



## Metro-Inner North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 14 January 2022; 9.00am  
**Meeting Number:** MINJDAP/125  
**Meeting Venue:** Electronic Means

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

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## Attendance

### DAP Members

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (Third Specialist Member)  
Cr Suzanne Migdale (Local Government Member, City of Stirling)  
Cr Elizabeth Re (Local Government Member, City of Stirling)

### Officers in attendance

Ms Giovanna Lumbaca (City of Stirling)  
Mr Cameron Howell (City of Stirling)  
Ms Michael Ball (City of Stirling)

### Minute Secretary

Ms Zoe Hendry (DAP Secretariat)

### Applicants and Submitters

Ms Megan Gammon (Urbis)  
Mr Ray Haeren (Urbis)

### Members of the Public / Media

There were 5 members of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:02am on 14 January 2022 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Cr Felicity Farrelly (Local Government 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](#).

### 5. **Declaration of Due Consideration**

All members declared that they had duly considered the documents.

### 6. **Disclosure of Interests**

Nil

### 7. **Deputations and Presentations**

7.1 Mr Ray Haeren (Urbis) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 City of Stirling Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

#### 8.1 **Lot 175 (No. 20) Kenhelm Street & Lot 177 (No.22) Geddes Street, Balcatta**

Development Description: Two (2) Warehouses  
Applicant: Urbis  
Owner: The Trust Company (Australia) Limited  
Responsible Authority: City of Stirling  
DAP File No: DAP/21/02072

### **REPORT RECOMMENDATION**

**Moved by:** Cr Elizabeth Re

**Seconded by:** Mr John Syme

That the Metro Inner-North JDAP resolves to:

**Approve** DAP Application reference DAP/21/02072 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 proposed Two (2) Warehouses at Lot 175, House Number 20, Kenhelm Street, and Lot 177, House Number 22, Geddes Street, Balcatta, subject to the following conditions:

#### **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 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.
  
3. 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).

PLAN TITLE	DATE	REVISION	DRAWN BY
21274 TP01 'Coversheet'	-	-	Watson Young
21274 TP02 'Locality Plan'	16 December 2021	C	Watson Young
21274 TP03 'Demolition Plan'	16 December 2021	C	Watson Young
21274 TP04 'Site Plan'	16 December 2021	D	Watson Young
21274 TP05 'Office A & B Floor Plans'	16 December 2021	C	Watson Young
21274 TP06 'Roof Plan'	16 December 2021	C	Watson Young
21274 TP07 'Overall Elevations Warehouse A'	16 December 2021	D	Watson Young
21274 TP08 'Overall Elevations Warehouse B'	16 December 2021	D	Watson Young
21274 TP09 'Office A Elevations'	16 December 2021	C	Watson Young
21274 TP10 'Office B Elevations'	16 December 2021	C	Watson Young
21274 TP11 'Typical Sections'	16 December 2021	C	Watson Young
21274 TP12 'Fence Details'	16 December 2021	C	Watson Young
79436 'Plan Showing Features & Levels (Lot 175 on Deposited Plan 402780)'	27 July 2021	1	Realserve
P 0035160 LP-001 'Context Plan'	17 December 2021	D	Urbis
P 0035160 LP-002 'Landscape Concept Plan'	17 December 2021	D	Urbis
P 0035160 LP-003 'Landscape Concept West'	17 December 2021	B	Urbis
P 0035160 LP-004 'Landscape Concept East'	17 December 2021	B	Urbis
P 0035160 LP-005 'Landscape Planting and Finishes Schedule'	17 December 2021	D	Urbis



4. Prior to the commencement of works, revised plans shall be submitted to the City of Stirling incorporating the following revisions:
  - a. Three (3) trees marked for removal, all located in the vicinity of the car park and adjacent accessway of the western Warehouse and Office building (Building A), shall be retained, with the affected car parking bay and hardstand area being replaced with landscaping.
  - b. Additional landscaping shall be provided at the northern end of the car park for the eastern Warehouse and Office building (Warehouse B), subject to the car park design remaining compliant with Australian/New Zealand Standard AS/NZS2890.1:2004 - Parking Facilities Part 1: Off-Street Car Parking.

All revised plans are to be prepared and implemented thereafter to the satisfaction of the City of Stirling.

#### Advertisements

5. All signage is to be in strict accordance with the City of Stirling's Local Planning Policy 6.1 Advertising Signs, unless further development approval is obtained.

