



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 2 November 2022; 9:30am
Meeting Number: MINJDAP/162
Meeting Venue: City of Stirling, 25 Cedric Street, Stirling

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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 Felicity Farrelly (Local Government Member, City of Stirling)

Officers in attendance

Item 8.1

Mr Cameron Howell (City of Stirling)
Mr Dean Williams (City of Stirling)

Item 8.2

Ms Karina Bowater (City of Stirling)

Minute Secretary

Ms Amorette Kerklaan (City of Stirling)
Mr Daniel Govus (City of Stirling)

Applicants and Submitters

Item 8.1

Mr Matthew Cain (Planning Solutions)
Mr Brendan Foley (Thomson Geer Lawyers)
Mr Malcolm Mackay (Mackay UrbanDesign)

Item 8.2

Mr Murray Casselton (Element)
Mr Phillip Anderson (Westbridge Funds Management)
Mr Danielle Davison (Davison Advisory Services)
Mr Stefan Oh (MJA)

Members of the Public / Media

There were five members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.30am on 2 November 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was 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 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 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

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 1 November 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Ms Lee O'Donohue

That the application at Item 9.1 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To consider Item 9.1 first.



7. Deputations and Presentations

7.1 Mr Murray Casselton (Element) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.2 The City of Stirling addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentation at Item 7.1 – 7.2 was heard prior to the application at Item 9.1.

7.3 Mr Matthew Cain (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions of the panel.

7.4 Mr Malcolm Mackay (Mackay UrbanDesign) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.5 Mr Brendan Foley (Thomson Geer Lawyers) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

The presentation at Item 7.3 – 7.6 was heard prior to the application at Item 8.1.

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Cr Suzanne Migdale

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to speak more than once on the same item and continue further debate on Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The Standing Orders were suspended at 10.52am.

REASON: To enable Members to speak more than once.



PROCEDURAL MOTION

Moved by: Cr Suzanne Migdale

Seconded by: Ms Lee O'Donohue

That the Standing Orders be resumed in accordance with section 5.10.2h of the DAP Standing Orders 2020.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The Standing Orders were resumed at 11.34am.

REASON: To resume the meeting.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Numbers 8, 10 & 10A (Lots 57 and 12875) Chesterfield Road, Mirrabooka

Development Description:	Mixed Use Development – 18 Multiple Dwellings And 16 Commercial Tenancies
Applicant:	Planning Solutions
Owner:	Mainstreet Properties Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/21/02119

Responsible Authority Recommendation

Moved by: Cr Suzanne Migdale

Seconded by: Cr Felicity Farrelly

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/21/02119 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 Mixed Use Development – 18 Multiple Dwellings and 16 Commercial Tenancies at Lot 57, House Numbers 8 and 10, and Lot 12875, House Number 10A, Chesterfield Road, Mirrabooka, 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 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
DA0.1 Perspectives Part 1	8 September 2022	3	Building Workshop
DA0.2 Perspectives Part 2	8 September 2022	3	Building Workshop
DA0.3 Perspectives Part 3	8 September 2022	3	Building Workshop
DA0.4 Perspectives Part 4	8 September 2022	3	Building Workshop
DA01 Site Plan & Ground Floor Plan	1 September 2022	18	Building Workshop
DA01.1 Site & Ground Floor Plan Part 1	1 September 2022	10	Building Workshop
DA01.2 Site & Ground Floor Plan Part 2	1 September 2022	8	Building Workshop
DA01.3 Site & Ground Floor Plan Part 3	1 September 2022	11	Building Workshop
DA01.4 Site & Ground Floor Plan Part 4	1 September 2022	8	Building Workshop
DA01.5.1 Site & Ground Floor Plan Part 5.1	1 September 2022	8	Building Workshop
DA01.5.2 Site & Ground Floor Plan Part 5.2	1 September 2022	2	Building Workshop
DA01.6 Basement Plan Apartment Building A, Tenancy 1 & Tenancy 2	1 September 2022	7	Building Workshop
DA01.7 First Floor Plan Apartment Building A & Tenancy 2	1 September 2022	9	Building Workshop
DA01.8 Second Floor Apartment Building A	1 September 2022	9	Building Workshop
DA01.8.2 Third Floor Apartment Building A	1 September 2022	4	Building Workshop
DA01.9 Tenancy 3 First Floor Plan	1 September 2022	6	Building Workshop
DA01.11 Roof Plan	1 September 2022	6	Building Workshop
DA01.12 Site Over Shadow Diagram	1 September 2022	4	Building Workshop
DA01.13 Sun Access Apartment Building A First Floor	1 September 2022	4	Building Workshop



