



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 9 May 2024; 9.30am
Meeting Number: MIDAP/11
Meeting Venue: 140 William Street, Perth
Public Observing: Online

A recording of the meeting is available via the following link: [MIDAP/11 - 9 May 2024 - City of Nedlands - City of Stirling](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF NEDLANDS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 1A (Lot 2) Thomas Street, Nedlands – 29 Multiple Dwellings – DAP/24/02627
4. Form 2 DAP Applications
 - 4.1 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651
 - 4.1a 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651
 - 4.1b 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651
5. Section 31 SAT Reconsiderations

Francesca Lefante
Presiding Member, Metro Inner DAP



PART C – CITY OF STIRLING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 201 (House No.39) Chester Avenue, Dianella - 35 Multiple Dwellings – DAP/23/02548
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

A handwritten signature in black ink, appearing to read 'Francesca Lefante'.

Francesca Lefante
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Tenielle Brownfield
Lee O'Donohue (Deputy Presiding Member)	Zoe Hendry
John Syme	Laura Simmons
<i>Part B – City of Nedlands</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Kerry Smyth	Nathan Blumenthal
Cr Rebecca Coghlan	Aaron MacNish
	Ben Hesketh (WAPC)
	Jeremy Thompson (WAPC)
<i>Part C – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Suzanne Migdale	Cameron Howell
Cr Teresa Olow	Karina Bowater
	Peter Prendergast
	Giovanna Lumbaca

Francesca Lefante
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Nedlands</i>
Aleks Brkic (RAD Architecture) Sean Van der Poel (RAD Architecture) Tim Dawkins (Urbis) Andrew Baranowski (Plan E)
Ken Perry
Ashleigh Maple (Rowe Group)
David Maiorana (Rowe Group)
<i>Part C – City of Stirling</i>
Petar Mrdja (Urbanista Town Planning) Felipe Soto (Space Design Studio) Kheng Liaw (Space Collective) Felicity Lam
Fredderik Triffitt (<i>written submission</i>)

Members of the Public / Media

Nil.

Observers via livestream

There were 31 persons observing the meeting via the livestream.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.35am on 9 May 2024 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 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Fergus Bennett (Local Government DAP Member, City of Nedlands)
Cr Blane Brackenridge (Local Government DAP Member, City of Nedlands)
Cr Michael Dudek (Local Government DAP Member, City of Stirling)

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](#).

Francesca Lefante
Presiding Member, Metro Inner DAP



PART B – CITY OF NEDLANDS

1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in Part B of the Additional Information in relation to Item 3.1, received on 7 May 2024.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Additional Information.

The Presiding Member noted an error in Attachment XX of Item 4.1 where the date is incorrect. The date should be noted as 24 January 2024.

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Kerry Smyth and Cr Rebecca Coghlan, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Kerry Smyth and Cr Rebecca Coghlan acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 1A (Lot 2) Thomas Street, Nedlands – 29 Multiple Dwellings – DAP/24/02627

Deputations and Presentations

Ken Perry addressed the DAP in support of the recommendation for the application at Item 3.1.

Andrew Baranowski (Plan E), Sean Van der Poel (RAD Architecture) and Tim Dawkins (Urbis) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Nathan Blumenthal (The City of Nedlands) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION

Moved by: Cr Kerry Smyth

Seconded by: Cr Rebecca Coghlan

It is recommended that the Metro Inner DAP resolves to:

1. **Defer** DAP Application reference DAP/24/02627 and accompanying plans (attachment 2) for 120 days in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Nedlands Local Planning Scheme No. 3, to address the following matters:
 - i. Reduce the building height and plot ratio to make the scale of development more consistent with the desired future scale of the area.
 - ii. Amend the vehicle access ramps to meet AS/NZS 2890.1, thereby reducing vehicle conflicts with cyclists and pedestrians.

The Report Recommendation was put and CARRIED (4/1).

For: Lee O'Donohue
John Syme
Cr Kerry Smyth
Cr Rebecca Coghlan

Against: Francesca Lefante

REASON: DAP deferred to the proposal for further information on the proposed additional plot ratio variations and building height, scale and bulk in the context of the desired future scale of development as set out in the adopted Nedlands Stirling Highway Activity Corridor Strategy.

