



*City of Stirling*

## Ordinary Meeting of the 40th Council

**12 September 2023**

# Minutes

To: The Mayor and Councillors

Here within the Minutes of the Ordinary Meeting of Council of the City of Stirling held Tuesday 12 September 2023 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.

A handwritten signature in black ink, reading 'Stuart Jardine', with a long, sweeping underline that extends to the right.

**Stuart Jardine PSM | Chief Executive Officer**

## **Our Vision, Mission and Values**

### **Vision**

A sustainable City with a local focus.

### **Mission**

To serve our community by delivering efficient, responsive and sustainable service.

### **Values**

The City of Stirling's core values are:

- Approachable
- Responsive
- Transparent
- Innovative.

### **Disclaimer**

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF TUESDAY 12 SEPTEMBER 2023 HELD IN CITY OF STIRLING  
COUNCIL CHAMBER, 25 CEDRIC STREET, STIRLING**

**1. OFFICIAL OPENING**

The Presiding Member declared the Ordinary Meeting of Council open at 6.33pm.

**2. ATTENDANCE AND APOLOGIES**

**ATTENDANCE**

**Deputy** Councillor Stephanie Proud JP

**Councillors** Councillor Andrea Creado  
Councillor Michael Dudek  
Councillor Felicity Farrelly  
Councillor Chris Hatton  
Councillor David Lagan  
Councillor Suzanne Migdale  
Councillor Teresa Olow  
Councillor Karlo Perkov  
Councillor Bianca Sandri  
Councillor Lisa Thornton

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<b>Employees</b>	Chief Executive Officer - Stuart Jardine PSM Director Community Development - Michael Quirk Director Corporate Services - Ingrid Hawkins Director Infrastructure - Andrew Murphy Director Planning and Development - Stevan Rodic Manager City Future - Giovanna Lumbaca Manager Development Services - Amanda Sheers Manager Governance - Jamie Blanchard Service Lead Council & Civic - Candice D'Castro Media and Corporate Affairs Coordinator - Issy Rule Legal and Governance Specialist - Lyndee Goh Lead Governance Officer - Regan Clyde Senior Governance Officer - Jackson Mawby Business Improvement Officer - Remo Formato
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<b>Public</b>	6
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<b>Press</b>	0
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## **APOLOGIES**

Mayor Mark Irwin

## **3. APPROVED LEAVE OF ABSENCE**

Councillor Tony Krsticevic (granted a leave of absence for the period 28 August 2023 to 17 October 2023 inclusive).

Councillor Teresa Olow (granted a leave of absence for the period 16 October 2023 to 29 October 2023 inclusive).

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#### **4. DISCLOSURES OF INTEREST**

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the City of Stirling and its community.

##### **Planning and Development Committee - 5 September 2023**

Nil.

##### **Council - 12 September 2023**

Nil.

#### **5. PETITIONS**

Nil.

#### **6. RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE**

All Public Question Time responses from the previous Council meeting were published in the minutes of that meeting.

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**7. PUBLIC QUESTION TIME**

Public Question Time is included in the live stream. Members of the public are only required to state their name and suburb when addressing the meeting.

Members of the public who wish to ask question/s at the Council meeting are requested to submit these through the City's online Public Question Time submission form ([click here](#)).



**7.1 PUBLIC QUESTION TIME - L JACK**

**The following questions were submitted by L Jack, Karrinyup WA 6018 at the Council Meeting held Tuesday, 12 September 2023.**

- A1. *“How many City trees will be removed, or have been removed, for the City's trackless tram trial track and how many would be removed for the full project if it was to go ahead? When I say trees, I mean newly planted trees, not just significant trees, but all the newly planted trees as well.”*
- A1. The Director Infrastructure advised that four trees have been removed for the trial. In terms of the second part of the question, that is difficult to answer, as the delivery of the trackless tram is subject to final design, if it were to go ahead.
- Q2. *“Trees have been removed from the turf at the front and for the trial tram and also this has potentially disrupted the underground irrigation and part of the bike path. This is City infrastructure that ratepayers have paid for and it's been ripped out to move this project forward, but it hasn't gone out to public consultation yet. It's taking a lot of City employee time and even though it's federally funded, how much did the green and hard infrastructure cost ratepayers so far for what's been disrupted?”*
- A2. The Director Infrastructure advised that the trees will be replaced. The estimated replacement cost is \$280 per tree where there is already irrigation there, and that would be reinstated so that trees would not require watering.
- Q3. *“All of the City's slick propaganda hype for the Trackless Train project lacks facts and details. The last agenda item on 29 August 2023 didn't include the usual maps or details that are normally in agendas for the public to see. On the Trackless Tram Business Case page on the City's website, it stated that stage one of the business case included problems and opportunities. Stage Two of the Business Case identified an analysis of options and that's completed, but there's no link to these documents. Within these stages, is there a full cost benefit analysis report and feasibility study for all of the relevant social, financial and environmental considerations for comparisons between current bus systems, upgraded bus systems, a trackless tram with full priority, a trackless tram with partial priority, light rail trams with full priority and light rail trams with partial priority? I realised that these agenda items have all been around a trial. Have Councillors been provided with any of this information?”*
- A3. The Director Infrastructure advised that the question would be taken on notice and a written response provided.

### **Additional Information**

- A1. In line with the future vision for the Scarborough Beach Road Activity Corridor, the Trackless Tram project has the potential to increase the number of trees in this area with the implementation of this mid-tier transport system. In comparison to light rail, there is no need for overhead catenary wires with a trackless tram system and this could allow for increased tree planting along the route to provide additional shade and amenity. It also supports the City's priority to reduce carbon emissions by providing a more reliable and improved public transport system. It is envisaged that this world class technology could be the catalyst to move people from using their cars and into public transport to create a more sustainable future for our community.
- A2. The item presented to Council on 29 August 2023 referred to the City's Trackless Tram Trial which is part of the research being conducted to assist the City's Trackless Tram Business Case. The Trial will be conducted in the City of Stirling Administration Centre Car Park and a link to the map for this location was provided as part of the report.

In regards to the information on the Trackless Tram Business Case webpage, the timeline references various stages of the research that is being undertaken as part of that project. The research and outcomes of these stages will be presented in the final Business Case document that is expected to be finalised in November 2023.

The Trackless Tram Business Case is being developed in line with Australian Government requirements and considers the transport, economic, environmental and social benefits that this technology could provide. It compares six different transport options to determine the most viable and feasible option for the Scarborough Beach Road Corridor. The completion of a preliminary business case is a vital first step in the process to secure future funding and provides both the Federal and State Government with an initial assessment of the costs and benefits of the proposal.

**7.2 PUBLIC QUESTION TIME - P ELLIS**

**The following questions were submitted by P Ellis, Carine WA 6020, at the Council Meeting held Tuesday, 12 September 2023.**

- Q1. *“Can you please advise me why the overflow car park was closed last Sunday morning for the Stirling market day and that the alternative parking was not made available with lots of people driving around trying to find a parking spot?”*
- A1. The Director Infrastructure advised it was closed last week because works were ongoing to resurface the overflow car park. The City is not aware of any issues with parking. Feedback received on the weekend was that there were no issues with parking in relation to the market.
- Q2. *“I hope you can assist me in relation to the employment of Mr Rodic as CEO. When does payment for his service as CEO commence?”*
- A2. The Manager Governance advised 3 January 2024.
- Q3. *“If Mr Jardine’s employment is concluded prior to the completion of his one-year contract, how much is he renumeralated for the termination of his contract?”*
- A3. The Manager Governance advised that the CEO’s contract has not been terminated.

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**7.3 PUBLIC QUESTION TIME - R HADLEY**

**The following questions were submitted by R Hadley, Woodlands WA 6018, at the Council Meeting held Tuesday, 12 September 2023.**

- Q1. *“On behalf of the Ewen Street Community Group, does anyone believe that the City of Stirling's carpark, approximately 6,000m<sup>2</sup>, just happened to be scheduled for resurfacing at a time when a \$3 million Chinese golden chariot is expected to arrive? Hopefully these minor works went through a contract process, and, Acting Mayor, was the removal of shrubs and established trees included in the contracts? All part of the City's greening initiative, I assume.”*
- A1. The Director Infrastructure advised the resurfacing of the car park was in the budget; it was scheduled to occur. In terms of removal of trees and shrubs, specialist contractors removed them - contractors the City uses all the time for different tree works.
- Q2. *“Reasons for this trackless tram is to reduce traffic usage, reduce emissions, and boost investor confidence. Few passengers use this public transport on a daily basis. Therefore, how or why will a \$3 million trackless tram see hundreds of commuters rushing to use this vehicle? And if you believe the mayor's YouTube video, 500 passengers every 15 minutes. However, with electric buses - no emissions, no 13 platforms are required, no major disruption on Scarborough Beach Road and how much taxpayer's money saved?”*
- A2. The Director Infrastructure advised this question would be taken on notice and a written response provided.
- Q3. *“Has the Minister for Department of Planning, Lands and Heritage approved and signed off on a further lease extension from 2029 to 2044 for the Mount Lawley Golf Club?”*
- A3. The Director Corporate Services advised that this would only be done if they choose to take that extension. At that point, the Minister would need to give approval.