DA01.14 Sun Access Apartment Building A Second Floor	1 September 2022	4	Building Workshop
DA01.15 Sun Access Apartment Building A Third Floor	1 September 2022	4	Building Workshop
DA01.18 Existing Site Feature Survey	1 September 2022	3	Building Workshop & Pro West Surveying
DA2.01 Elevations Part 1	1 September 2022	9	Building Workshop
DA2.02 Elevations Part 2	1 September 2022	6	Building Workshop
DA2.03 Elevations Part 3	1 September 2022	9	Building Workshop
DA2.04 Elevations Part 4	1 September 2022	7	Building Workshop
DA2.05 Elevations Part 5	1 September 2022	12	Building Workshop
DA2.06 Elevations Part 6	1 September 2022	6	Building Workshop
DA2.08 Height Controls and Adjoining Building Profiles	1 September 2022	4	Building Workshop
DA2.09 Pylon Sign Detail	1 September 2022	3	Building Workshop
DA2.11 Colour and Materials Schedule Part 1	1 September 2022	4	Building Workshop
DA2.12 Colour and Materials Schedule Part 2	1 September 2022	4	Building Workshop
DA2.13 Colour and Materials Schedule Part 3	1 September 2022	4	Building Workshop
DA2.14 Colour and Materials Schedule Part 4	1 September 2022	4	Building Workshop
DA2.15 Colour and Materials Schedule Part 5	1 September 2022	4	Building Workshop
DA2.16 Colour and Materials Schedule Part 6	1 September 2022	4	Building Workshop
DA2.18 Sections	1 September 2022	2	Building Workshop

Advertisements

4. The content and design of all advertisements shall not:
- Consist of any flashing or running lights;
 - Pose any threat to public safety or health;
 - Contain any discriminatory or offensive material;
 - Interfere with or likely be confused with traffic control signals; and
 - Contain any third party signage (all advertisements must relate to services and products on the site);
to the satisfaction of the City of Stirling.



5. The display of all digital signage advertisements shall satisfy the following requirements to the satisfaction of the City of Stirling:
 - a. The maximum luminance shall not exceed:
 - i. Daytime: 6000 cd/m²;
 - ii. Dawn/Dusk: 600 cd/m²;
 - iii. Night: 300 cd/m².
 - b. The content shall only consist of single self-contained messages, with a minimum dwell time of 45 seconds; and
 - c. The duration of transition between the full display of one message and the full display of the next message shall not exceed 0.1 seconds. Transitional effects such as fly-in, fade-out and scrolling shall not be permitted.
6. The Pylon Sign does not form part of this approval and is to be removed as part of the Building Permit application.

Boundary Walls

7. Boundary walls shall not exceed the height shown on the approved plans. Prior to occupation, the external finish of the boundary walls shall be finished externally to the same standard as the rest of the development, to the satisfaction of the City of Stirling.

Building Design

8. 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.
9. All blank expanses of ground floor external walls are to be treated with an anti-graffiti coating or an alternative material/finish, to reduce the likelihood of and improve ease of graffiti removal, to the satisfaction of the City of Stirling.

Construction Management

10. Prior to the submission of a Building Permit, a Site Management Plan shall be submitted to the City of Stirling for approval. The Site Management Plan shall include but not be limited to measures relating to dust, noise, vibration, waste management, contractor parking, traffic, on-site and street tree protection zones, storage of materials and site safety / security, staging of the development 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.
11. Site works will need to ensure that the City of Stirling's existing stormwater drainage infrastructure along the eastern lot boundary is protected during site construction works. Site levels will need to ensure that existing pipe covers are maintained over the City of Stirling's existing stormwater drainage infrastructure, unless otherwise agreed by the City of Stirling.



Landscaping

12. Prior to the commencement of works, 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 Plan E dated September 2022 and that demonstrates compliance with the approved development plans and all revised drawing conditions of this approval, to the satisfaction of the City of Stirling.
13. Prior to occupation of the development, a minimum of 26 Advanced Trees must be planted on site in the area indicated on the approved plan and be thereafter maintained. The Advanced 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, to the satisfaction of the City of Stirling.
14. Planting of five (5) new Street Trees at the applicant's cost will be scheduled to occur in the next available planting season after the completion of the development. The owner/applicant shall pay the cost of planting of the new Street Trees prior to commencement of development as determined by the City of Stirling, unless otherwise approved by the City of Stirling in an approved landscaping plan (please refer to the corresponding advice note).
15. 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, to the satisfaction of the City of Stirling.
16. All existing trees identified for retention shall be protected during construction works as outlined in the recommendations of the submitted Arboricultural Report, Survey & Recommendations prepared by Branch Arboriculture dated 15 February 2022, to the satisfaction of the City of Stirling and thereafter retained and maintained in perpetuity, unless otherwise approved in writing by the City of Stirling.
17. No structures, other than works shown in the approved plans, or trees are permitted to be installed over the City of Stirling's existing drainage infrastructure or within the 4.0m wide easement.