#### Building Design

6. 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.
7. Where visible from the public realm, air conditioning units, ducts and other services shall be screened from view.
8. The development shall incorporate the Sustainability Design Standards of the City of Stirling's Local Planning Policy 4.3 - Industrial Design Guidelines, which are:
  - a. AAA rated showerheads, tap ware and low flow regulators, dual flush toilets;
  - b. Low flow triple dripper or coarse sprays and timer connection;
  - c. High efficiency lighting; and
  - d. Gas/solar hot water system;

to the satisfaction of the City of Stirling.

#### Construction Management

9. A Site Management Plan shall be submitted to the City of Stirling prior to commencement of works. The Site Management Plan shall include, but not limited to, dust, noise, waste management, storage of materials, traffic, parking, on-site and street tree protection areas and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.



### Fauna Management

10. A Fauna Management Plan prepared by a suitably qualified consultant shall be submitted to the City of Stirling prior to the removal of the existing trees and vegetation and be to the satisfaction of the City of Stirling. The Fauna Management Plan shall include, but not limited to, the collection of fauna living within the existing trees and landscaped areas, such as bobtails and lizards, and the relocation of this fauna to an appropriate alternative habitat. The Fauna Management Plan is to be complied with immediately prior to and during the clearing of the existing trees and landscaped areas, to the satisfaction of the City of Stirling.

### Landscaping

11. Prior to the commencement of works, a detailed Landscaping Plan is to be provided for the City of Stirling's approval that demonstrates compliance with the approved site plan, all revised drawing conditions of this approval and Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
12. Prior to occupation of the development, 41 Advanced Trees must be planted on site as indicated on the approved landscaping plan and be thereafter maintained. The trees must be provided with a minimum nine (9) square metres of soil space and a minimum dimension of two (2) metres at ground level free of intrusions.
13. 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 in perpetuity in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
14. The removal of the street tree (asset number TR0073067) as indicated on the approved plan and the listing of its replacement will be undertaken by the City of Stirling upon payment of the associated contribution costs as outlined in the City of Stirling's Street and Reserve Tree Policy. The associated costs are to be paid by the landowner prior to commencement of development and are a 90% contribution of the total.

### Land Use

15. The office floor spaces are limited to 160m<sup>2</sup> for Warehouse A and 200m<sup>2</sup> for Warehouse B. The Office spaces are not to be sub-let and must remain incidental to the predominate Warehouse use, to the satisfaction of the City.
16. The maximum number of staff permitted on-site at any time are:
  - a. Warehouse A and its Office: 10 people.
  - b. Warehouse B and its Office: 15 people.

### Lighting

17. Adequate lighting being provided to communal pathways and parking areas to the satisfaction of the City of Stirling.



18. Any outside lighting to comply with Australian Standard AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting for the control of obstructive effects of outdoor lighting and must not spill into any adjacent premises.

#### Parking and Vehicle Access

19. Prior to occupation of the development, the landowner/s of Lot 177 must register an easement over that lot, securing a right of carriageway benefiting Lot 175 in relation to the shared vehicle access zone shown on the approved plans, to the satisfaction of the City of Stirling. The easement shall remain in perpetuity unless otherwise approved in writing by the City of Stirling.
20. 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's Local Planning Policy 6.7 - Parking and Access, to the satisfaction of the City of Stirling.
21. The layout and dimensions of all driveways and parking areas shall be in accordance with Australian/New Zealand Standard AS/NZS2890.1:2004 - Parking Facilities Part 1: Off-Street Car Parking.
22. Prior to the occupation of the development, all on-site parking to be available onsite during business hours for all customers and staff, to the satisfaction of the City of Stirling.
23. Crossovers shall be designed and constructed in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, and are to be installed prior to occupation of the development.
24. Unless otherwise approved, no walls, fences or letterboxes above 0.75 metres in height to be constructed within the 2.0 metre width x 2.5 metre depth triangular area of where:
  - a. walls or fences adjoin vehicular access points to the site, or
  - b. a driveway meets a public street,unless the further approval of the City of Stirling is obtained.
25. Prior to the occupation of the development, directional signage shall be located at the entry to the site directing visitors to access car parking at the rear or side of the site.
26. Prior to the occupation of the development, the bicycle parking bays and end-of-journey facilities 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.

#### Storage of Goods and Materials

27. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, to the satisfaction of the City of Stirling.





### Waste Management

28. Collection and disposal of waste shall be managed in accordance with the submitted Waste Management Plan prepared by Cardno (reference CW1188100 version A dated 16 August 2021) and received by the City of Stirling on 18 August 2021, unless otherwise approved by the City of Stirling.