**Additional Information**

- A2. Research to date has indicated that future travel demand in the Perth Metropolitan area will remain car centric unless an alternative mode of public transport is provided that is more time competitive, reliable, visible, safe and connected. New transport technology will be essential in driving this modal shift. The development of the Trackless Tram Business Case will compare six different transport options to determine the most viable and feasible option for the Scarborough Beach Road Corridor. It is anticipated that the Business Case will be finalised in November 2023.

**7.4 PUBLIC QUESTION TIME - G BELL**

**The following questions were submitted by G Bell, North Beach WA 6020, at the Council Meeting held Tuesday, 12 September 2023.**

Q1. *“Since we’ve been talking about finances, it’s a huge City to look after with a lot of projects going on, is it all funded by ratepayers?”*

A1. The Deputy Mayor advised that the City gets a lot of funding, grant funding from external sources.

*“What are those other sources, are they all government?”*

The Director Corporate Services advised that about 60% of the City’s expenditure is funded through ratepayers. Other funds, for example grants, come from Federal and State governments. The City also has fees and charges. For example leisure facilities and programs is another avenue of revenue. Revenue also comes from the City’s property and commercial portfolio; revenue is diversified through that lens. Another large element is through interest revenue. Those are some of the other revenue streams but 60% is funded by ratepayers.

*“How do you own that land, where’d that come from?”*

The Deputy Mayor advised that a lot is vested in the City by the Crown; all this information is in great detail in the Annual Report.

Q2. *“Does the City have any control over the public water? The quality of the public water?”*

A2. The Director Infrastructure advised no, that is the remit of the Water Corporation.

Q3. *“Is there any part of the City of Stirling that has any contact, or anything to do with the UN or WEF? Either directly or via the State Government.”*

A3. The Manager Governance advised that the United Nations has many programs that the City engages in, in one form or another. These include International Anti-Corruption Day and the United Nations Sustainable Development Goals. There may be other interactions with the United Nations from time to time.

*“That’s ongoing?”*

Yes, correct.

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**7.5 PUBLIC QUESTION TIME - R MITCHELL**

**The following questions were submitted by R Mitchell, Karrinyup WA 6018, prior to the Council Meeting held Tuesday, 12 September 2023.**

Q1. *“Upon the retirement of the Chief Executive Officer in 2024, does the Council intend to give the Council vehicle to him which is Council property, not part of his contract?”*

A1. No.

Q2. *“Does the City of Stirling have an active designated tree and plant nursery? Are there equivalent time employees to maintain the nursery’s tree and plants to being propagated and maintained at the nursery prior to being mature enough to plant, and has the City of Stirling a Catalogue of the current and available trees, plants and any other factors enhancing nature growth?”*

A2. Yes, the City has an industry accredited production Nursery that produces trees and plants for use in the City’s planting programs. The nursery has employees that propagate and maintain the trees and plants ready for planting.

The nursery produces an array of trees and plants that are utilised for street and reserve tree planting, the planting of landscaped gardens and the revegetation on natural areas throughout the City. The City does not produce a catalogue as the nursery is not open to the public and only produces trees and plants for City planting projects.

Q3. *“I wish to question why it is necessary to cut up the concrete entry forecourt to the Council Offices? I last heard that the cost to carry out this task is now nearing \$100,000 dollars and not a thing has started.*

*Correspondence I received indicated that the planting area would be excavated ‘for deep rooted trees’. I also hope the concrete is not covering a portion of the Council Rubbish tip from the 1960s. If so nothing will grow there even if ‘deep rooted’. Concrete will also be cut to provide power for lighting illumination circuit conduit.*

*When I initially posed the lack of shade cover to the area, I never envisaged the current expenditure. The way the whole project is being massaged with inconsequential glib literature. It will un-necessarily escalate cost upwards to \$500,000.*

*Why large pot planted trees cannot be used on a seasonal rotating bases is a mystery to me.*

*I know one councillor saw the idea of large pot plants being used and further progressed the idea by incorporating in the pots a reservoir for water drip feeding trees and plants.*

*Also I would strongly suggest that power supply is not cut into the current concrete built form to provide a conduit pipe, but a shallow durable formed concrete duct, well-fitting heavy duty walkable cover installed to provide access for power and water supplies."*

- A3. The key objective of this project is to provide shade to the forecourt which would not be possible from the size of trees that would grow healthily in large pots as you and others have suggested.

The only work undertaken on this project to date has been the development of the concept plan recently endorsed by Council and the cost of this was less than \$15,000.

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**7.6 PUBLIC QUESTION TIME - S LONGHORN**

**The following questions were submitted by S Longhorn, Scarborough WA 6018, prior to the Council Meeting held Tuesday, 12 September 2023.**

- Q1. *“Further to my email to Council, CEO and Director of Planning on 8 September 2023, could we please have the development application for flood lighting at the new beach tennis court dealt with at Council meeting rather than by delegated authority? It will have significant and lasting impact on the local residents and needs proper consideration.”*
- A1. The City approved a development application for light poles at 105 Deanmore Road, Scarborough on 23 August 2023. The application proposed four light poles which are 6m in height to enable night-time use of six beach tennis courts at the property.

The City’s planning assessment concluded that the application did not require public consultation under the City’s planning framework and with appropriate conditions of development approval being complied with, the light poles would not have a significant impact on the amenity of the area.

The conditions imposed will require the two light poles abutting Deanmore Road to be turned off at 9.15pm each night and play restricted on the two nearest courts abutting Deanmore Road to 9.00pm each night. In addition to this, the City will require these two light poles to be fitted with hoods to restrict any light spill onto Deanmore Road.

The City has imposed similar conditions of development approval in 2021 with regards to new lighting installed at Wembley Downs Tennis Club. The lights in this instance were 15m in height and not 6m as approved under this application. The City has not received any complaints from residents adjoining Wembley Downs Tennis Club following installation of the light poles.

Community consultation on the new light poles at 105 Deanmore Road, Scarborough was conducted by the City’s Community Services Directorate under the City’s Sports Floodlighting Policy. The City has arranged a meeting with residents who responded to the City’s community consultation or who live or own property directly adjacent to the site and is due to take place at the Scarborough Tennis Club. This meeting with City officers will enable residents to ask questions relating to the approved lighting.



## **8. APPLICATIONS FOR LEAVE OF ABSENCE**

### **Council Resolution**

**0923/001**

**Moved Councillor Farrelly, seconded Councillor Thornton**

**That Council APPROVES Councillor Joe Ferrante's request for a leave of absence for 12 September 2023.**

**The motion was put and declared CARRIED (11/0).**

**For:** Councillors Creado, Dudek, Farrelly, Hatton, Lagan, Migdale, Olow, Perkov, Proud, Sandri and Thornton.

**Against:** Nil.

## **9. CONFIRMATION OF MINUTES**

### **Council Resolution**

**0923/002**

**Moved Councillor Lagan, seconded Councillor Hatton**

**That the Minutes of the Ordinary Meeting of Council of 29 August 2023 be confirmed as a true and correct record of proceedings.**

**The motion was put and declared CARRIED (11/0).**

**For:** Councillors Creado, Dudek, Farrelly, Hatton, Lagan, Migdale, Olow, Perkov, Proud, Sandri and Thornton.

**Against:** Nil.

**10. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The Presiding Member welcomed back Councillor Bianca Sandri, and congratulated her on her recent marriage.

**11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING**

Nil.

## 12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

### 12.1 PLANNING AND DEVELOPMENT COMMITTEE - 5 SEPTEMBER 2023

#### 12.1/DS1 AMENDMENT TO USE NOT LISTED - VIEWING TOWER - LOT 12, HOUSE NUMBER 200, KARRINYUP ROAD, KARRINYUP

Business Unit: Development Services	Service: Planning Services
Ward: Coastal	Location: <a href="#">Karrinyup Shopping Centre - Lot 12, House Number 200, Karrinyup Road, Karrinyup</a>
Applicant: Western Precinct Karrinyup Pty Ltd	Reference: DA23/0642 (Amendment to DA21/2145)

#### Role

Quasi-Judicial - *Determining applications from the community.*

## Council Resolution

0923/003

Moved Councillor Migdale, seconded Councillor Sandri

That pursuant to Schedule 2 Clause 77(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 26(1) of the Metropolitan Region Scheme, the application Use Not Listed - Viewing Tower – Amendment to DA21/2145 at Lot 12, House Number 200, Karrinyup Road, Karrinyup be APPROVED subject to the following conditions:

- a. Condition 2 of the development approval is amended to read:  
  
*‘2. The development approval is valid until 14 June 2024. The Viewing Tower is to be dismantled and removed by no later than 28 June 2024.’*
- b. Condition 7 of the development approval is amended, by substituting the reference to Australian Standard “AS/NZ 4282-1997” with “AS/NZS 4282:2019”.
- c. All other conditions and requirements detailed on the previous development approval DA21/2145 dated 23 June 2023 shall remain unless altered by this approval.