Francesca Lefante
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

4.1 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651

Deputations and Presentations

Ashleigh Maple and David Maiorana (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 4.1a and against the recommendation at Item 4.1b and responded to questions from the panel.

Nathan Blumenthal and Aaron MacNish (City of Nedlands) addressed the DAP in relation to the application at Item 4.1a and responded to questions from the panel.

Jeremy Thompson and Ben Hesketh (Western Australian Planning Commission) addressed the DAP in relation to the application at Item 4.1b and responded to questions from the panel.

4.1a 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651

REPORT RECOMMENDATION

Moved by: Cr Kerry Smyth

Seconded by: John Syme

It is recommended that the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/19/01651 and accompanying plans (Attachment 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the proposed amendment to the wording of Condition 35 of the approved Shopping Centre at 80 Stirling Highway, Nedlands.

Amended Condition:

35. Prior to occupation of the development:
 - a. The 1m wide strip of land (including truncations) along Stirling Highway (as depicted in Attachment 3 of this Development Approval) shall be set aside as a separate lot and is to be ceded free of cost to Main Roads WA; and

Francesca Lefante
Presiding Member, Metro Inner DAP



- b. The balance of the Metropolitan Region Scheme Reserve (including truncations) for Stirling Highway shall be set aside as a separate lot for future acquisition pending future road widening requirements. An easement is to be provided over the balance lot and to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.

All other conditions remain as per the Determination Notice dated 20 February 2023.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: Panel members were of the opinion that the development does not create a nexus for this condition relating all provision the full road reserve along Stirling Highway frontage and were satisfied that the condition should related a small section.

4.1b 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Refuse** DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023, in accordance with Clause 30(1) of the Metropolitan Region Scheme, for the proposed amendment to Condition 35.

Reason

1. The condition imposed by the Metro Inner-North Joint Development Assessment Panel to cede the portion of the site reserved as Primary Regional Road under the Metropolitan Region Scheme satisfies the requirements of a valid planning condition and should be retained without modification.

The Report Recommendation LAPSED for want of a mover and a seconder.

Francesca Lefante
Presiding Member, Metro Inner DAP



ALTERNATE MOTION

Moved by: John Syme

Seconded by: Lee O'Donohue

It is recommended that the Metro Inner Development Assessment Panel resolves to:

3. **Accept** that the DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
4. **Approve** DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023, in accordance with Clause 30(1) of the Metropolitan Region Scheme, for the proposed amendment to Condition No.35.

Amended Condition:

35. Prior to occupation of the development:
 - a. The 1m wide strip of land (including truncations) along Stirling Highway (as depicted in Attachment 3 of this Development Approval) shall be set aside as a separate lot and is to be ceded free of cost to Main Roads WA; and
 - b. The balance of the Metropolitan Region Scheme Reserve (including truncations) for Stirling Highway shall be set aside as a separate lot for future acquisition pending future road widening requirements. An easement is to be provided over the balance lot and to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.

All other conditions remain as per the Determination Notice dated 20 February 2023.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: Panel members were of the opinion that the development does not create a nexus for this condition relating all provision the full road reserve along Stirling Highway frontage and were satisfied that the condition should related a small section.

5. Section 31 SAT Reconsiderations

Nil.

Cr Kerry Smyth and Cr Rebecca Coghlan (Local Government DAP Member, City of Nedlands) left the panel at 11.17am.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART C – CITY OF STIRLING

Cr Suzanne Migdale and Cr Teresa Olow (Local Government DAP Member, City of Stirling) joined the panel at 11.23am.

