road users.
3. Prior to the submission of a Building Permit, a revised Landscaping Plan is to be provided to the satisfaction of the City demonstrating:
 - a) The 28 bays (two rows) directly to the north of the main entrance from Walter Road West being provided with one tree per six bays; and
 - b) Incorporation of water efficient irrigation systems.
4. Prior to the submission of a Building Permit, the applicant is to submit a Tree Protection Plan to the satisfaction of the City of Stirling demonstrating how the existing onsite mature trees and the two street trees being retained will be protected during construction. The Tree Protection Plan shall be in accordance with Australian Standard AS4970-2009 'Protection of Trees on Development Sites'. Measures identified in the Tree Protection Plan shall be implemented to the satisfaction of the City of Stirling.
5. Any existing onsite mature tree identified as a part of the Landscape Plan to be retained, that subsequently dies, within 12 months following the issue of an occupancy certificate, will need to be replaced with an Advanced tree, to the satisfaction of the City.
6. Prior to occupation of the development, the Evergreen Trees (Magnolia 'Teddy Bear') proposed along the eastern boundary of the subject site shall be at least 2.0m in height during planting, to the satisfaction of the City.
7. Prior to occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the City of Stirling's Policy 6.6 – Landscaping, to the satisfaction of the City.
8. 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.
9. 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.
10. 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.



11. Prior to occupation of the development, the turning bays marked on the plans hereby approved are to be appropriately marked and sign posted as “No Parking – Turning Only”, to the satisfaction of the City of Stirling.
12. Prior to occupation of the development, 30 bicycle parking bays are to be installed to comply with Australian Standards AS/NZ2890.3:2015 within the designated bicycle parking areas marked on the site plan, to the satisfaction of the City.
13. Prior to occupation of the development, the end-of-trip facilities shall be installed. The 30 lockers shall be well ventilated and be of a size sufficient to allow the storage of cycle attire and equipment, to the satisfaction of the City.
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16. Air conditioning units, ducts and other services shall be screened from view from the street and from the adjacent residential properties.
17. All stormwater from all roofed and paved areas shall be collected and contained onsite.
18. Prior to occupation of the development, all noise attenuation/mitigation measures identified and recommended in the Acoustic Report prepared by Hewshott International dated 5 November 2019 shall be implemented to the satisfaction of the City of Stirling.
19. The applicant shall provide the City with a further Acoustic Assessment Report to the satisfaction of the City of Stirling, 12 months from the date of occupation of the development, demonstrating that the noise attenuation/mitigation measures identified and recommended in the Acoustic Report prepared by Hewshott International dated 5 November 2019 have been implemented.
20. Collection and disposal of waste shall be managed in accordance with the Waste Management Plan prepared by Encycle Consulting dated 31 October 2019. The Waste Management Plan is to be complied with for the duration of the occupation of the development.
21. 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.
22. Prior to the submission of a Building Permit, a Site Management Plan is to be submitted to and approved by the City addressing 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.



23. No earthworks shall encroach onto Macaulay Reserve, located to the south of the subject site without prior written approval of the City of Stirling.
24. The crossover shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the City.
25. Prior to occupation of the development, any 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.
26. All signage is to be in strict accordance with the City of Stirling's Advertising Signs Policy, unless further approval of the City of Stirling is obtained.

Advice Notes

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4. The Salon must be registered with the City and comply with Health Skin Penetration Regulations 1998 and the Hairdressing Establishment Regulations 1972. Initial plans indicate there are insufficient sinks / hand wash basins in the Salon. Prior to construction works commencing, fitout plans for the Salon should be forward to the City's Health Section for review.
5. Any areas within the development that could be classed as a public building are to comply with the Health (Public Buildings) Regulations.
6. The food premise/s is to comply with the Food Act 2008 and the Australia New Zealand Food Standards Code. Prior to operation, the food premises proprietor is required to apply for a Food Premises Registration.
7. In the event that either of the two street tree assets adjacent to the construction site dies as a result of the development, the applicant/landowner will be charged the Helliwell value of the tree.
8. The owner/occupier of the premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance as outlined under the City of Stirling Health Local Law 2009.
9. Any future fencing proposed between the subject site and Macaulay Reserve shall be visually permeable in order to promote passive surveillance from the subject site to Macaulay Reserve.



10. An Advanced Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: *'a tree which requires planting in at least a 90 litre container or greater size and which is at least 2m in height and at least 2 years of age.*
11. Prior to the submission of a Building Permit, the applicant is required to satisfactorily address the outstanding planning matters in the conditions of approval. The applicant is advised that a matrix detailing actions taken to meet conditions of approval is to be submitted to the City of Stirling (Development Services – Planning) and written confirmation is to be received that all conditions are met prior to submitting a Building Permit. A copy of this confirmation is to be submitted with the Building Permit. If associated actions are incomplete, the Building Permit application will not be accepted by the City.
12. 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.
13. The applicant is encouraged to investigate opportunities for additional sustainability measures to be incorporated into the development in collaboration with the City of Stirling.

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

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

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

There being no further business, the Presiding Member declared the meeting closed at 10.45am.