The motion was put and declared CARRIED (9/2).

**For:** Councillors Creado, Hatton, Lagan, Migdale, Olow, Perkov, Proud, Sandri and Thornton.

**Against:** Councillors Dudek and Farrelly.

### Committee Recommendation

That pursuant to Schedule 2 Clause 77(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 26(1) of the Metropolitan Region Scheme, the application Use Not Listed - Viewing Tower – Amendment to DA21/2145 at Lot 12, House Number 200, Karrinyup Road, Karrinyup be APPROVED subject to the following conditions:

- a. Condition 2 of the development approval is amended to read:
  - ‘2. *The development approval is valid until 14 June 2024. The Viewing Tower is to be dismantled and removed by no later than 28 June 2024.*’
- b. Condition 7 of the development approval is amended, by substituting the reference to Australian Standard “AS/NZ 4282-1997” with “AS/NZS 4282:2019”.
- c. All other conditions and requirements detailed on the previous development approval DA21/2145 dated 23 June 2023 shall remain unless altered by this approval.

### Officer's Recommendation

That pursuant to Schedule 2 Clause 77(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 26(1) of the Metropolitan Region Scheme, the application Use Not Listed - Viewing Tower – Amendment to DA21/2145 at Lot 12, House Number 200, Karrinyup Road, Karrinyup be APPROVED subject to the following conditions:

- a. Condition 2 of the development approval is amended to read:
  - ‘2. *The development approval is valid until 14 June 2024. The Viewing Tower is to be dismantled and removed by no later than 28 June 2024.*’
- b. Condition 7 of the development approval is amended, by substituting the reference to Australian Standard “AS/NZ 4282-1997” with “AS/NZS 4282:2019”.
- c. All other conditions and requirements detailed on the previous development approval DA21/2145 dated 23 June 2023 shall remain unless altered by this approval

## Purpose

<b>Decision Required:</b>	<b>Amendment to Existing Development Approval – Extension to the Temporary Approval Period</b>
<b>Element:</b>	Proposed 12 month extension to the temporary validity period to June 2024
<b>Location Plan / Photograph:</b>	As per Attachment 1
<b>Proposal Plans:</b>	As per Attachment 2
<b>Development Issue:</b>	Determination of an application for a use not listed in Local Planning Scheme 3 (LPS3).
<b>Applicant's Justification:</b>	As per Attachment 3
<b>Consultation Required:</b>	Completed - Submissions Received

## Site Details

<b>LPS3:</b>	<b>Zoning:</b>	Regional Centre
	<b>Use Class:</b>	Use Not Listed – Temporary Viewing Tower
	<b>Use Type:</b>	Use that is not specifically mentioned in Local Planning Scheme 3 (LPS3) Table 1 - Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category
<b>Site Area:</b>	130,516m <sup>2</sup>	

## Background

At its meeting held 14 June 2022, Council resolved (Council Resolution Number 0622/009) to grant development approval for the temporary works and use of the subject site for a Viewing Tower. The determination notice and stamped plans were issued to the Applicant on 23 June 2022. The Viewing Tower is a marketing tool for the Mixed Use development approved by the Metro Inner-North Joint Development Assessment Panel on 25 August 2022 (reference DA22/0387). The development approval for the Viewing Tower was granted for a temporary period of 12 months, from 14 June 2022. The approval requires the Viewing Tower to be removed at the end of the 12 month period. The Applicant advises that the Viewing Tower was installed and commissioned for use on 26 August 2022.

The City received a development application (reference DA23/0642) on 31 May 2023 to amend condition 2 of the development approval (reference DA21/2145) for the Viewing Tower. The amendment to condition 2 seeks to extend the temporary approval period for an additional 12 months, from 14 June 2023 to 14 June 2024. Condition 2 and the associated advice note 11 of the development approval is as follows:

2. The development approval is valid for a maximum period of 12 months from the date of this approval, after which time the Viewing Tower is to be removed.

Note 11: In reference to Condition 2, the development application was approved by Council at its Ordinary Council Meeting held on 14 June 2022 – which is the date of this approval.

No changes to the other conditions of development approval, or to the Viewing Tower structure, are proposed by the Applicant.

The City has recommended some additional minor amendments to the wording of conditions 2 and 7. For condition 2, this is in effect to provide a separate timeframe for the expiry of the Viewing Tower use (14 June 2024) and the removal of the Viewing Tower structure (14 days later, on 28 June 2024). For condition 7, this is to replace a reference to a superseded version of the Australian Standard for the control of the obtrusive effects of outdoor lighting.

The built form of the Viewing Tower structure is summarised below:

- Steel open structure.
- 10 storeys plus an unroofed floor level above and 31.1m maximum height (to the top of the highest balustrade).
- Located in the at-grade parking area between the Karrinyup Shopping Centre buildings, the Northcourt building and Burroughs Road.

The operation of the Viewing Tower use is summarised below:

- No more than five people are permitted on the Viewing Tower at any one time.
- All members of the public are required to be accompanied by an authorised representative associated with the Viewing Tower.
- The permitted operating hours are between:
  - 7.00am and 7.00pm Monday to Friday, by appointment only; and
  - 11.00am to 3.00pm on Saturday and Sunday.

## Consultation

The Viewing Tower is a Use Not Listed and was advertised as a complex application. The application was advertised for a period of 28 days, with advertising commencing on 14 July 2023 and concluding on 11 August 2023. Advertising of the proposal was undertaken in accordance with the City's Local Planning Policy 6.18 – Public Consultation (LPP6.18) and Schedule 2 Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). Letters were sent to owners and occupiers of neighbouring properties within a 200m radius of the subject site; a notice was placed on the City's website; and signs were erected on-site on all street frontages (being Burroughs Road, Davenport Street, Francis Avenue and Karrinyup Road). At the conclusion of the advertising period, two submissions were received and are summarised in the table below. Detailed officer comments are provided in Attachment 4.

Submissions Received	Within 200m of Proposed Site	Remainder of Submissions	All Submissions
<b>SUPPORT</b>	0% (0)	50% (1)	50% (1)
<b>OBJECT</b>	50% (1)	0% (0)	50% (1)
<b>OTHER</b> (Not Stated/No Opinion/Conditional)	0% (0)	0% (0)	0% (0)

## Planning Assessment

### Amending Development Approval

Under Schedule 2 Clause 77(1) of the Regulations, an applicant may request the City to amend a condition to an existing development approval. This application seeks to grant a 12 month extension to the temporary validity period, specified in condition 2, to 14 June 2024.

The City is satisfied that the development application proposal does not substantially alter the previous development approval and is appropriate for consideration under Schedule 2 Clause 77 of the Regulations.

In addition to specific amendment requested by the Applicant, the City has recommended some additional minor amendments to the wording of conditions 2 and 7, to provide an additional 14 days to remove of the Viewing Tower structure and to replace a reference to a superseded version of an Australian Standard.



In accordance with Schedule 2 Clause 77(4) of the Regulations, Council may determine the application by:

- a. approving the application without conditions; or
- b. approving the application with conditions; or
- c. refusing the application.

### Land Use

The application proposes the ongoing use of the subject site for an 'Use Not Listed' Viewing Tower. No changes to the operation of the Viewing Tower use are proposed.

Following a concern raised by a member of the public about unauthorised access to the Viewing Tower, in March 2023, City officers inspected the site and determined it was secure and operating in accordance with the approval.

### Works

The application proposes the continued temporary retention of the Viewing Tower structure currently in-situ. No changes to the Viewing Tower structure are proposed.

Detailed planning assessment comments are provided in Attachment 5.

### Outdoor Lighting Obtrusive Effects Condition

Condition 7 requires any external lighting associated with this development to be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282-1997. The specific Standard referenced in the condition has been superseded by a newer version, AS/NZS 4282:2019. Accordingly, condition 7 is recommended to be revised by replacing the reference to AS/NZS 4282-1997 with AS/NZS 4282:2019.

### **Recommended Action**

It is considered that the proposal satisfies the relevant planning framework and accordingly the extension to the temporary approval period is recommended for approval, subject to the retention of other all conditions and requirements from Council's previous approval, with the following minor amendments:

- Amend condition 2 to add a 14 day period after the expiry of the temporary development approval for the Applicant to dismantle and remove the Viewing Tower.
- Amend condition 7 to update the reference to Australian Standard 4282 with the current version of that Standard.

## Policy Implications

If the applicant or owner is aggrieved by Council's determination, they have a right of review to the State Administrative Tribunal available, in accordance with Part 14 of the *Planning and Development Act 2005*.

The relevant policies and legislation applicable to this application are identified in Attachment 5.

## Financial Implications

Nil.