1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 3.1, received on 3 May 2024.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Additional Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 201 (House No.39) Chester Avenue, Dianella - 35 Multiple Dwellings – DAP/23/02548

Deputations and Presentations

Felicity Lam addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Felipe Soto (Space Design Studio) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Petar Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Frederick Triffitt provided a written submission against the application at Item 3.1

The City of Stirling addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: Cr Teresa Olow

That the Metro Inner DAP resolves to:

Refuse DAP Application reference DAP/23/02548 and accompanying plans (as per the List of Development Plans) 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, for the 35 Multiple Dwellings Development at Lot 201, House Number 39, Chester Avenue, Dianella, for the following reasons:

- a. Pursuant to Schedule 2, Part 9, Clause 67 (2)(b) and (c) of the Planning and Development (Local Planning Schemes) Regulations 2015, the height, bulk and scale of the proposed development is not consistent with the planned built form outcomes for the subject site as identified in Clause 6.12.4 b) and Table 6.12.4 b) of City of Stirling Local Planning Scheme No.3.
- b. Pursuant to Schedule 2, Part 9, Clause 67 (2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015, the development does not minimise direct overlooking of adjoining properties.
- c. Pursuant to Schedule 2, Part 9, Clause 67 (2)(m) of the Planning and Development (Local Planning Schemes) Regulations 2015, the height, bulk and scale of the development is not compatible with its setting and will have a significant negative impact on amenity.
- d. Pursuant to Schedule 2, Part 9, Clause 67 (2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, submissions received in relation to building height which raise valid concerns in relation to the height, bulk and scale of the development and visual privacy which will have an adverse impact on amenity.

List of Development Plans

PLAN TITLE	DATE	REVISION	DRAWN BY
A1-01 Site Plan	12 February 2024	C	Space Collective Architects
A2-01 Ground Floor Plan	12 February 2024	C	Space Collective Architects
A2-02 Mezzanine Floor Plan	12 February 2024	C	Space Collective Architects
A2-03 Level 1 Plan	12 February 2024	C	Space Collective Architects
A2-04 Level 2 Plan	12 February 2024	C	Space Collective Architects
A2-05 Level 3 Plan	12 February 2024	C	Space Collective Architects
A2-06 Level 4 Plan	12 February 2024	C	Space Collective Architects

Francesca Lefante
Presiding Member, Metro Inner DAP



PLAN TITLE	DATE	REVISION	DRAWN BY
A2-07 Rooftop Terrace	12 February 2024	C	Space Collective Architects
A2-08 Roof Plan	12 February 2024	C	Space Collective Architects
A3-01 East Elevation	12 February 2024	C	Space Collective Architects
A3-02 North Elevation	12 February 2024	C	Space Collective Architects
A3-03 West Elevation	12 February 2024	C	Space Collective Architects
A3-04 South Elevation	12 February 2024	C	Space Collective Architects
A4-01 Section	12 February 2024	C	Space Collective Architects
A4-02 Section 1A & Section 1B	12 February 2024	C	Space Collective Architects
A4-03 Section 2A & Section 2B	12 February 2024	C	Space Collective Architects

The Report Recommendation was put and LOST (2/3).

For: Cr Suzanne Migdale
Cr Teresa Olow

Against: Francesca Lefante
Lee O'Donohue
John Syme

ALTERNATE MOTION

Moved by: Lee O'Donohue

Seconded by: John Syme

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/23/02548 and accompanying plans (as listed in Condition 3) 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, for the 35 Multiple Dwellings Development at Lot 201, House Number 39, Chester Avenue, Dianella, subject to the following conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Francesca Lefante
Presiding Member, Metro Inner DAP



- 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 Development Assessment Panel. The plans approved as part of this application form part of the planning approval issued (including any modifications required by conditions of approval).