Legal

18. Prior to occupation of the development, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on Certificates of Title 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:

"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. The lots are subject to commercial noise associated with a tavern including music and people talking in an alfresco dining area."

19. Prior to the submission of a Building Permit application, a staging plan shall be submitted to the City of Stirling for approval. The approved staging is to be complied with to the satisfaction of the City of Stirling.



20. Prior to the occupation of any part of the development the subject of this application, the Owner of Lots 57 and 12875, House Numbers, 8, 10 and 10A Chesterfield Road, Mirrabooka, shall grant an easement in gross pursuant to Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the City of Stirling and the public at large over that portion of the land designated for vehicular and pedestrian traffic along the proposed internal roads between Chesterfield Road and Yirrigan Drive, for the purposes of providing unrestricted public pedestrian and vehicular access, to the satisfaction of the City of Stirling.
21. Prior to the occupation of any particular stage of the development the subject of this application, the Owner of Lots 57 and 12875, House Numbers, 8, 10 and 10A Chesterfield Road, Mirrabooka, shall grant an easement in gross pursuant to Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the City of Stirling and the public at large over that portion of the land designated for public parking (including access to those bays and the short stay public parking) required by that particular stage of the development, for the purposes of providing unrestricted public pedestrian and vehicular access, to the satisfaction of the City of Stirling.
22. Prior to occupation of the development:
 - a. The Owner of Lot 12875 House Number 10A Chesterfield Road, Mirrabooka, must register an easement over that lot, securing an easement benefiting the City of Stirling in relation to the City's existing drainage pipes underneath the site, to the satisfaction of the City of Stirling.
 - b. The Owner of Lot 57 House Number 8-10 Chesterfield Road, Mirrabooka, must register an easement over that lot, securing a wider easement benefiting the City of Stirling in relation to the City's existing drainage pipes underneath the site, to the satisfaction of the City of Stirling. The minimum total width is to be 4.0 metres.The easements shall remain in perpetuity unless other approved in writing by the City of Stirling.
23. Lots 57 and 12875 shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development, to the satisfaction of the City of Stirling.
24. 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 land owner.



Lighting

25. Prior to the submission of a Building Permit application, a Lighting Plan shall be submitted to the City of Stirling for review and approval. The Lighting Plan is to include:
- The provision of adequate lighting 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; and
 - Compliance with Australian Standard AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting, to the satisfaction of the City of Stirling.
- Lighting is to be maintained in accordance with the approved Lighting Plan for the life of the development, to the satisfaction of the City of Stirling.

Mandatory Residential

26. Prior to the occupation of any non-residential floorspace within the 'Mandatory Residential for New Development' areas as designated in the Mirrabooka Town Activity Centre Plan (Tenancies 1.3, 1.4 and 1.5), the residential component of the development is to be completed, to the satisfaction of the City of Stirling.

Noise

27. 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:
- Noise from the Tavern and Reception Centre building, air conditioning, music, patrons in open areas and kitchen exhaust.
 - Apartment air-conditioning systems.
 - Car park mechanical ventilation and other noise.
 - Communal open space abutting habitable rooms of dwellings.

Additional revised Acoustic Report/s are required to be submitted for review and approval prior to the Building Permit application/s for Apartment Building A of the development, if the application/s for this building is not lodged concurrently with the non-residential component of the development.

Upon completion, the Applicant is to provide written confirmation that all recommendations in the Acoustic Report/s have been incorporated into the building design, with the certified Building Permit application. 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 Applicant/Owner shall provide written confirmation to the City of Stirling that the requirements of the Acoustic Report referred to in the Acoustic Report have been incorporated into the completed development by the builder with the Form BA7 Completion Form, prior to occupation of the development. The recommendations of the revised Acoustic Report/s shall be complied with for the duration of the development.



28. Prior to occupation of the relevant stage of the development, a Certification Acoustic Report is to be submitted to the City of Stirling for review and approval demonstrating compliance with the applicable standards for environmental noise (*Environmental Protection (Noise) Regulations 1997*). Any identified elements of non-compliance shall be rectified prior to the occupation of the relevant stage of the development.
29. The Applicant is to submit information detailing the actual noise emissions from the relevant stages of development once in operation. This information is to be provided to the City of Stirling within a two (2) month period from the commencement of operation. Should noise emissions exceed assigned levels then further noise reduction measures are to be installed and implemented.
30. Unless otherwise included as part of the Waste Management Plan and associated Acoustic Reports, delivery and service vehicles are not permitted to enter the site outside the hours 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.