## Sustainable Stirling 2022-2032

**Key Result Area:** Our built environment

**Objective:** A liveable City

**Priority:** Prioritise growth in activity corridors and centres

**Priority:** Improve the quality, liveability and identity of local areas

**Priority:** Facilitate diverse housing choice for our community

## Strategic Risk

Strategic Risk	Risk Appetite
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

## Previous Council Resolutions

Meeting Date	Council Resolution Number	Council Resolution																														
14 June 2022	0622/009	<p>That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for a temporary Viewing Tower (Use Not Listed) on Lots 7 and 12, House Numbers 190 and 200, Karrinyup Road, Karrinyup, be APPROVED subject to the following conditions:</p> <p>a. 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 and are listed below:</p> <table><tr><th>Drawing Title</th><th>Date</th><th>Revision</th><th>Drawing Number</th><th>Drawn by</th></tr><tr><td>Location Sketch</td><td>21 December 2021</td><td>A</td><td>FS – 001 Sheet 1 of 2</td><td>Land Surveys</td></tr><tr><td>Location Sketch</td><td>21 December 2021</td><td>A</td><td>FS – 001 Sheet 2 of 2</td><td>Land Surveys</td></tr><tr><td>L00 Overall Plan</td><td>21 September 2021</td><td>-</td><td>-</td><td>Hames Sharley</td></tr><tr><td>Location Sketch with Overlay</td><td>21 December 2021</td><td>A</td><td>FS – 001 Sheet 1 of 2</td><td>Land Surveys</td></tr><tr><td>Building Sections</td><td>June 2020</td><td>1</td><td>S2.02</td><td>Pritchard Francis</td></tr></table> <p>b. This development approval is valid for a maximum period of 12 months from the date of this approval, after which time the Viewing Tower is to be removed;</p> <p>c. No more than five people are permitted on the Viewing Tower at any one time;</p>	Drawing Title	Date	Revision	Drawing Number	Drawn by	Location Sketch	21 December 2021	A	FS – 001 Sheet 1 of 2	Land Surveys	Location Sketch	21 December 2021	A	FS – 001 Sheet 2 of 2	Land Surveys	L00 Overall Plan	21 September 2021	-	-	Hames Sharley	Location Sketch with Overlay	21 December 2021	A	FS – 001 Sheet 1 of 2	Land Surveys	Building Sections	June 2020	1	S2.02	Pritchard Francis
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Building Sections	June 2020	1	S2.02	Pritchard Francis																												

Meeting Date	Council Resolution Number	Council Resolution
		<p>d. The Viewing Tower shall be secured, and all members of the public must be accompanied by an authorised representative associated with the Viewing Tower at all times;</p> <p>e. The operating hours are to be between the hours of 7.00am to 7.00pm Monday to Friday, by appointment only, and between the hours of 11.00am to 3.00pm on Saturday and Sunday;</p> <p>f. External lighting is to be provided to all public spaces associated with the Viewing Tower structure including footpaths, entry and exit points;</p> <p>g. External lighting associated with the Viewing Tower shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997; and</p> <p>h. A Site Management Plan shall be submitted to and approved by the City of Stirling prior to the commencement of works. The Site Management Plan shall address parking, traffic, noise, site safety and security during the construction phase.</p>

## Relevant Documents and Information

### Attachments

Attachment 1 - Location Plan and Aerial Photograph [↓](#)

Attachment 2 - Existing Development Approval (DA21/2145) [↓](#)

Attachment 3 - Applicant's Justification [↓](#)

Attachment 4 - Submissions Received - Officer Comment [↓](#)

Attachment 5 - Detailed Planning Assessment Comments [↓](#)

### Available for viewing at meeting

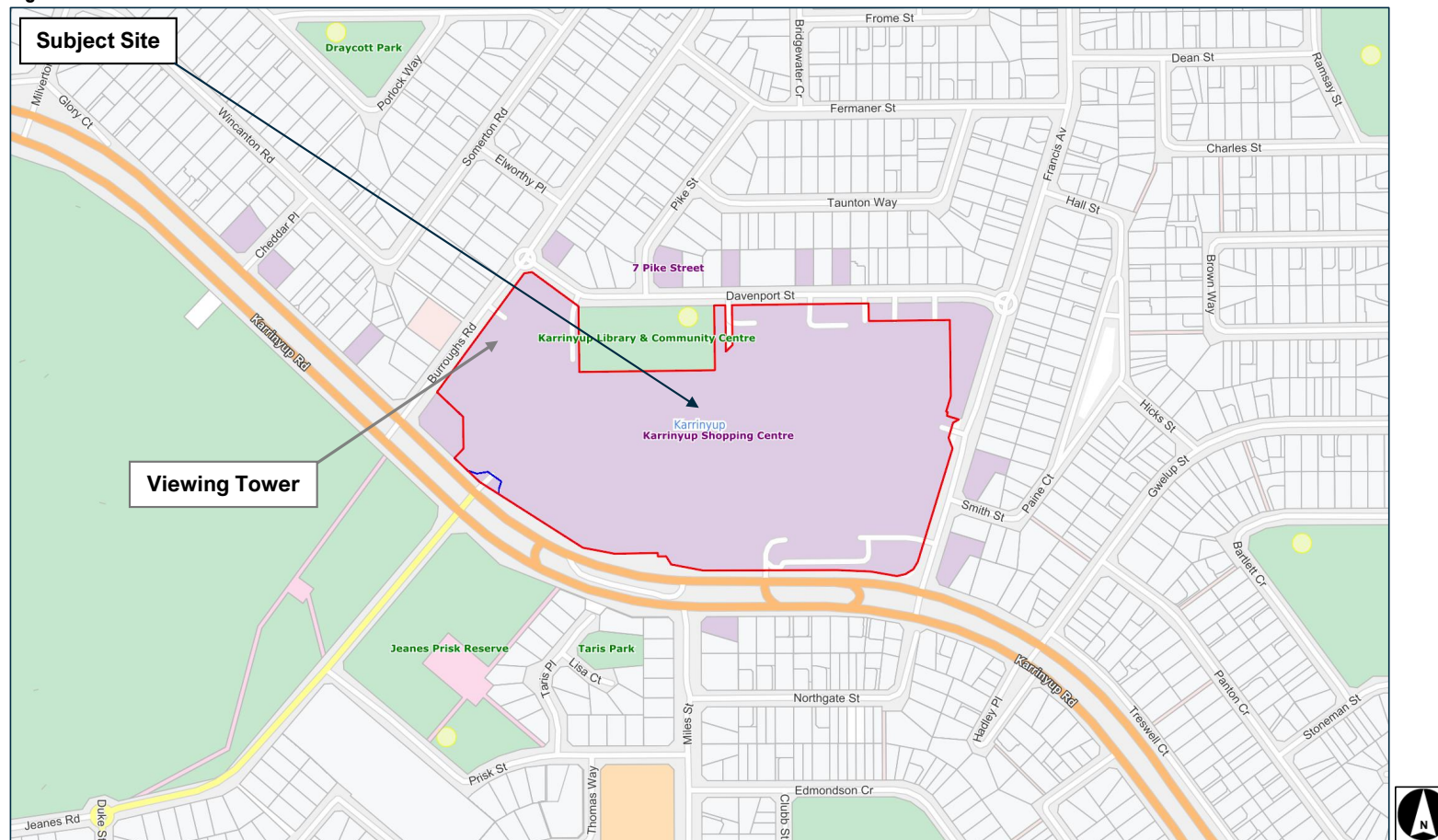
Nil

### Linked Documents

Nil.



**Figure 1: Location Plan**



Telephone (08) 9205 8555 | Enquiries [www.stirling.wa.gov.au/enquiries](http://www.stirling.wa.gov.au/enquiries) | Web [www.stirling.wa.gov.au](http://www.stirling.wa.gov.au) | [f](#) [@](#) [in](#) [t](#) [v](#) /citystirlingwa  
This information is available in alternative formats on request. Please contact the Customer Contact Centre on (08) 9205 8555

1





Figure 2: Aerial Photograph (April 2023)





ADMINISTRATION CENTRE  
25 Cedric St, Stirling WA 6021  
TELEPHONE (08) 9205 8555  
FACSIMILE (08) 9345 8822  
[www.stirling.wa.gov.au](http://www.stirling.wa.gov.au)

Enquiries: [REDACTED] - 9205 [REDACTED]

Application No: DA21/2145

23 June 2022

Blackburne Property Group  
1050 Hay Street  
WEST PERTH WA 6050

Dear Sir/Madam

**DEVELOPMENT APPLICATION: USE NOT LISTED – PROPOSED TEMPORARY VIEWING TOWER**

**ADDRESS: LOT 7 AND 12 – HN 190 AND 200 KARRINYUP ROAD, KARRINYUP WA 6018**

I refer to your application for approval to commence development at the abovementioned address. In accordance with the requirements of the City of Stirling Local Planning Scheme No. 3 and the authority delegated to Council under the provisions of the Metropolitan Region Scheme (as applicable), please find enclosed the signed Notice of Determination on Application for Development Approval and endorsed plans.