List of Development Plans

PLAN TITLE	DATE	REVISION	DRAWN BY
A1-01 Site Plan	12 February 2024	C	Space Collective Architects
A2-01 Ground Floor Plan	12 February 2024	C	Space Collective Architects
A2-02 Mezzanine Floor Plan	12 February 2024	C	Space Collective Architects
A2-03 Level 1 Plan	12 February 2024	C	Space Collective Architects
A2-04 Level 2 Plan	12 February 2024	C	Space Collective Architects
A2-05 Level 3 Plan	12 February 2024	C	Space Collective Architects
A2-06 Level 4 Plan	12 February 2024	C	Space Collective Architects
A2-07 Rooftop Terrace	12 February 2024	C	Space Collective Architects
A2-08 Roof Plan	12 February 2024	C	Space Collective Architects
A3-01 East Elevation	12 February 2024	C	Space Collective Architects
A3-02 North Elevation	12 February 2024	C	Space Collective Architects
A3-03 West Elevation	12 February 2024	C	Space Collective Architects
A3-04 South Elevation	12 February 2024	C	Space Collective Architects
A4-01 Section	12 February 2024	C	Space Collective Architects
A4-02 Section 1A & Section 1B	12 February 2024	C	Space Collective Architects
A4-03 Section 2A & Section 2B	12 February 2024	C	Space Collective Architects

Building Design

- The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Stirling.
- Prior to occupation of the development, the external finish of the boundary walls shall be to the same standard as the rest of the development, to the satisfaction of the City of Stirling.

Francesca Lefante
Presiding Member, Metro Inner DAP



Construction Management

6. Prior to the submission of a Building Permit application, a Site Management Plan shall be submitted to the City of Stirling for approval. The Site Management Plan shall include specific details on the management of aspects including but not limited to, dust, noise, vibration, waste management, contractor parking, traffic, on-site and street tree protection zones, storage of materials, site safety / security and any other relevant matters to the satisfaction of the City of Stirling.

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

Landscaping

7. Prior to the submission of a Building Permit application, a detailed Landscaping Plan is to be provided for the City of Stirling's approval that is generally in accordance with the landscaping plans prepared by UDLA dated 22 February 2024 and that demonstrates compliance with the approved development plans, all conditions of this approval and Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
8. All street trees located on the verge shall be retained and protected in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the City of Stirling.
9. Prior to occupation of the development, all Advanced Trees required by the approved detailed Landscaping Plan must be planted on site in the area indicated on the approved plan and be thereafter maintained for the duration of the development. The Advanced Trees must be provided with the approved deep soil area at ground level free of intrusions, to the satisfaction of the City of Stirling.
10. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved plans and maintained thereafter for the duration of the development in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.

Legal

11. Prior to occupation of the development, notifications, pursuant to Section 70A of the Transfer of Land Act 1893 are to be placed on Certificates of Title of the development. Notice of these notifications are to be included on the diagram or plan of survey (deposited plan). The notifications are to state:

“The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected by transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.”

12. Prior to occupation of the development, notifications, pursuant to Section 70A of the Transfer of Land Act 1893 are to be placed on Certificates of Title of the development. Notice of these notifications are to be included on the diagram or plan of survey (deposited plan). The notifications are to state:

Francesca Lefante
Presiding Member, Metro Inner DAP



“The lots are situated in the vicinity of a primary school and are currently affected, or may in the future be affected by noise to a greater extent than typically expected in a residential area. The noise levels may rise or fall over time depending on the school operations.”

13. Where the satisfaction of any condition requires the preparation of a legal agreement, these agreements are to be prepared by the City of Stirling’s solicitors and, all costs incidental to the satisfaction of these conditions, including the City of Stirling’s legal costs and registration fees and stamp duty (if any), must be paid by the landowner.

Lighting and Security

14. Adequate lighting being provided to all public spaces including under awnings, parking areas, service areas, footpaths and entry and exit points, to the satisfaction of the City of Stirling.
15. Any outside lighting to comply with Australian Standard AS 4282-2019 - Control of the Obtrusive Effects of Outdoor Lighting (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent premises. Details of any outside lighting to be submitted at the Building Permit application stage demonstrating compliance with Australian Standard AS 4282-2019 (as amended).

Noise

16. Prior to the submission of a Building Permit application, a revised Acoustic Report shall be submitted to the City of Stirling for review and approval. The revised Acoustic Report shall detail specific control measures relating to noise modelling and impact of the development including but not limited to:
 - a. Vibration and noise emissions from all on-site mechanical services, including air-conditioning systems.
 - b. Car park mechanical ventilation and other noise.
 - c. Communal open space abutting habitable rooms of dwellings.
 - d. Compliance with the noise requirements of State Planning Policy 5.4 Road and Rail Noise.