Off-Site Engineering

31. Prior to the commencement of any works within the road reserves relating to the subject development, detailed civil engineering construction plans prepared by a suitably qualified person shall be submitted to the City of Stirling for approval. The written approval shall be implemented, to the satisfaction of the City of Stirling.
32. No structures, other than the awnings shown in the approved plans, are permitted to encroach into the road reserve. These awnings must provide a 1.0m minimum horizontal clearance to on-street parking bays or existing road edges.

Parking and Vehicle Access

33. Prior to the occupation of the development, all driveways, parking and manoeuvring areas shall be hard surface, drained and maintained, to the satisfaction of the City of Stirling.
34. 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, AS 2890.2:2018 Parking Facilities Part 2: Off-Street Commercial Vehicle Facilities and AS/NZS2890.6.-2009: Parking Facilities Part 6: Off-Street Parking for People with Disabilities, to the satisfaction of the City of Stirling.
35. The car parking bays marked as a Public Bay are to be used as "Public Parking" and the car parking bays marked as a Short Stay Bay are to be used as "Short Stay Public Parking" (please refer to the corresponding advice note for definitions). Prior to occupancy or use of any particular stage of the development, all signage and markings for these car parking bays shall be installed on that particular part of the site, to the satisfaction of the City of Stirling.



36. Prior to occupancy or use of Multiple Dwellings on the site, all signage and markings for resident visitor car and bicycle parking bays shall be installed on site, to the satisfaction of the City of Stirling.

Residential visitor car and bicycle parking bays shall be permanently marked, maintained and legally 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 and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City of Stirling.

37. All on-site parking to be available during business hours for all customers and staff, to the satisfaction of the City of Stirling.
38. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.
39. 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:
- walls or fences adjoin vehicular access points to the site, or
 - a driveway meets a public street,
- unless the further approval of the City of Stirling is obtained.
40. Prior to the occupation of the residential component 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, to the satisfaction of the City of Stirling.
41. Prior to the occupation of the relevant stages of the development, the bicycle parking bays and end-of-journey facilities relevant to that stage 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, to the satisfaction of the City of Stirling.

Storage of Goods and Materials

42. Following occupation of each particular stage of the development, no goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways for that stage of the development. Following occupation, all goods and materials are to be stored within the buildings or storage yards, to the satisfaction of the City of Stirling.



Sustainability

43. The development is to achieve a 4 Star Green Star rating or the equivalent level of performance. At the Building Permit stage, the Applicant is to submit a secondary sustainability report confirming the final green star strategy (or equivalent) that will guide the construction stage of the development and beyond. This report shall clearly demonstrate that a 4 Star Green Star rating or the equivalent level of performance is to be achieved for this development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in the documentation and plans submitted with the Building Permit application. All sustainable design features proposed in the development shall be implemented.
44. Prior to the issue of a Building Permit, a revised Energy Efficiency Statement is to be submitted to the City of Stirling confirming all dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars and the development incorporates energy efficiency initiatives as per the submitted ESD Briefing Note prepared by Full Circle Design Services dated 4 May 2022, to the satisfaction of the City of Stirling.

Universal Design

45. Prior to the submission of a Building Permit application (relevant to the construction of the Multiple Dwellings), 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. Prior to the submission of an Occupancy Permit application, all required design features shall be installed and operational.

Utilities, Facilities and External Fixtures

46. 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.
47. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupation of the development, where a concealed drying area is not provided exclusively for the dwelling.
48. 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, to the satisfaction of the City of Stirling.

Waste Management

49. The Waste Management Plan prepared by Auswide dated September 2022, including any subsequent amendments approved in writing by the City of Stirling, shall be implemented in perpetuity, to the satisfaction of the City of Stirling.



Water Management

50. The development is to be connected to the sewer.
51. The volume of any stormwater permitted by the City of Stirling to be disposed using the existing connections into the City of Stirling's drainage system, shall not exceed the pre-development volume. Excess 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, to the satisfaction 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.
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*.



8. In regard to the approved land uses, any proposal to change the land use may require further approval in accordance with the City of Stirling Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advertisements

9. All signage is to be in strict accordance with the City of Stirling Local Planning Policy 6.1 - Advertising Signs, unless otherwise permitted by this approval, or further approval is obtained.

Construction Management

10. 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.
11. In reference to the required Site Management Plan, the Public Transport Authority requires the following information:
 - a. A pre-condition survey report of the Mirrabooka Bus Station; and
 - b. All measures to mitigate adverse impacts to bus operations and passengers during construction works, including but not limited to maintaining unobstructed access to the station, dust control, noise control and vermin control.
12. Upon completion of construction works, the City of Stirling will inspect all of the City of Stirling's existing stormwater drainage infrastructure using Close Circuit Television (CCTV) cameras. Any required remedial works caused by the developments construction works will need to be completed prior to occupation of the development. For minor required remedial works the City of Stirling may consider bonding to facilitate occupation of the development.