Your attention is drawn to that fact that this consent constitutes approval under the Planning and Development Act 2005 (the Act) only and that a Building Permit must also be obtained prior to commencement of any works. The nominated builder should therefore be provided with a copy of the attached approval and endorsed plans. To avoid any delays in the processing of a building permit, please ensure that the drawings and information supplied to the City are entirely consistent with this approval, and that any conditions have been completed or incorporated.

Please note that should the building permit plans vary from the City's Development Approval and works commence, an offence under the Act may have been committed. The City takes no responsibility for ensuring consistency between a Development Approval and a subsequent Building Permit. Failure to ensure a Building Permit is entirely consistent with the terms of a Development Approval can result in prosecution and penalties under the Act.

Should you require any further information on this matter, please contact the City and ask to speak with the above mentioned officer on 9205 8555 during normal office hours.

Yours faithfully

*Development Services*

Development Services Business Unit

Office Use:

Owner: AMP Capital Funds Management Ltd  
33 Alfred Street  
SYDNEY NSW 2000

**No: DA21/2145**
**PLANNING AND DEVELOPMENT ACT 2005**
**CITY OF STIRLING**
**Local Planning Scheme No. 3**
**DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**
**NOTICE OF CONDITIONAL APPROVAL**
**Location:** HN 190 and 200 Karrinyup Road KARRINYUP WA 6018

**Lot:** 7 & 12

**Plan/Diagram:** 43262 & 415683

**Vol. No:** 1356 & 2997

**Folio No:** 124 & 489

**Application Received:** 4 January 2022

**Expiry Date:** 14 June 2023

**Description of proposed development:**

Use Not Listed – Proposed Temporary Viewing Tower

**The application for development approval is:**

Granted subject to the following conditions:

**CONDITIONS OF APPROVAL:**
**Recommendation**

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 and are listed below:

Drawing Title	Date	Revision	Drawing Number	Drawn by
Location Sketch	21 December 2021	A	FS – 001 Sheet 1 of 2	Land Surveys
Location Sketch	21 December 2021	A	FS – 001 Sheet 2 of 2	Land Surveys
L00 Overall Plan	21 September 2021	-	-	Hames Sharley
Location Sketch with Overlay	21 December 2021	A	FS – 001 Sheet 1 of 2	Land Surveys
Building Sections	June 2020	1	S2.02	Pritchard Francis

2. This development approval is valid for a maximum period of 12 months from the date of this approval, after which time the Viewing Tower is to be removed.
3. No more than five people are permitted on the Viewing Tower at any one time.



**No: DA21/2145****DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

4. The Viewing Tower shall be secured, and all members of the public must be accompanied by an authorised representative associated with the Viewing Tower at all times.
5. The operating hours are to be between the hours of 7.00am to 7.00pm Monday to Friday, by appointment only, and between the hours of 11.00am to 3.00pm on Saturday and Sunday.
6. External lighting is to be provided to all public spaces associated with the Viewing Tower structure including footpaths, entry and exit points.
7. External lighting associated with the Viewing Tower shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997.
8. A Site Management Plan shall be submitted to and approved by the City of Stirling prior to the commencement of works. The Site Management Plan shall address parking, traffic, noise, site safety and security during the construction phase.

**NOTES:**

- Note 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.
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.
- Note 4: Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme, this approval shall be deemed to be an approval under the Metropolitan Region Scheme.
- Note 5: This is a Development Approval of the City of Stirling under its Local Planning Scheme and related policies. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 6: 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.
- Note 7: The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
- Note 8: Compliance with the provisions of the Building Code of Australia.
- Note 9: Development is to comply in all respects with the attached approved plans which have been stamped accordingly.

**No: DA21/2145****DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Note 10: Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.

Note 11: In reference to Condition 2, the development application was approved by Council at its Ordinary Meeting held on 14 June 2022 – which is the date of this approval.

**\*\*\* PLEASE NOTE: THIS APPROVAL IS NOT A BUILDING PERMIT \*\*\***

Signed:

Dated: 23 June 2022



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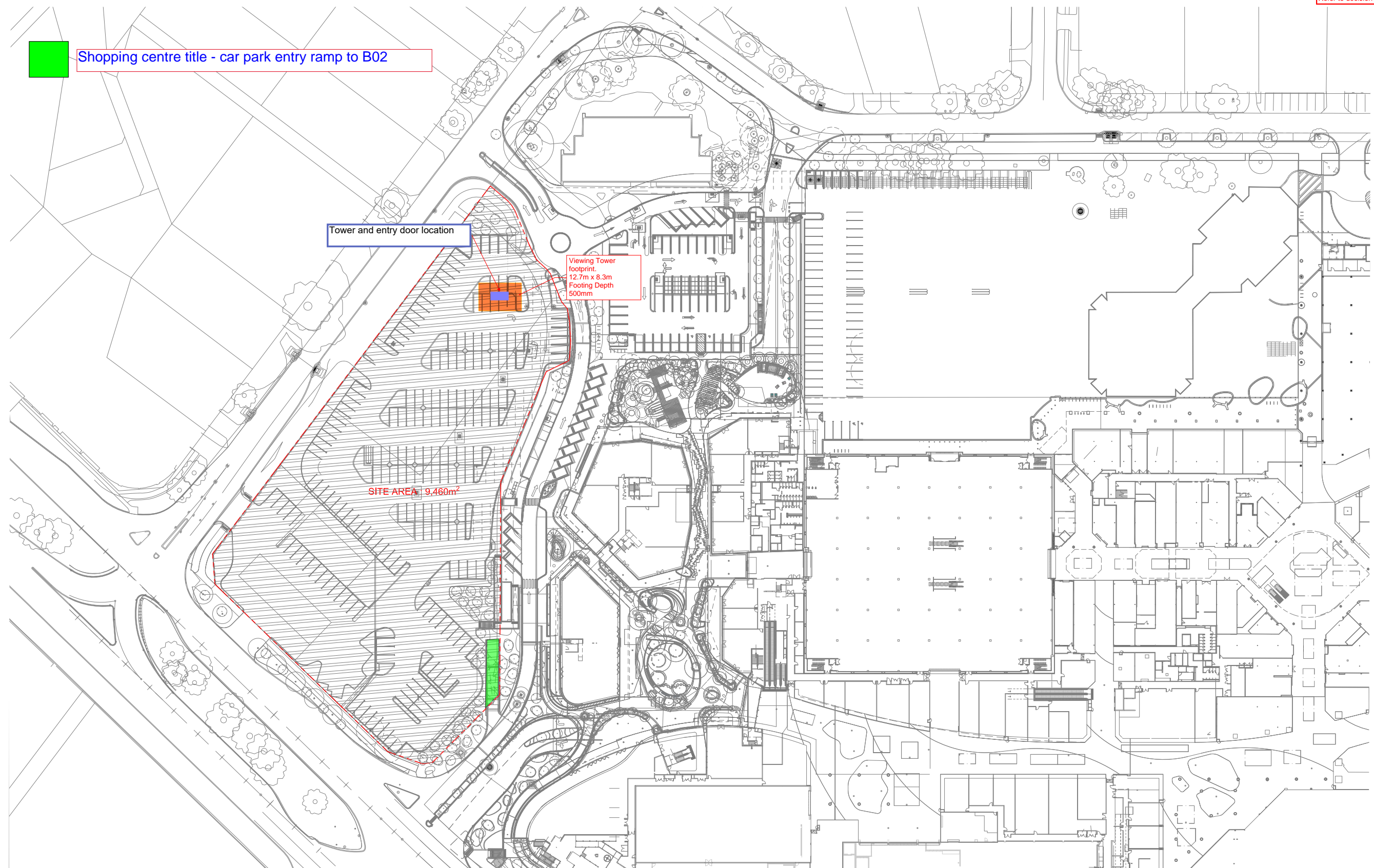
  
**Coordinator Planning Approvals  
Development Services**Contact Officer:  – 9205 







City of Stirling  
Ref No. DA21/2145  
14 June 2022  
APPROVED  
Refer to decision notice



L00 Overall Plan  
KARRINYUP WEST RESIDENTIAL PRECINCT

Status : For Information  
Paths :

Scale:



Project Number: 43975  
Drawing Number:  
Revision:  
Date: 21/09/2021

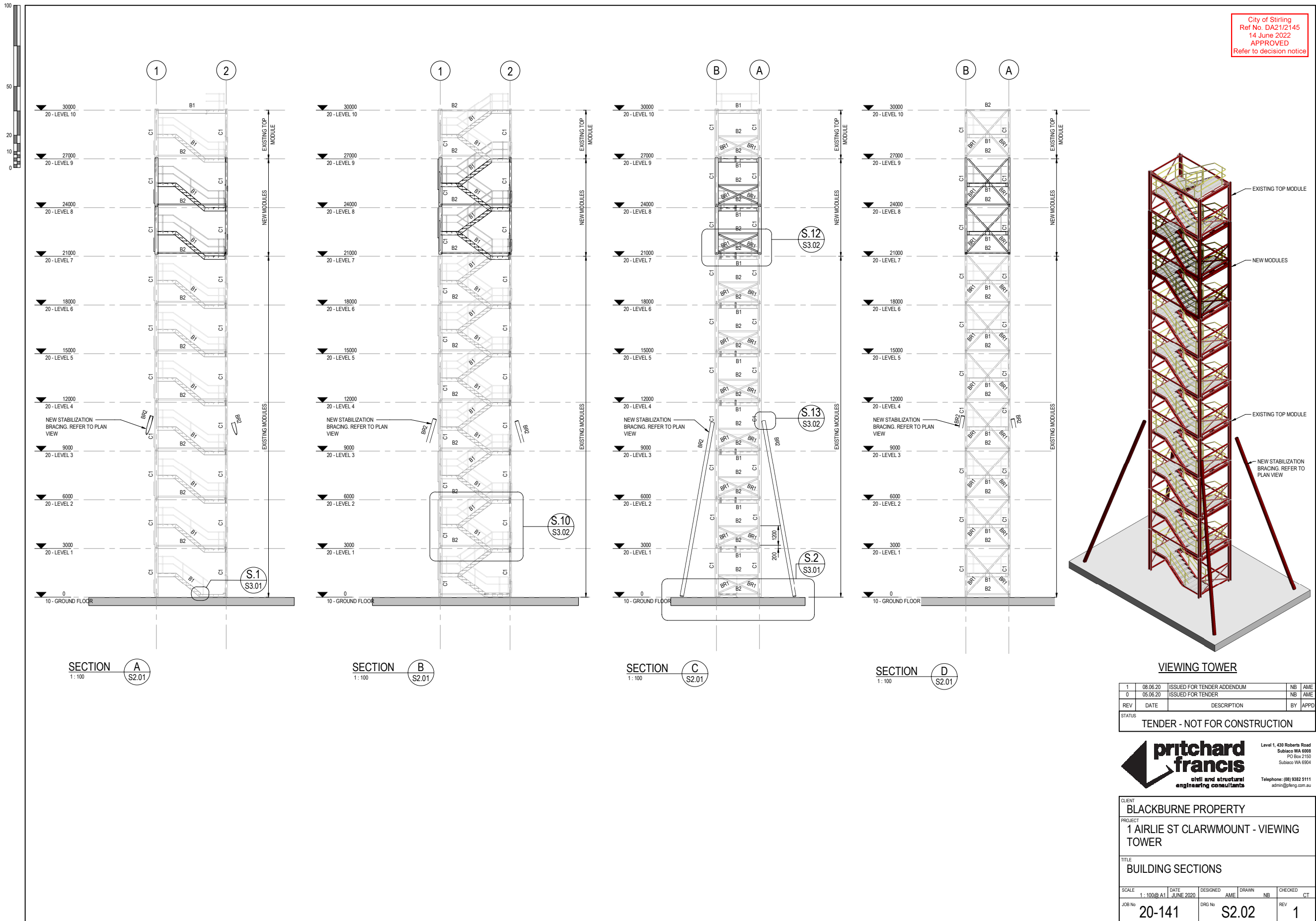
**Hames Sharley**

© Hames Sharley





City of Stirling  
Ref No. DA21/2145  
14 June 2022  
APPROVED  
Refer to decision notice



26 May 2023

# Blackburne

City of Stirling  
Administration Centre  
25 Cedric Street  
Stirling WA 6021

Dear Cameron

Proposed Amendment to *DA21/2145 – Extension to expiry date*

We would like to submit our request to amend the expiry date of the determination referenced above. Currently, the expiry date is set for 14 June 2023, and we kindly request to extend it to 14 June 2024.

The purpose of the temporary viewing tower is to facilitate the sale and marketing of the forthcoming residential apartments on the subject site and we now anticipate the sales campaign to continue to the end of this year and potentially until mid-2024 (estimated). We also note that due to limited contractor availability at the time of the original approval being obtained, the viewing tower was unable to be installed and commissioned for use until 26 August 2022. This resulted in an effective use period of less than 9 months.

During the initial determination process, some concerns were raised regarding the potential negative impact of a temporary viewing tower on the immediate local area, which may have been a consideration in determining the current expiry date. We are pleased to inform you that, to the best of our knowledge, there have been no reported issues pertaining to noise, nuisance, loss of privacy, antisocial behaviour, littering, or increased vehicular traffic attributable to the presence and utilisation of the temporary viewing tower.

The tower has been strictly operated in accordance with the prescribed conditions which will continue. Access to the tower remains limited to very brief periods, and all entry is facilitated and supervised by a designated Blackburne employee. Furthermore, we are unaware of any valid reasons that would justify denying this proposed amendment request.

Should you require any additional information, please do not hesitate to contact either myself or our office. We are available to provide any necessary details to support our request.

Sincerely,

Rhys Johnson  
Senior Development Manager  
Blackburne



L1, 10 Rokeby Road  
Subiaco WA 6008

PO Box 422  
West Perth WA 6872

**W** [blackburne.com.au](http://blackburne.com.au)  
**E** [info@blackburne.com.au](mailto:info@blackburne.com.au)

**T** +61 8 9429 5777





## Submissions Received – Officer Comment

### DA23/0642 - Lot 12, House Number 200, Karrinyup Road, Karrinyup

**Table 1: Submissions Received – Officer Comment**

Submission Number	Submission Details	Officer Comment
1 – Support the proposal	I support this proposal.	This submitter's support of the proposal is noted.
2 – Object to the proposal	<p>The so-called "viewing tower" is a blot on the landscape, and is potentially dangerous if anyone, such as young risk takers; were to climb it. That would be our main concern. We live one street away, and have never seen anybody climb it to see the view. Ridiculous. It is an eye-sore which we can see it from our house. People are leaving trolleys and rubbish around it and these are seldom removed by the Shopping Centre or the Council So yes, we do feel impacted by the sight of this ugly tower.</p>	<p>No changes to the Viewing Tower structure are proposed. Council previously supported the height, setbacks, location and visual appearance of the Viewing Tower structure.</p> <p>The previous development approval contains a condition that requires the Viewing Tower to be secured. No change to this condition is proposed.</p> <p>Any trolleys and rubbish left next to the Viewing Tower would most likely be associated with the Karrinyup Shopping Centre. The Viewing Tower is installed on the same property as the Shopping Centre and it is their responsibility to manage these matters on their land.</p>



## Detailed Planning Assessment Comments

### DA23/0642 - Lot 12, House Number 200, Karrinyup Road, Karrinyup

#### Policy and Legislative Implications

The following policy and legislation have been considered in the assessment of this application:

- *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations)
- Local Planning Scheme No. 3 (LPS3)
- Local Planning Policy 5.7 – Karrinyup Regional Centre Design Guidelines (LPP5.7)

#### Legislation

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations)

This application is submitted in accordance with Schedule 2 Clause 77(1) of the Regulations. This application has been made in accordance with the requirements in Part 8 'Applications for development approval' and is to be dealt with under Part 9 'Procedure for dealing with applications for development approval' as if it were an application for development approval.

Council is to have due regard to the matters contained under Schedule 2 Clause 67 of the Regulations when exercising its discretion and the following matters in subclause (2) are considered most relevant to this application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and



- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (w) the history of the site where the development is to be located;
- (y) any submissions received on the application;

No changes to the operation of the Viewing Tower use previously approved are proposed, other than to the validity period of the temporary approval. No changes to the Viewing Tower structure are proposed. The City's response to each consideration is outlined in the table below:

**Table 1: Matters to be Considered**

Matter	Officer Comments
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed extension to the temporary approval of the Viewing Tower use and the Viewing Tower structure have been considered against the objectives of the Regional Centre zone. Other than the proposed extension of the temporary approval period, there are no changes to the operation of the previously approved Viewing Tower use or to the Viewing Tower structure.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes)</i>	The application has been assessed against the relevant provisions and objectives of LPS3 and local planning policies. The Viewing Tower remains being a temporary use and structure with the proposed extension to the validity of approval period. The Viewing Tower is associated with the



Matter	Officer Comments
<i>Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	marketing for the apartments within a proposed Mixed Use development with a valid development approval (DA22/0387 / DAP/22/02226) on the same site. There are no seriously entertained planning instrument proposals that are relevant to the determination of this application.
(g) any local planning policy for the Scheme area;	The proposal has been assessed in accordance with the relevant policy provisions and objectives.
(m) the compatibility of the development with its setting, including — (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No changes to the built form of the Viewing Tower structure are proposed.
(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The previous development approval contains conditions to regulate the operation of the Viewing Tower use, so as not to have an adverse impact on the amenity of the area by way of light spill, noise, parking and traffic impacts. No changes to these conditions are proposed.
(s) the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The proposed extension to the validity period does not change the vehicle access arrangements to the subject site. The proposed extension to the validity period does not substantially change the vehicle parking impacts, as no other changes to the operation of the previously approved Viewing Tower use are proposed. The Viewing Tower has a low parking demand, which is accommodated within the existing shopping centre car parks.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The proposed extension to the validity period does not substantially change the traffic impacts, as no other changes to the operation of the previously approved Viewing Tower use are proposed. The impact to the surrounding road network from this development is minimal.