### Water Management

29. The development is to be connected to the sewer.
30. Prior to occupation of the development, the landowner/s of Lot 175 must register an easement over that lot, securing a wider easement benefiting the City of Stirling in relation to the drainage pipes underneath the site, to the satisfaction of the City of Stirling. The minimum total width of the easement is to be 4.0 metres, or in the event additional fill is placed or added over the infrastructure, a minimum total width of 6.0 metres is required. The easement shall remain in perpetuity unless otherwise approved in writing by the City of Stirling.
31. All existing drainage connections into the City of Stirling's stormwater drainage system will need to be removed. All required reinstatements to the City of Stirling's existing stormwater drainage system will need to be carried out at the landowner's expense.
32. 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.

### **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.
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. The Applicant is reminded of the requirement to comply with the Department of Water's Water Quality Protection Note No. 25 – Land Use Compatibility for Public Drinking Water Source Areas.

#### Construction Management

8. 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 of Stirling.

#### Dangerous Goods

9. Storage of Dangerous Goods must be in accordance with the Department of Mines, Industry Regulation & Safety requirements.

#### Drainage Easement

10. The City of Stirling does not permit trees to be planted, or structures such as retaining walls to be built, within its drainage easement. Tree roots and permanent structures within the easement will impact the City's drainage pipes and structures and will prevent maintenance access.

#### Landscaping

11. An Advanced Tree is defined in the City of Stirling's Local Planning Policy 6.11 - Trees and Development as: *means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.*
12. The associated contribution costs for the removal and replacement of the street tree (asset number TR0073067) are as follows:
  - a. Helliwell value of the tree: \$5,121.00
  - b. Tree removal costs: \$380.00
  - c. Tree replacement costs: \$655.00 (current cost, GST exempt)
  - d. Number of new trees required: 1
  - e. Total for the associated works: \$6,156.00
  - f. 90% Contribution: \$5,540.10 (GST exempt)

Tree species will be chosen by the City of Stirling to reflect the surrounding streetscape. Costs include 2 years of watering and the provision that the City will replace the tree should it be damaged or die during that period. The replacement tree will be scheduled for planting in the next available planting season after the completion of the development.



13. The landowner is responsible for obtaining any approvals required under Commonwealth and Western Australian legislation, to clear the existing native vegetation.

#### Legal Agreement Preparation

14. The preparation of any legal agreement required by these conditions at the landowner's expense. In the preparation of any legal agreement required by these conditions, the City of Stirling's solicitors act for the City. You are advised to take your own legal advice regarding any documentation prepared in connection with these conditions.

#### Parking and Vehicle Access

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

#### Strata Title

16. The landowner is advised that any future strata title of the property must be consistent with this approval.

#### Waste Management

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

#### Water Management

18. All wastewater must be directed to sewer in accordance with Waste Corporation Tradewaste division requirements.
19. The landowner is advised of the Water Corporation sewage line running along the southern and western boundaries of the site. Approval from Water Corporation may be required. For more information regarding the sewerage pipe please contact Water Corporation on 131 395.

### **AMENDING MOTION**

**Moved by:** Mr John Syme    **Seconded by:** Ms Lee O'Donohue

That Condition No. 4a be amended to read as follows:

Three (3) trees marked for removal, all located in the vicinity of the car park and adjacent accessway of the western Warehouse and Office building (Building A), shall be retained **if possible**, with the affected car parking bay and hardstand area being replaced with landscaping.

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



**REASON:** A minor modification to the condition, to reflect the location of the trees which are separated from the Banksia Woodland, and enable consideration of tree retention where possible, based on condition, significant and viability.

**REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner-North JDAP resolves to:

**Approve** DAP Application reference DAP/21/02072 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 proposed Two (2) Warehouses at Lot 175, House Number 20, Kenhelm Street, and Lot 177, House Number 22, Geddes Street, Balcatta, subject to the following conditions:

**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.
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P 0035160 LP-004 'Landscape Concept East'	17 December 2021	B	Urbis
P 0035160 LP-005 'Landscape Planting and Finishes Schedule'	17 December 2021	D	Urbis

4. Prior to the commencement of works, revised plans shall be submitted to the City of Stirling incorporating the following revisions:
  - a. Three (3) trees marked for removal, all located in the vicinity of the car park and adjacent accessway of the western Warehouse and Office building (Building A), shall be retained if possible, with the affected car parking bay and hardstand area being replaced with landscaping.
  - b. Additional landscaping shall be provided at the northern end of the car park for the eastern Warehouse and Office building (Warehouse B), subject to the car park design remaining compliant with Australian/New Zealand Standard AS/NZS2890.1:2004 - Parking Facilities Part 1: Off-Street Car Parking.

All revised plans are to be prepared and implemented thereafter to the satisfaction of the City of Stirling.