Food Businesses

13. All food premises activities are to comply with the *Food Act 2008*, Australian New Zealand Food Standards Code and City of Stirling Food Business Guide Design Construction Operation.

A Food Business Notification form is to be submitted for each premises with supporting plans and specifications of the food handling facilities for approval prior to installation and operation.

The general considerations include, but are not limited to, the following:

- a. The provision of food premises exhaust air discharge outlets above roof height of buildings and any surrounding residential uses, to prevent nuisances and to comply with AS1668.2 provisions.
- b. Grease traps are to be provided where required by the Water Corporation of WA.



Landscaping

14. 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”.
15. The associated contribution costs for the planting of five (5) new street trees are as follows:
 - a. Cost of new tree: \$670.00 (current cost GST exempt)
 - b. Number of new trees required: 5
 - c. Total for the associated works: \$3,350.00 (current cost 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 of Stirling will replace the tree should it be damaged or die during that period. The City of Stirling will invoice the cost of the tree/s upon lodgement of a Building Permit.

Off-Site Engineering

16. For any proposed works within the road reserve, detailed engineering construction plans are to be submitted and approved by the City of Stirling prior to works commencing on site. The City of Stirling’s approval will require the following payments and information:
 - a. A bond shall be paid for all construction works within the road reserve, prior to commencement of the works. The bond shall be determined by the City of Stirling (Engineer Subdivisions and Development Works) and will be based on the approved civil engineering construction plans. The bond will be returned once all works within the road reserve have been completed in accordance with the approved civil engineering construction plans and to the satisfaction of the City of Stirling (Manager Engineering Services).
 - b. Prior to the occupation of the development, a payment to the City of an inspection fee for the construction works within the road reserve is required, in accordance with the approved civil engineering construction plans and based on the following:
 - i. Where the person has not engaged a consulting engineer to design and supervise the construction, the amount is to be 3% of the cost of the construction as estimated by the City of Stirling (Engineer Subdivisions and Development Works).
 - ii. Where the person has engaged a consulting engineer to design and supervise the construction, the amount is to be 1½% of the cost of the construction as estimated by the City of Stirling (Engineer Subdivisions and Development Works).



- c. Prior to the occupation of the development, a payment to the City of Stirling of a “12 Months Defects Liability Period Retention Bond” of 5% is required, for the cost of construction as estimated by the City of Stirling (Engineer Subdivisions and Development Works) for works within the road reserve.
 - d. Upon completion of works, and prior to the occupation of the development, the City of Stirling is to be provided with “as constructed” transparencies and digital copies in dwg format, of the works.
17. The approval of the Public Transport Authority is required if the bus stop needs to be reconstructed or modified in any way, including changes to the footpath adjacent to the bus stop. Any design for a new boarding area must comply with the Public Transport Authority’s Bus Stop Design Guidelines.

Parking and Vehicle Access

18. 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.
19. Schedule 1 of the City of Stirling Local Planning Scheme No. 3 defines “Public Parking” and “Short Stay Public Parking” as follows:
- a. Public Parking: *means the parking of vehicles on land by members of the public at any time on any day whether or not payment of a fee is required.*
 - b. Short Stay Public Parking: *means parking bays that are available to the public where at least 50% of vehicles stay less than 4 hours and at least 90% stay less than 6 hours.*

Personal Care Services

20. Any tenancy uses involving hairdressing or skin penetration premises are to comply with the relevant requirements with minimum washable floor finishes, equipment, washing and sanitation purposes with the *Health (Skin Penetration Procedures) Regulations 1998* and *Hairdressing Establishment Regulations 1972*. Such premises to make application to the City of Stirling (Environmental Health Section) prior to operations.



Public Buildings

21. All premises where public building uses occur (function rooms, tavern, entertainment uses and similar) are to comply with the *Health (Public Building) Regulations 1992* and, requirements above the Building Code - National Construction Code provisions:
 - a. All stairways and steps leading from public building areas are to have:
 - i. Treads not less than 280 mm wide and risers not exceeding 180 mm in height.
 - ii. Handrails fitted on both sides of the stair way and not less than the minimum exit clear width permitted under the BCA – NCC provisions.
 - b. Prior to operation of the public building a Form 2 application is to be made for a Certificate of Approval; a Form 5 Certificate of Electrical Compliance completed; and an evacuation procedure and plan provided.

Strata Title

22. The Applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
23. 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.

Utilities, Facilities and External Fixtures

24. The City of Stirling advises that all external fixtures, building services and utilities of the development are to be designed in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 (Element 4.18 Utilities) and the Mirrabooka Town Centre Local Development Plan.