The recommendations and control measures identified in the revised Acoustic Report/s shall be incorporated into the design, development and operation of the proposed development, to the satisfaction of the City of Stirling. The recommendations of the revised Acoustic Report shall be complied with for the duration of the development, to the satisfaction of the City of Stirling.

17. Prior to the submission of an Occupancy Permit application, the landowner is to provide written confirmation that all recommendations in the Acoustic Report/s have been incorporated into the building design, to the satisfaction of the City of Stirling.

Francesca Lefante
Presiding Member, Metro Inner DAP



Parking and Vehicle Access

18. The minimum number and allocation of car parking on-site is to be provided as follows:
 - a. 34 residential car parking bays; and
 - b. 6 residential visitor car parking bays.
19. Prior to the submission of a Building Permit application, a Parking Management Plan shall be submitted to and approved by the City of Stirling. The Parking Management Plan must address, but is not limited to, details of how the security gates and intercom systems are to be operated. The approved Parking Management Plan is to be implemented for the duration of the development, to the satisfaction of the City of Stirling.
20. The minimum number and allocation of bicycle and motorcycle / scooter parking spaces provided on-site is to be as follows:
 - a. 18 residential bicycle parking spaces;
 - b. 4 residential visitor bicycle parking spaces; and
 - c. 6 residential motorcycle / scooter parking spaces.
21. All on-site car parking bays are to be compliant with the Australian/New Zealand Standard AS/NZS2890.1:2004 - Parking Facilities Part 1: Off-Street Car Parking, to the satisfaction of the City.
22. Prior to the occupation of the development, all driveways, parking and manoeuvring areas shall be hard surface, drained and maintained in accordance with the City of Stirling Local Planning Policy 6.7 - Parking and Access, to the satisfaction of the City of Stirling.
23. Visitor car and bicycle parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway, unless otherwise approved by the City of Stirling.
24. Prior to the occupation of the development, directional signage shall be located at the entry to the site directing visitors to the visitor car parking bays and bicycle spaces. The signage is to be implemented for the duration of the development.
25. The crossover shall be designed and constructed in accordance with the City of Stirling Local Planning Policy 6.7 - Parking and Access. The crossover is to be installed prior to occupation of the development.
26. Prior to the occupation or use of the development, any redundant crossover shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with the City of Stirling Local Planning Policy 6.7 - Parking and Access.

Francesca Lefante
Presiding Member, Metro Inner DAP



27. Unless otherwise approved, no walls, fences, letterboxes or other structures above 0.75 metres in height to be constructed within the 1.5 metre width x 1.5 metre depth triangular area of where:
- Walls, letterboxes or fences adjoin vehicular access points to the site, or
 - A driveway meets a public or private street, or
 - Two streets intersect, or
 - A driveway meets a right of way, or
- unless the further approval of the City of Stirling is obtained.
28. Prior to the occupation of the development, the bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
29. Where a storeroom is solely accessible through an adjacent car parking bay, the storeroom and the car parking bay are to be assigned to the same dwelling.
30. Where two car parking bays are provided in a tandem arrangement, both car bays are to be assigned to the same dwelling.

Public Art

31. Prior to the submission of an Occupancy Permit application:
- A public art proposal for the subject development to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land must be submitted to, and approved by, the City of Stirling.
 - The approved public art proposal shall be completed and installed by the developer and maintained for the duration of the development by the owners of the development, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

Sustainability

32. Prior to the submission of a Building Permit application, a revised Sustainable Design Statement is to be submitted to the City of Stirling confirming all dwellings exceed the minimum NATHERS requirement for apartments by 1 star and the development incorporates sustainable initiatives as per the submitted Sustainable Design Strategy prepared by Emergen dated 22 June 2023.

Universal Design

33. Prior to the submission of a Building Permit application, certification completed by a Livable Housing Australia assessor confirming that the detailed design of the 'Silver Level' dwellings are compliant with the 'Silver Level' of the 'Livable Housing Design Guidelines' produced by Livable Housing Australia, must be submitted to, and approved in writing by, the City of Stirling. A minimum of 20% of dwellings are to be designed to achieve a 'Silver Level' rating. Prior to the submission of an Occupancy Permit application, all required design features shall be installed and operational.