Advertisements

5. All signage is to be in strict accordance with the City of Stirling's Local Planning Policy 6.1 Advertising Signs, unless further development approval is obtained.

Building Design

6. 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.
7. Where visible from the public realm, air conditioning units, ducts and other services shall be screened from view.



8. The development shall incorporate the Sustainability Design Standards of the City of Stirling's Local Planning Policy 4.3 - Industrial Design Guidelines, which are:
  - a. AAA rated showerheads, tap ware and low flow regulators, dual flush toilets;
  - b. Low flow triple dripper or coarse sprays and timer connection;
  - c. High efficiency lighting; and
  - d. Gas/solar hot water system;

to the satisfaction of the City of Stirling.

#### Construction Management

9. A Site Management Plan shall be submitted to the City of Stirling prior to commencement of works. The Site Management Plan shall include, but not limited to, dust, noise, waste management, storage of materials, traffic, parking, on-site and street tree protection areas and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.

#### Fauna Management

10. A Fauna Management Plan prepared by a suitably qualified consultant shall be submitted to the City of Stirling prior to the removal of the existing trees and vegetation and be to the satisfaction of the City of Stirling. The Fauna Management Plan shall include, but not limited to, the collection of fauna living within the existing trees and landscaped areas, such as bobtails and lizards, and the relocation of this fauna to an appropriate alternative habitat. The Fauna Management Plan is to be complied with immediately prior to and during the clearing of the existing trees and landscaped areas, to the satisfaction of the City of Stirling.

#### Landscaping

11. Prior to the commencement of works, a detailed Landscaping Plan is to be provided for the City of Stirling's approval that demonstrates compliance with the approved site plan, all revised drawing conditions of this approval and Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
12. Prior to occupation of the development, 41 Advanced Trees must be planted on site as indicated on the approved landscaping plan and be thereafter maintained. The trees must be provided with a minimum nine (9) square metres of soil space and a minimum dimension of two (2) metres at ground level free of intrusions.
13. 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 in perpetuity in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
14. The removal of the street tree (asset number TR0073067) as indicated on the approved plan and the listing of its replacement will be undertaken by the City of Stirling upon payment of the associated contribution costs as outlined in the City of Stirling's Street and Reserve Tree Policy. The associated costs are to be paid by the landowner prior to commencement of development and are a 90% contribution of the total.



### Land Use

15. The office floor spaces are limited to 160m<sup>2</sup> for Warehouse A and 200m<sup>2</sup> for Warehouse B. The Office spaces are not to be sub-let and must remain incidental to the predominate Warehouse use, to the satisfaction of the City.
16. The maximum number of staff permitted on-site at any time are:
  - a. Warehouse A and its Office: 10 people.
  - b. Warehouse B and its Office: 15 people.

### Lighting

17. Adequate lighting being provided to communal pathways and parking areas to the satisfaction of the City of Stirling.
18. Any outside lighting to comply with Australian Standard AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting for the control of obstructive effects of outdoor lighting and must not spill into any adjacent premises.

### Parking and Vehicle Access

19. Prior to occupation of the development, the landowner/s of Lot 177 must register an easement over that lot, securing a right of carriageway benefiting Lot 175 in relation to the shared vehicle access zone shown on the approved plans, to the satisfaction of the City of Stirling. The easement shall remain in perpetuity unless otherwise approved in writing by the City of Stirling.
20. 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's Local Planning Policy 6.7 - Parking and Access, to the satisfaction of the City of Stirling.
21. The layout and dimensions of all driveways and parking areas shall be in accordance with Australian/New Zealand Standard AS/NZS2890.1:2004 - Parking Facilities Part 1: Off-Street Car Parking.
22. Prior to the occupation of the development, all on-site parking to be available onsite during business hours for all customers and staff, to the satisfaction of the City of Stirling.
23. Crossovers shall be designed and constructed in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, and are to be installed prior to occupation of the development.
24. Unless otherwise approved, no walls, fences or letterboxes above 0.75 metres in height to be constructed within the 2.0 metre width x 2.5 metre depth triangular area of where:
  - a. walls or fences adjoin vehicular access points to the site, or
  - b. a driveway meets a public street, unless the further approval of the City of Stirling is obtained.



25. Prior to the occupation of the development, directional signage shall be located at the entry to the site directing visitors to access car parking at the rear or side of the site.
26. Prior to the occupation of the development, the bicycle parking bays and end-of-journey facilities 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.

#### Storage of Goods and Materials

27. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, to the satisfaction of the City of Stirling.