Waste Management

25. The bin enclosures are required to comply with the requirements of the City of Stirling's Waste Management Local Law 2010.

Water Management

26. Connection to deep sewer in the locality.



AMENDING MOTION 1

Moved by: Cr Suzanne Migdale

Seconded by: Mr John Syme

That Condition No. 6 be deleted and replaced to read as follows:

Prior to the submission of Building Permit, a detailed signage strategy is required to be submitted to the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure the Panel is exercising its discretion in an appropriate manner.

AMENDING MOTION 2

Moved by: Cr Suzanne Migdale

Seconded by: Mr John Syme

That Condition No. 16 be amended to read as follows:

All existing trees identified for retention shall be protected during construction works as outlined in the recommendations of the submitted Arboricultural Report, Survey & Recommendations prepared by Branch Arboriculture dated 15 February 2022, to the satisfaction of the City of Stirling and maintained thereafter ~~retained and in perpetuity~~ accordance with the landscape plan, unless otherwise approved in writing by the City of Stirling.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Minor changes are to provide clarity in the condition.

AMENDING MOTION 3

Moved by: Cr Suzanne Migdale

Seconded by: Ms Lee O'Donohue

That Condition No. 17 be amended to read as follows:

No structures, other than works **and landscaping** shown in the approved plans, ~~or trees~~ are permitted to be installed over the City of Stirling's existing drainage infrastructure or within the 4.0m wide easement.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Minor changes are to provide clarity in the condition.



AMENDING MOTION 4

Moved by: Cr Suzanne Migdale

Seconded by: Mr John Syme

That Condition No. 26 be amended to read as follows:

*Prior to the occupation of any non-residential floorspace within the 'Mandatory Residential for New Development' areas as designated in the Mirrabooka Town Activity Centre Plan **dated 23 November 2021** (Tenancies 1.3, 1.4 and 1.5), the residential component of the development is to be completed, to the satisfaction of the City of Stirling.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Minor changes are to provide clarity in the condition.

AMENDING MOTION 5

Moved by: Cr Suzanne Migdale

Seconded by: Mr John Syme

That Condition No. 32 be amended to read as follows:

*No structures **or trees**, other than ~~as the awnings~~ shown in the approved plans, are permitted to encroach into the road reserve. ~~These~~ **The awnings** must provide a 1.0m minimum horizontal clearance to on-street parking bays or existing road edges.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Minor changes are to provide clarity in the condition.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/21/02119 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 Mixed Use Development – 18 Multiple Dwellings and 16 Commercial Tenancies at Lot 57, House Numbers 8 and 10, and Lot 12875, House Number 10A, Chesterfield Road, Mirrabooka, 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 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
DA0.1 Perspectives Part 1	8 September 2022	3	Building Workshop
DA0.2 Perspectives Part 2	8 September 2022	3	Building Workshop
DA0.3 Perspectives Part 3	8 September 2022	3	Building Workshop
DA0.4 Perspectives Part 4	8 September 2022	3	Building Workshop
DA01 Site Plan & Ground Floor Plan	1 September 2022	18	Building Workshop
DA01.1 Site & Ground Floor Plan Part 1	1 September 2022	10	Building Workshop
DA01.2 Site & Ground Floor Plan Part 2	1 September 2022	8	Building Workshop
DA01.3 Site & Ground Floor Plan Part 3	1 September 2022	11	Building Workshop
DA01.4 Site & Ground Floor Plan Part 4	1 September 2022	8	Building Workshop
DA01.5.1 Site & Ground Floor Plan Part 5.1	1 September 2022	8	Building Workshop
DA01.5.2 Site & Ground Floor Plan Part 5.2	1 September 2022	2	Building Workshop
DA01.6 Basement Plan Apartment Building A, Tenancy 1 & Tenancy 2	1 September 2022	7	Building Workshop
DA01.7 First Floor Plan Apartment Building A & Tenancy 2	1 September 2022	9	Building Workshop
DA01.8 Second Floor Apartment Building A	1 September 2022	9	Building Workshop
DA01.8.2 Third Floor Apartment Building A	1 September 2022	4	Building Workshop
DA01.9 Tenancy 3 First Floor Plan	1 September 2022	6	Building Workshop
DA01.11 Roof Plan	1 September 2022	6	Building Workshop
DA01.12 Site Over Shadow Diagram	1 September 2022	4	Building Workshop



