



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 18 July 2022; 9.30am
Meeting Number: MINJDAP/144
Meeting Venue: City of Stirling
25 Cedric Street, Stirling

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1	Lot Numbers 34 And 1, House Number 19 And 21, Liege Street, Woodlands 4	
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	12
	Nil.....	12
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	12
11.	General Business.....	13
12.	Meeting Closure	13



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 Felicity Farrelly (Local Government Member, City of Stirling)

Officers in attendance

Ms Giovanna Lumbaca (City of Stirling)
Ms Karina Bowater (City of Stirling)
Ms Amanda Sheers (City of Stirling)
Mr Russel Jackson (City of Stirling)
Mr Michael Italiano (City of Stirling)
Mr Andrew Karagoglou (City of Stirling)
Ms Olivia Abbonizio (City of Stirling)

Minute Secretary

Mr Jackson Mawby (City of Stirling)
Ms Regan Clyde (City of Stirling)

Applicants and Submitters

Mr Joe Germano (Germano Designs Pty Ltd)
Mr Carlo Famiano (CF Town Planning & Development)
Ms Marina Kleyweg (KCTT)
Cr Elizabeth Re (City of Stirling)

Members of the Public / Media

There were four members of the public in attendance.

Ms Tyler Brown from PerthNow was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.35am on 18 July 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 the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.



2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

- 7.1 Cr Elizabeth Re (City of Stirling) addressed the DAP in favour of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Marina Kleyweg (KCTT) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Carlo Famiano (CF Town Planning & Development) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 The City of Stirling Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5 WRITTEN SUBMISSION - Ms Pamela Cann in support of the recommendation for the application at Item 8.1.

Cr Suzanne Migdale (Local Government Member, City of Stirling) left the panel at 10.18am during Item 7 due to an unexpected personal matter.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot Numbers 34 And 1, House Number 19 And 21, Liege Street, Woodlands

Development Description: Child Care Premises
Applicant: Germano Designs
Owner: Maria Francke
Responsible Authority: City of Stirling
DAP File No: DAP/21/02188

REPORT RECOMMENDATION

Moved by: Cr Felicity Farrelly

Seconded by: Nil

Refuse the DAP Application reference DAP/22/02188 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No.3 and the Metropolitan Region Scheme, for the proposed Child Care Premises at Lots 34 and 1, House Numbers 19 and 21, Liege Street, Woodlands, for the following reasons:

- a. Pursuant to Schedule 2, Part 9, Clause 67 (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the likely traffic generated by the proposed Child Care Premises and the associated general traffic movements will:
 - i. Have a significant detrimental impact on traffic flow and safety on the local streets surrounding the site;
 - ii. Impact the already compromised Talbot Road and Liege Street intersection that serves a high number of dwellings including a retirement village;
 - iii. Increase traffic in Willow Road and Willow Way due to customers having to circle the site to gain access; and
 - iv. Increase traffic along Liege Street, which already experiences high traffic volumes.
- b. There are already four Child Care Centres within 1km of the subject site and therefore the subject Child Care Centre is not likely to attract customers from the local community; and
- c. Pursuant to Schedule 2, Part 9, Clause 67(2) (y) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the submissions received in relation to the proposed Child Care Premises raised concerns of detrimental impacts on the existing function and safety of the local road network as a result of increased traffic.

The Report Recommendation LAPSED for want of a seconder.

Cr Suzanne Migdale (Local Government Member, City of Stirling) joined the panel at 11.22am during consideration of the alternative motion.

The Presiding Member notes that Cr Migdale was permitted to continue as a panel member in accordance with Clause 5.13.3 of the DAP Standing Orders which states that: Each DAP member attending a meeting must vote on a matter that is put to the vote.



ALTERNATE MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

With the agreement of the mover and seconder the following administrative changes were made to condition 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. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Sheet Number	Drawn By
Cover Sheet	26 May 2022	PD01	Germano Designs
3D	26 May 2022 24 May 2022	PD02	Germano Designs
3D	26 May 2022 24 May 2022	PD03	Germano Designs
Existing Site Survey & Site Plan	26 May 2022 24 May 2022	PD04	Germano Designs
Amalgamation Plan	26 May 2022 24 May 2022	PD05	Germano Designs
Context Plan	26 May 2022 24 May 2022	PD06	Germano Designs
Ground Floor Plan	26 May 2022 24 May 2022	PD07	Germano Designs
First Floor Plan	26 May 2022 24 May 2022	PD08	Germano Designs
Roof Plan	26 May 2022 24 May 2022	PD09	Germano Designs
GF Site Overlay	26 May 2022 24 May 2022	PD10	Germano Designs
FF Site Overlay	26 May 2022 24 May 2022	PD11	Germano Designs
Elevations	26 May 2022 24 May 2022	PD12	Germano Designs
Elevations	26 May 2022 24 May 2022	PD13	Germano Designs
Street Perspective & Indicative Development	26 May 2022 24 May 2022	PD14	Germano Designs
Section A	26 May 2022 24 May 2022	PD15	Germano Designs

REASON: to reflect correct dates of plans to be approved.