#### Waste Management

28. Collection and disposal of waste shall be managed in accordance with the submitted Waste Management Plan prepared by Cardno (reference CW1188100 version A dated 16 August 2021) and received by the City of Stirling on 18 August 2021, unless otherwise approved by the City of Stirling.

#### Water Management

29. The development is to be connected to the sewer.
30. Prior to occupation of the development, the landowner/s of Lot 175 must register an easement over that lot, securing a wider easement benefiting the City of Stirling in relation to the drainage pipes underneath the site, to the satisfaction of the City of Stirling. The minimum total width of the easement is to be 4.0 metres, or in the event additional fill is placed or added over the infrastructure, a minimum total width of 6.0 metres is required. The easement shall remain in perpetuity unless otherwise approved in writing by the City of Stirling.
31. All existing drainage connections into the City of Stirling's stormwater drainage system will need to be removed. All required reinstatements to the City of Stirling's existing stormwater drainage system will need to be carried out at the landowner's expense.
32. 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.

#### **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.





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. The Applicant is reminded of the requirement to comply with the Department of Water's Water Quality Protection Note No. 25 – Land Use Compatibility for Public Drinking Water Source Areas.

#### Construction Management

8. 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 of Stirling.

#### Dangerous Goods

9. Storage of Dangerous Goods must be in accordance with the Department of Mines, Industry Regulation & Safety requirements.

#### Drainage Easement

10. The City of Stirling does not permit trees to be planted, or structures such as retaining walls to be built, within its drainage easement. Tree roots and permanent structures within the easement will impact the City's drainage pipes and structures and will prevent maintenance access.

#### Landscaping

11. An Advanced Tree is defined in the City of Stirling's Local Planning Policy 6.11 - Trees and Development as: *means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.*



12. The associated contribution costs for the removal and replacement of the street tree (asset number TR0073067) are as follows:
- |                                    |                                     |
|------------------------------------|-------------------------------------|
| a. Helliwell value of the tree:    | \$5,121.00                          |
| b. Tree removal costs:             | \$380.00                            |
| c. Tree replacement costs:         | \$655.00 (current cost, GST exempt) |
| d. Number of new trees required:   | 1                                   |
| e. Total for the associated works: | \$6,156.00                          |
| f. 90% Contribution:               | \$5,540.10 (GST exempt)             |

Tree species will be chosen by the City of Stirling to reflect the surrounding streetscape. Costs include 2 years of watering and the provision that the City will replace the tree should it be damaged or die during that period. The replacement tree will be scheduled for planting in the next available planting season after the completion of the development.

13. The landowner is responsible for obtaining any approvals required under Commonwealth and Western Australian legislation, to clear the existing native vegetation.

#### Legal Agreement Preparation

14. The preparation of any legal agreement required by these conditions at the landowner's expense. In the preparation of any legal agreement required by these conditions, the City of Stirling's solicitors act for the City. You are advised to take your own legal advice regarding any documentation prepared in connection with these conditions.

#### Parking and Vehicle Access

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

#### Strata Title

16. The landowner is advised that any future strata title of the property must be consistent with this approval.

#### Waste Management

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

#### Water Management

18. All wastewater must be directed to sewer in accordance with Waste Corporation Tradewaste division requirements.
19. The landowner is advised of the Water Corporation sewage line running along the southern and western boundaries of the site. Approval from Water Corporation may be required. For more information regarding the sewerage pipe please contact Water Corporation on 131 395.



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

**REASON:** The Panel were of the opinion that the proposed development is consistent with the planning framework and the use is an appropriate development in the area. The minor modification was supported to facilitate review of on-site tree retention, where possible, based on trees significant, condition and viability. The Panel noted the significant number of proposed mature and advanced native tree to replace existing trees removed to facilitate the development and vehicle movements. Overall, the JDAP supported the proposal including minor condition change for the reasons and consistent with the recommendation outlined in the RAR.

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

Nil

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following SAT Applications –

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/19/01655 DR178/2021	City of Nedlands	Lot 684 (135) Broadway, Nedlands	Mixed Use Development (26 Serviced Apartments and Café)	30/08/2021
DAP/21/02050 DR21/1245	City of Stirling	Lot 3 (No.27) Pimlott Street & Lot 4 (No.1) Greenacre Street, Dianella	Child Care Premises	21/12/2021



The Presiding Member noted the following Supreme Court Appeal -

<b>Current Supreme Court Appeals</b>				
<b>File No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/20/01884 CIV 1791 of 2021	City of Stirling	Lot 100 Field Street, Mount Lawley	24 multiple dwellings and six (6) grouped dwellings	11 February 2021

#### **11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

#### **12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 9:44am.