DA01.13 Sun Access Apartment Building A First Floor	1 September 2022	4	Building Workshop
DA01.14 Sun Access Apartment Building A Second Floor	1 September 2022	4	Building Workshop
DA01.15 Sun Access Apartment Building A Third Floor	1 September 2022	4	Building Workshop
DA01.18 Existing Site Feature Survey	1 September 2022	3	Building Workshop & Pro West Surveying
DA2.01 Elevations Part 1	1 September 2022	9	Building Workshop
DA2.02 Elevations Part 2	1 September 2022	6	Building Workshop
DA2.03 Elevations Part 3	1 September 2022	9	Building Workshop
DA2.04 Elevations Part 4	1 September 2022	7	Building Workshop
DA2.05 Elevations Part 5	1 September 2022	12	Building Workshop
DA2.06 Elevations Part 6	1 September 2022	6	Building Workshop
DA2.08 Height Controls and Adjoining Building Profiles	1 September 2022	4	Building Workshop
DA2.09 Pylon Sign Detail	1 September 2022	3	Building Workshop
DA2.11 Colour and Materials Schedule Part 1	1 September 2022	4	Building Workshop
DA2.12 Colour and Materials Schedule Part 2	1 September 2022	4	Building Workshop
DA2.13 Colour and Materials Schedule Part 3	1 September 2022	4	Building Workshop
DA2.14 Colour and Materials Schedule Part 4	1 September 2022	4	Building Workshop
DA2.15 Colour and Materials Schedule Part 5	1 September 2022	4	Building Workshop
DA2.16 Colour and Materials Schedule Part 6	1 September 2022	4	Building Workshop
DA2.18 Sections	1 September 2022	2	Building Workshop



Advertisements

4. The content and design of all advertisements shall not:
 - a. Consist of any flashing or running lights;
 - b. Pose any threat to public safety or health;
 - c. Contain any discriminatory or offensive material;
 - d. Interfere with or likely be confused with traffic control signals; and
 - e. Contain any third party signage (all advertisements must relate to services and products on the site);
to the satisfaction of the City of Stirling.

5. The display of all digital signage advertisements shall satisfy the following requirements to the satisfaction of the City of Stirling:
 - a. The maximum luminance shall not exceed:
 - i. Daytime: 6000 cd/m²;
 - ii. Dawn/Dusk: 600 cd/m²;
 - iii. Night: 300 cd/m².
 - b. The content shall only consist of single self-contained messages, with a minimum dwell time of 45 seconds; and
 - c. The duration of transition between the full display of one message and the full display of the next message shall not exceed 0.1 seconds. Transitional effects such as fly-in, fade-out and scrolling shall not be permitted.

6. Prior to the submission of Building Permit, a detailed signage strategy is required to be submitted to the City.

Boundary Walls

7. Boundary walls shall not exceed the height shown on the approved plans. Prior to occupation, the external finish of the boundary walls shall be finished externally to the same standard as the rest of the development, to the satisfaction of the City of Stirling.

Building Design

8. 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.

9. All blank expanses of ground floor external walls are to be treated with an anti-graffiti coating or an alternative material/finish, to reduce the likelihood of and improve ease of graffiti removal, to the satisfaction of the City of Stirling.

Construction Management

10. Prior to the submission of a Building Permit, a Site Management Plan shall be submitted to the City of Stirling for approval. The Site Management Plan shall include but not be limited to measures relating to dust, noise, vibration, waste management, contractor parking, traffic, on-site and street tree protection zones, storage of materials and site safety / security, staging of the development 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.

11. Site works will need to ensure that the City of Stirling's existing stormwater drainage infrastructure along the eastern lot boundary is protected during site construction works. Site levels will need to ensure that existing pipe covers are maintained over the City of Stirling's existing stormwater drainage infrastructure, unless otherwise agreed by the City of Stirling.

Landscaping

12. Prior to the commencement of works, 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 Plan E dated September 2022 and that demonstrates compliance with the approved development plans and all revised drawing conditions of this approval, to the satisfaction of the City of Stirling.
13. Prior to occupation of the development, a minimum of 26 Advanced Trees must be planted on site in the area indicated on the approved plan and be thereafter maintained. The Advanced 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, to the satisfaction of the City of Stirling.
14. Planting of five (5) new Street Trees at the applicant's cost will be scheduled to occur in the next available planting season after the completion of the development. The owner/applicant shall pay the cost of planting of the new Street Trees prior to commencement of development as determined by the City of Stirling, unless otherwise approved by the City of Stirling in an approved landscaping plan (please refer to the corresponding advice note).
15. 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, to the satisfaction of the City of Stirling.
16. All existing trees identified for retention shall be protected during construction works as outlined in the recommendations of the submitted Arboricultural Report, Survey & Recommendations prepared by Branch Arboriculture dated 15 February 2022, to the satisfaction of the City of Stirling and thereafter maintained in accordance with the landscape plan, unless otherwise approved in writing by the City of Stirling.
17. No structures, other than works and landscaping shown in the approved plans, are permitted to be installed over the City of Stirling's existing drainage infrastructure or within the 4.0m wide easement.