Approve DAP Application reference DAP/22/02188 as detailed on the DAP Form 9 March 2022 and accompanying 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 proposed Child Care Premises at Lot 34, House Number 19 Liege Street and Lot 1, House Number 21 Liege Street, Woodlands, 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 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.
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. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Sheet Number	Drawn By
Cover Sheet	26 May 2022	PD01	Germano Designs
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Roof Plan	24 May 2022	PD09	Germano Designs
GF Site Overlay	24 May 2022	PD10	Germano Designs
FF Site Overlay	24 May 2022	PD11	Germano Designs
Elevations	24 May 2022	PD12	Germano Designs
Elevations	24 May 2022	PD13	Germano Designs
Street Perspective & Indicative Development	24 May 2022	PD14	Germano Designs
Section A	24 May 2022	PD15	Germano Designs

4. Prior to occupation of the development, lot number 34, House Number 19 Liege Street and Lot Number 1, House Number 21 Liege Street, Woodlands shall be amalgamated into a single lot on a Certificate of Title.



Landscaping

5. Prior to the submission of a Building Permit, an amended Landscaping Plan shall be submitted, and approved by the City of Stirling, including the following amendments:
 - a. Turf around the carpark area is to be replaced with mulch and planted appropriately.
 - b. The density and quantity of planting within all garden bed areas is to be increased to two (2) to three (3) 130mm pot size plants per m².
 - c. The proposed *Nephrolepis exaltata* (Boston Fern) is to be replaced with a suitable native species in a 130mm pot size at two (2) plants per m².
 - d. All landscaped areas to be irrigated and a minimum of 75mm of mulch applied.
6. 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 in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
7. Any existing trees on-site identified for retention must be retained and protected in perpetuity by the landowner in accordance with Clause 5.13.3 a) of Local Planning Scheme No. 3.
8. Prior to the occupation of the development, two (2) Advanced trees must be planted on-site in the area indicated on the development plans and be maintained thereafter. These trees may be located along the western boundary, at a minimum setback of 2m from the lot boundary.
9. Planting of three (3) new street trees at the landowner's cost will be scheduled to occur in the next available planting season after the completion of the development. The landowner shall pay the cost of planting of the new street trees prior to commencement of development as determined by the City in the City's Street and Reserve Trees Policy.

Lighting

10. Prior to the submission of a Building Permit, a lighting plan shall be submitted to the City with the provision of lighting to all public spaces, awning areas, parking areas, service areas, footpaths, ground floor entry and exit points, to the satisfaction of the City.
11. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997, to the satisfaction of the City of Stirling.



Operation

12. The operational details outlined in the Environmental Acoustic Assessment and State Planning Policy 5.4 Acoustic Assessment received 25 May 2022 (Attachments 6c and 6d), and in the Planning Report received 25 May 2022 (Attachment 6a) which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The Child Care Premises shall be limited to a maximum number of 106 children and 21 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 6:30am and 6:30pm, Monday to Friday.
 - c. The Child Care Premises shall not operate on Saturdays, Sundays or public holidays.
13. The operational measures identified in the conclusion of the Environmental Acoustic Assessment received 25 May 2022 (Attachment 6c), which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The external play areas shall not be made available for use prior to 7:00am during operation of the Child Care Premises.
14. All construction recommendations provided in the Environmental Acoustic Assessment and State Planning Policy 5.4 Acoustic Assessment received 25 May 2022 (Attachments 6c and 6d), are to be implemented.
15. The Applicant is to provide written confirmation that all recommendations in the Environmental Acoustic Assessment and State Planning Policy 5.4 Acoustic Assessment received 25 May 2022 (Attachments 6c and 6d), have been incorporated into the building design at time of lodgement of the Building Permit application.
16. The land owner shall provide written confirmation to the City of Stirling that the requirements of the Environmental Acoustic Assessment and State Planning Policy 5.4 Acoustic Assessment received 25 May 2022 (Attachments 6c and 6d), have been incorporated into the completed development by the builder with the Form BA7 Completion Form, prior to occupation of the development.
17. A Notification, pursuant to Section 70A of the Transfer of Lands Act 1893 is to be placed on the Certificate(s) of Title of the subject lot(s) prior to operation of the development. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

Parking and Access

18. The crossover shall be designed and constructed in accordance with the City of Stirling's Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City of Stirling. Crossovers are to be installed prior to occupation of the development.



19. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1 and AS2890.2. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5).
20. Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, to comply with Australian Standards AS/NZS1428.1-2009 (Design for access and mobility – General requirements for access – New building work).
21. Prior to the occupation of the development, the redundant crossovers shall be removed and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City's Local Planning Policy 6.7 – Parking and Access.
22. The vehicular sliding gate is to remain open and accessible during operational hours.
23. Prior to the occupation of the development, a minimum of two (2) bicycle parking bays shall be provided on-site. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City of Stirling.
24. All vehicle access to the site must be left-in and left-out access only, with signage erected onsite to reflect these requirements prior to occupation of the development, to the satisfaction of the City.

General

25. A Site Management Plan shall be submitted to the City of Stirling and approved prior to commencement of works. The Site Management Plan shall include specific details on the management of aspects such as, (but is not limited to), dust, noise, vibration, 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.
26. 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
27. Air-conditioning units, ducts and other services shall be screened from view and are to be located away from the streets, to the satisfaction of the City of Stirling.
28. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within 1.5 metres of where:
 - a. vehicular access points adjoin the site, or
 - b. driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way, orunless further approval from the City of Stirling is obtained.



29. The development is to comply with the Waste Management Plan prepared by CF Town Planning dated 9 March 2022 (Attachment 6f), unless otherwise approved by the City of Stirling.
30. 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.
31. The development is required to be connected to sewer.
32. All signage is to be in strict accordance with the City of Stirling Local Planning Policy 6.1 – Advertising Signs, unless further approval is obtained.
33. The open-style front fencing shall be visually permeable as defined in State Planning Policy 7.3 – Residential Design Codes Volume 1, to the satisfaction of the City of Stirling.
34. Prior to the commencement of construction, a report is to be provided outlining the intended environmentally sustainable design approach for the detailed design of the development, in accordance with Principle 5 - Sustainability of State Planning Policy 7.0 - Design of the Built Environment, to the satisfaction of the City.

Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of four years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. 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 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
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. Noisy Construction Work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Stirling.
8. In reference to the Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 Trees and Development as: a tree which requires planting in at least a 100 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.
9. The associated contribution costs for the planting of five (5) new street trees are as follows:
 - a. i. Cost of each new tree: \$655.00 (current cost)
 - b. ii. Number of new trees required: Three (3)
 - c. iii. Total for the associated works: \$1,965.00Tree species will be chosen by the City 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.
10. The proposed crossover configuration is subject to the approval of the City's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
11. Collection and disposal of waste shall be managed in accordance with the City of Stirling Waste Management Local Law 2010, to the satisfaction of the City of Stirling.
12. The Applicant is advised to seek the advice of a qualified arborist in regard to the opening on the first floor to accommodate the proposed tree and suitability of tree species.

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

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme
Cr Suzanne Migdale

Against: Cr Felicity Farrelly

REASON: The majority of panel members were of the opinion that the proposed development is consistent with the planning framework, the building design, scale and form is appropriate with the character and context of the site. Due consideration was given to the on-site parking, vehicles demand, and surrounding road network and the Panel were satisfied with the technical officer's analysis and support on the traffic movement and vehicle access configuration. On balance the JDAP supported the proposal consistent with comments contained within the RAR including the officer recommendation.



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 -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022
DAP/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022
DAP/20/01923 DR89/2022	City of Subiaco	Lot 11 (No.379), Lot 81 (375), Lot 82 (377) Railway Road, Lot 80 (101), Lot 84 (No.97), Lot 85 (No.99), Evans Street, Shenton Park	5 storey mixed use development & demolition of existing building on Lot 82	30 May 2022

The Presiding Member noted the following Supreme Court Appeal –

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01722 CIV 2311 of 2021	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	Mixed Use Development – Six (6) Multiple Dwellings and One (1) Commercial Tenancy	7 April 2022



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 11.24am.