Francesca Lefante
Presiding Member, Metro Inner DAP



Utilities, Facilities and External Fixtures

34. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street, neighbouring properties or a public place.
35. Prior to the occupation of the development, each multiple dwelling shall be provided with a mechanical dryer, where a concealed drying area is not provided exclusively for the dwelling.
36. All external fixtures, building services and utilities of the development are to be integrated into the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive areas, in accordance with Residential Design Codes Volume 2 (Element 4.18 Utilities), to the satisfaction of the City of Stirling.
37. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.
38. The residential storerooms are to be allocated to the dwellings in a manner consistent with Residential Design Codes Volume 2 (Element 4.6 Storerooms), to the satisfaction of the City of Stirling.

Visual Privacy

39. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Residential Design Codes Volume 2 (Element 3.5 Visual Privacy), to the satisfaction of the City of Stirling.

Waste Management

40. The development is to comply with the Waste Management Plan prepared by Talis Consultants dated 1 March 2024, unless otherwise approved by the City of Stirling.

Water Management

41. The development is to be connected to the sewer.
42. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. There shall be no connection to the City's drainage infrastructure without the written consent of the City of Stirling.

Advice Notes

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the Development Assessment Panel or City of Stirling having first been sought and obtained.
2. 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.

Francesca Lefante
Presiding Member, Metro Inner DAP



3. This is a Development Approval under the City of Stirling 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.
4. 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 Development Assessment Panel or City of Stirling 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 Development Assessment Panel or City of Stirling's attention.
5. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.
7. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval require significant modifications to the approved plans, a Form 2 application will be required for consideration in accordance with Clause 17 or 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

Construction Management

8. All construction works to comply with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. Noisy construction work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.

Landscaping

9. The detailed Landscaping Plan is to include the retention of the existing street trees planted in the verge.
10. An Advanced Tree is defined in Local Planning Scheme No. 3 and Local Planning Policy 6.11 as "a tree which requires planting in at least a 90 litre contained or greater size and which is at least two (2) metres in height and at least two (2) years of age".

Parking and Vehicle Access

11. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control and Swimming Pool Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.

Francesca Lefante
Presiding Member, Metro Inner DAP



Public Art

12. In relation to the Public Art condition, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land.
Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$80,000.

Strata Title

13. The applicant is advised that any future strata title or community title subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.
14. The applicant/owner is reminded of their obligation under the Strata Titles Act which may require consent from the adjoining strata owners and/or strata company before commencing any works on site.

Waste Management

15. The bin enclosure is required to comply with the requirements of the City of Stirling's Waste Management Local Law 2010.

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

For: Francesca Lefante
Lee O'Donohue
John Syme

Against: Cr Suzanne Migdale
Cr Teresa Olow

REASON: The proposal was considered to meet the planning framework, planning strategy and fit within the aims and objectives of the Dianella Activity Centre. The proposal is well- design incorporates recessed upper floors minimising the impact of the scale and height on the surrounding area, supported by mix of landscaping measures. Due consideration was given to the proximity of the adjoining school, members were satisfied with the design measures including balcony screen, on-structure planter and window positing to ameliorate privacy. On balance the proposal, include discretion for height was supported based on the design, site location, and planning framework.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Francesca Lefante
Presiding Member, Metro Inner DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/23/02480 DR184/2023	City of Vincent	Lot 3 (37-43) Stuart Street, Perth	Proposed Unlisted Use (Community Purpose) & Alterations & Additions	
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023
DAP/23/02550 DR196/2023	City of Belmont	Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale	Warehouse (Self Storage Facility)	21/12/2023

Francesca Lefante
Presiding Member, Metro Inner DAP



2. **General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. **Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 12.25pm.

A handwritten signature in black ink, appearing to read 'Francesca Lefante'.

Francesca Lefante
Presiding Member, Metro Inner DAP