Matter	Officer Comments
(w) the history of the site where the development is to be located;	Council approved the original development application for this Viewing Tower on 14 June 2022 (DA21/2145).
(y) any submissions received on the application;	The City has undertaken consultation in accordance with Schedule 2 Clause 64 of the Regulations and LPP6.18. The City received two submissions, which have been considered in the assessment and officer recommendation of this application.

Local Planning Scheme No. 3 (LPS3)

For any use not listed, Council needs to determine that the use is consistent with the objectives of the applicable zone, to permit that use, in accordance with LPS3 Clause 4.4.2. The subject site is zoned Regional Centre under LPS3. Council determined that the Viewing Tower use in the original development application was consistent with the Regional Centre zone objectives and was permitted on this site.

Since Council approved the original development application, there have been no changes to:

- the Regional Centre zone objectives, or
- the operation of the Viewing Tower use on this site, other than the proposed extension to the validity period of the temporary approval.

The City's response to each objective for the Regional Centre zone, as listed in LPS3 Clause 4.2.11, is outlined in the table below:

**Table 2: Regional Zone Objectives**

Objective	Officer Comments
a) To provide for the full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre.	The Viewing Tower aids in the provision of a full range of shopping, office, administrative, social, recreation and entertainment in the future.
b) To facilitate the creation of employment within the centre so as to reduce the demand for travel, and enhance the level of self-sufficiency within the sub-region.	The Viewing Tower supports the development of an approved Mixed Use development, which will facilitate the creation of additional employment within the centre.



Objective	Officer Comments
c) To promote a high degree of accessibility to and within the centre, for users of all modes of transport (bus, rail, private car, cycle and pedestrian) and to avoid fragmentation of commercial development.	The proposal does not impact the accessibility of the site.
d) To enhance pedestrian connectivity within the centre, so as to facilitate movement between sites and from public and private transport nodes.	The proposal does not impact the pedestrian connectivity within the centre.

## Policy

Local Planning Policy 5.7 – Karrinyup Regional Centre Design Guidelines (LPP5.7)

Since Council approved the original development application, there have been no changes to:

- LPP5.7,
- the operation of the Viewing Tower use on this site, other than the proposed extension to the validity period of the temporary approval, or
- the Viewing Tower structure.

The City's response to each objective of LPP5.7, is outlined in the table below:

**Table 3: Karrinyup Regional Centre Guidelines Objectives**

Objective	Officer Comments
• To create vibrant and active mixed use centre by locating facilities such as housing, employment places and retail activities together;	The Viewing Tower supports the development of an approved Mixed Use development (DA22/0387 / DAP/22/02226), which will facilitate the creation of additional housing, employment opportunities and retail uses within the centre.
• To create main street frontages to the existing roads surrounding Karrinyup Shopping Centre;	The Viewing Tower supports the development of an approved Mixed Use development (DA22/0387 / DAP/22/02226), which has frontages to Burroughs Road, Karrinyup Road and the internal main street on the western side of the existing Karrinyup Shopping Centre.



#### Objective

- To create a high level of pedestrian amenity through the provision of continuous streetscapes, interactive frontages and weather shelter;
- To promote a high quality built form that creates a distinctive urban form and enables safety and security through passive surveillance; and
- To create public and private spaces that are safe, attractive and surrounded by active vibrant uses that will become the focal / meeting point of the centres.

#### Officer Comments

The Viewing Tower supports the development of an approved Mixed Use development (DA22/0387 / DAP/22/02226) on the subject site.

The Viewing Tower supports the development of an approved Mixed Use development (DA22/0387 / DAP/22/02226) on the subject site.

The Viewing Tower supports the development of an approved Mixed Use development (DA22/0387 / DAP/22/02226) on the subject site.

**Council Resolution****0923/004****Moved Councillor Migdale, seconded Councillor Dudek**

**That the balance of the Planning and Development Committee recommendations be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2021.**

**The motion was put and declared CARRIED (11/0).**

**For:** Councillors Creado, Dudek, Farrelly, Hatton, Lagan, Migdale, Olow, Perkov, Proud, Sandri and Thornton.

**Against:** Nil.



## 12.1/DS2 FAST-TRACK (DEVELOPMENT APPLICATIONS) - PROGRESS REPORT

Business Unit:	Development Services	Service: Planning Services
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

### Role

Information - *Receiving information about the City or its community.*

### Council Resolution

**0923/005**

**Moved Councillor Migdale, seconded Councillor Dudek**

**That Council NOTES the Fast-Track (Development Applications) progress report.**

**The motion was put and declared CARRIED (11/0) by exception resolution.**

**For:** Councillors Creado, Dudek, Farrelly, Hatton, Lagan, Migdale, Olow, Perkov, Proud, Sandri and Thornton.

**Against:** Nil.

### Committee Recommendation

That Council NOTES the Fast-Track (Development Applications) progress report.

### Officer's Recommendation

That Council NOTES the Fast-Track (Development Applications) progress report.

## Purpose

To present a progress report on the implementation of Fast-Track (Development Applications).

## Details

The importance of innovation and continuous improvement of planning processes was highlighted last month when the Prime Minister announced the National Planning Reform Blueprint. The reform agenda identified a range of measures to improve housing supply and affordability including streamlining approval pathways.

Prior to National Cabinet's Agreement, the City's Fast-Track (Development Applications) service was launched in October 2022 to provide an innovative and streamlined development application service for certain types of residential development applications (DAs).

This service was developed to expand on the success of the City's Small Business Friendly Approvals Project which benefited the City's small business customers to obtain faster development approvals, access information more easily, and gain a clearer understanding of the City's development processes.

City officers wanted to provide a similar service for residential development customers who lodged development applications with the City.

In 2021, 2,150 development applications were lodged with the City with over 66% or 1,432 development applications received relating to small scale residential developments.

The City sought an innovative solution to delays encountered in the assessment and determination of these small-scale development applications.

Typical delays in the process included:

- Incomplete applications submitted by applicants, requiring the City to send requests for further information before the application could be lodged.
- Requests for further information sent during assessment of the application due to missing information or requiring changes to plans.
- Planning Officers conducting assessments on multiple sets of amended plans.
- Time waiting for internal referral comments.
- Time waiting for external referral comments from agencies such as Main Roads Western Australia and the Department of Planning, Lands and Heritage.
- Extension of time requests from applicants.

A lack of certainty on timeframes was frustrating for applicants. In recognition of these challenges, the City began to investigate how this process could be improved, modernised, and streamlined whilst still allowing for innovative design solutions to be contemplated using a Design Principles assessment.

The City applied the three key themes used successfully in the Small Business Friendly Approvals Project and sought to create a bespoke digital residential application service that provided:

- Speed – reducing timeframes and removing delays.
- Simplicity – utilising technology to improve applicants experience of the DA process.
- Service – enabling residents to easily identify Fast-Track applicants to obtain faster approvals.

The City sought to collaborate with the wider development industry to understand the issues and provide solutions to develop Fast-Track (Development Applications). The City partnered with the Master Builders Association (MBA) and the Housing Industry Association (HIA), along with several high-volume applicants such as ABN Group and BGC to develop a service which would provide quicker determination timeframes and a vastly improved user/applicant experience.

### Innovation

A key component of the Fast-Track (Development Applications) service was the development of an innovative digital development assessment tool that was required to be completed by the applicant as part of the application submission.

This innovative digital assessment tool was developed by building 'Rules-as-Code' (RAC) assessment logic and has digitised State Planning Policy 7.3 – Residential Design Codes Volume 1 and City of Stirling Local Planning Policies (including Local Planning Policy 6.5 – Developments and Subdivisions Abutting Rights of Way, Local Planning Policy 6.11 Trees and Development and Local Planning Policy 6.15 – Exemption from Requiring Development Approval).

This logic is also based on development application type so only the applicable assessment criteria are shown to the applicant in a logical manner based on their application type (such as a Single House). This technological and digital innovation is a first for any West Australian local government and enables applicants to lodge a complete digital planning assessment for the following residential development applications:

- Single house
- Additions (to a single house)
- One grouped dwelling
- Two grouped dwellings
- Additions (to a grouped dwelling)

- Garage
- Carport
- Ancillary dwelling
- Retaining walls
- Front fence
- Outbuilding
- Patio

The digital assessment tool provides several firsts within Western Australia including the automation of site-specific information into the digital assessment tool via direct Application Programming Interface (API) linking with the City of Stirling's GIS Intramaps system.

This auto generation greatly speeds up the assessment process for applicants and City Officers who do not have to search manually for this information. The digital assessment tool also automates several Deemed-to-Comply requirements based on the R-Coding (e.g.R30) of a property including:

- Site Area (Grouped Dwellings)
- Street Setback
- Open Space
- Outdoor Living Areas
- Lot Boundary Setbacks
- Solar Access

The tool also has integrated figures and images to help applicants to complete each clause. This streamlines the assessment process and means applicants do not have to continually search the R-Codes and Council Policies when completing their assessment.

The digital assessment sheet enables applicants to provide a full planning assessment and helps the City to understand the design rationale of a proposal. This helps promote innovative design which responds to the site context and provides for sympathetic built form.

#### Key Benefits

Since its launch in October 2022 Fast-Track (Development Applications) has improved upon its original guaranteed determination timeframes of 28 days with a current average determination timeframe of 20 days.

The City's Fast-Track service has had 14.5% of eligible development applications lodged via the service (1 October 2022 – 29 August 2023) with a total of 718 development applications ranging from Patios up to Two Grouped Dwellings lodged during this time.

Current determination timeframes provide a very impressive 40 day saving on current DA timeframes as required under the Planning and Development (Local Planning Schemes) Regulations 2015 representing a 67% time saving for applicants and landowners.

This greatly speeds up the approvals process for landowners and results in savings of approximately \$3,000 in development/home loan holding costs for each Single House and Grouped Dwelling application approved.

Fast-Track (Development Applications) has delivered the following key benefits:

- First digital Fast-Track development application service launched for residential development in Western Australia.
- 12 different residential development application types catered for under Fast-Track (Development Applications).
- Fully integrated pre-lodgement submission service included within development application timeframes.
- Provision of referral comments at pre-lodgement stage which speeds up development application assessment timeframes.
- First fully digital residential development assessment tool launched in Western Australia with detailed planning logic digitising State Planning Policy 7.3 – Residential Design Codes Volume 1.
- An innovative and automated digital assessment sheet which saves time for applicants and is integrated with the City's GIS Intramaps system.
- Facilitates a true performance-based Design Principle assessment.
- Improved customer relations.
- Reduction in development/land holding costs of approximately \$3,000 per Single House/Grouped Dwelling application.
- Streamlined determination timeframes which are on average 67% faster standard DA timeframes.
- 115 users (applicants) registered to use Fast-Track (Development Applications).
- 104 applications lodged since October 2022.
- Total average number of days from lodgement until receipt of pre-lodgement advice letter (Lodgement Ready Letter) = 15 days.
- Total average number of days from lodgement until determination = 20 days.
- Fast-Track applicant accreditation to enable City of Stirling residents to recognise high quality applicants to engage with.

This service has demonstrated that it provides a streamlined and customer centric residential development application service with its innovative digital development assessment tool integral to the success of Fast-Track (Development Applications).

### Collaboration

The City has worked collaboratively with key stakeholders to develop Fast-Track (Development Applications) to ensure their needs were identified and addressed via an efficient, innovative and user-friendly development applications service.

To achieve this outcome, the City has worked collaboratively with key stakeholders including the DPLH, MBA and HIA as well as the wider development industry to work out a best-practice application service and create an innovative digital assessment tool to simplify the development assessment process.

Extensive collaboration, co-design, stakeholder input, user experience testing, and peer review have been the hallmarks of this Project, from inception through to delivery. The City engaged closely with the development industry, including an intensive six month period dedicated to testing and making improvements to the digital assessment tool based on stakeholder input.

Regular feedback and input are also continuously sought from applicants, with recent feedback integrated into the service in July 2023 to improve and simplify the lodgement of application documents even further.

Key to success has been the whole-of-organisation approach to simplifying and streamlining the development application process for residential applicants. The City's CIS, Customer and Communications and Development Services Business Units all worked in full collaboration to ensure a fully customer centric application service was created.

Applicants are now able to work collaboratively with the City to ensure their applications can be approved much faster than the standard development application process. Stirling Fast-Track (Development Applications) has demonstrated it meets the needs of the residential development industry during this challenging economic environment.

The City's successful implementation of this service and the utilisation of best practice technology and innovation will provide a leading model for other local governments to implement similar reforms to their own planning processes and practices over time.

The City's approach has been recently recognised by Minister for Planning; Lands; Housing; Homelessness. On the handing over of the Scarborough foreshore development back to the City of Stirling in August 2023, Minister Carey stated: *"I want to acknowledge the City of Stirling, who are a great example of a local government who are willing to cut red tape and streamline approvals processes for the benefit of the community"*.

The Fast-Track service provides for innovation in the regulatory development assessment environment, modernises and promotes collaboration between all stakeholders in the residential development sector, and encourages excellence in building design rather than a 'tick & flick' compliance approach.

### Continuous Improvement

The City is eager to ensure that a greater percentage of residential development applications are lodged via Fast-Track in future and will continue to work with applicants and the wider development industry to educate them on the benefits of the service which provides for faster approval times and also has the benefit of reducing development/land holding costs.

The launch of Fast-Track (Development Applications) coincided with a difficult period for the development industry which experienced monthly home loan interest rate raises, increasing development costs, longer dwelling build times and a labour shortage in the construction industry. The City is confident the use of the service will increase year-on-year when these pressures on the development industry ease and lodgement of residential development applications increase again.

The City is committed to continuous improvement and consistently receives feedback from applicants relating to the service and how it can be improved. The City had been developing a Medium Density (Fast-Track) Development Applications service to cater for residential development applications lodged in medium density areas when the new Medium Density Codes were due to come into effect on 1 September 2023. This project has since been put on hold due to the recent announcement from the Minister for Planning; Lands; Housing; Homelessness to further defer gazettal of the Medium Density Code, with further changes to the policy also envisaged.

The City is continuing to progress on a number of other new improvements to Fast-Track (Development Applications), including expanding to allow Three Grouped Dwellings and Four Grouped Dwellings application types to be determined under the Fast-Track service.

The City is also progressing the development of a digital Deemed-to-Comply assessment sheet which is hoped to be launched in the second half of the 2023/2024 financial year. This will enable applicants to lodge Fast-Track Deemed-to-Comply checks and obtain advice from the City within seven calendar days, enabling landowners to proceed to Building Permit stage much faster.

In addition, the City is also seeking to integrate the use of the digital development application assessment sheets into its standard development application assessment processes to enable the City's Planning Officers to assess and determine residential development applications more efficiently.

### **Recommended Action**

The launch of Fast-Track (Development Applications) has delivered on its objectives of providing greater speed, simplicity, and service to applicants. It has exceeded original expectations by providing development approval within 20 calendar days cutting down determination times by 67% on standard development application times. The City will continue to collaborate with the wider development industry to seek continuous improvement to provide an efficient and user-friendly development application service. Initiatives such as Fast-Track (Development Applications) signal to the State that the City is a responsive Local Government and doing its part.

It is recommended that Council notes the Fast-Track (Development Applications) progress report.

**Financial Assessment and Implications**

Nil

**Stakeholder Engagement**

Nil

**Relevant Policies, Legislation and Council Resolutions**

Nil

[Local Government Act 1995](#)

Meeting Date	Council Resolution Number	Council Resolution
30 August 2022	0822/057	That Council NOTES the Small Business Friendly Approvals Project End of Project Report.

**Sustainable Stirling 2022-2032****Key Result Area:** Our leadership**Objective:** A capable and efficient City**Priority:** Drive improvement and innovation to build capacity and increase efficiency and effectiveness**Strategic Risk**

Strategic Risk	Risk Appetite
Purpose	The City will pursue community and sector leadership through forward thinking decision making, and alignment of its services and operations with its strategic objectives.



## Relevant Documents and Information

### Attachments

Nil.

### Available for viewing at the meeting

Nil.

### Linked Documents

[Stirling Fast-Track \(Development Applications\) Information Guide](#)

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**13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2021**

In accordance with Clause 4.2(4) of the City of Stirling Meeting Procedures Local Law 2021, the Chief Executive Officer may include on the agenda of a Council meeting, in an appropriate place within the order of business, any matter which must be decided, or which he considers is appropriate to be decided, by that meeting.

Nil.

**14. NOTICES OF MOTION FOR CONSIDERATION**

'Notices of Motion for Consideration' include a brief report to assist Council in deciding to approve or not approve the Motion.

A further and more detailed report will be submitted at a future Ordinary Council meeting for Motions that are approved, in accordance with Clause 4.5(2)(c) of the City of Stirling Meeting Procedures Local Law 2021.

Nil.

**15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**

Nil.

**16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**17. NEW BUSINESS OF AN URGENT NATURE**

Nil.

**18. MATTERS BEHIND CLOSED DOORS**

Nil.

**19. CLOSURE**

The Presiding Member declared the meeting closed at 6.55pm.

These minutes were confirmed as a true and correct record of proceedings on:

...../...../ 2023

SIGNED:

Presiding Member Name: .....

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PRESIDING MEMBER