Legal

18. Prior to occupation of the development, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on Certificates of Title 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:

“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. The lots are subject to commercial noise associated with a tavern including music and people talking in an alfresco dining area.”

19. Prior to the submission of a Building Permit application, a staging plan shall be submitted to the City of Stirling for approval. The approved staging is to be complied with to the satisfaction of the City of Stirling.
20. Prior to the occupation of any part of the development the subject of this application, the Owner of Lots 57 and 12875, House Numbers, 8, 10 and 10A Chesterfield Road, Mirrabooka, shall grant an easement in gross pursuant to Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the City of Stirling and the public at large over that portion of the land designated for vehicular and pedestrian traffic along the proposed internal roads between Chesterfield Road and Yirrigan Drive, for the purposes of providing unrestricted public pedestrian and vehicular access, to the satisfaction of the City of Stirling.
21. Prior to the occupation of any particular stage of the development the subject of this application, the Owner of Lots 57 and 12875, House Numbers, 8, 10 and 10A Chesterfield Road, Mirrabooka, shall grant an easement in gross pursuant to Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the City of Stirling and the public at large over that portion of the land designated for public parking (including access to those bays and the short stay public parking) required by that particular stage of the development, for the purposes of providing unrestricted public pedestrian and vehicular access, to the satisfaction of the City of Stirling.
22. Prior to occupation of the development:
- The Owner of Lot 12875 House Number 10A Chesterfield Road, Mirrabooka, must register an easement over that lot, securing an easement benefiting the City of Stirling in relation to the City’s existing drainage pipes underneath the site, to the satisfaction of the City of Stirling.
 - The Owner of Lot 57 House Number 8-10 Chesterfield Road, Mirrabooka, must register an easement over that lot, securing a wider easement benefiting the City of Stirling in relation to the City’s existing drainage pipes underneath the site, to the satisfaction of the City of Stirling. The minimum total width is to be 4.0 metres.

The easements shall remain in perpetuity unless other approved in writing by the City of Stirling.



23. Lots 57 and 12875 shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development, to the satisfaction of the City of Stirling.
24. 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 land owner.

Lighting

25. Prior to the submission of a Building Permit application, a Lighting Plan shall be submitted to the City of Stirling for review and approval. The Lighting Plan is to include:
 - a. The provision of adequate lighting 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; and
 - b. Compliance with Australian Standard AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting, to the satisfaction of the City of Stirling.Lighting is to be maintained in accordance with the approved Lighting Plan for the life of the development, to the satisfaction of the City of Stirling.

Mandatory Residential

26. Prior to the occupation of any non-residential floorspace within the 'Mandatory Residential for New Development' areas as designated in the Mirrabooka Town Activity Centre Plan dated 23 November 2021 (Tenancies 1.3, 1.4 and 1.5), the residential component of the development is to be completed, to the satisfaction of the City of Stirling.

Noise

27. 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. Noise from the Tavern and Reception Centre building, air conditioning, music, patrons in open areas and kitchen exhaust.
 - b. Apartment air-conditioning systems.
 - c. Car park mechanical ventilation and other noise.
 - d. Communal open space abutting habitable rooms of dwellings.

Additional revised Acoustic Report/s are required to be submitted for review and approval prior to the Building Permit application/s for Apartment Building A of the development, if the application/s for this building is not lodged concurrently with the non-residential component of the development.



Upon completion, the Applicant is to provide written confirmation that all recommendations in the Acoustic Report/s have been incorporated into the building design, with the certified Building Permit application. 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 Applicant/Owner shall provide written confirmation to the City of Stirling that the requirements of the Acoustic Report referred to in the Acoustic Report have been incorporated into the completed development by the builder with the Form BA7 Completion Form, prior to occupation of the development. The recommendations of the revised Acoustic Report/s shall be complied with for the duration of the development.

28. Prior to occupation of the relevant stage of the development, a Certification Acoustic Report is to be submitted to the City of Stirling for review and approval demonstrating compliance with the applicable standards for environmental noise (*Environmental Protection (Noise) Regulations 1997*). Any identified elements of non-compliance shall be rectified prior to the occupation of the relevant stage of the development.
29. The Applicant is to submit information detailing the actual noise emissions from the relevant stages of development once in operation. This information is to be provided to the City of Stirling within a two (2) month period from the commencement of operation. Should noise emissions exceed assigned levels then further noise reduction measures are to be installed and implemented.
30. Unless otherwise included as part of the Waste Management Plan and associated Acoustic Reports, delivery and service vehicles are not permitted to enter the site outside the hours 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.

Off-Site Engineering

31. Prior to the commencement of any works within the road reserves relating to the subject development, detailed civil engineering construction plans prepared by a suitably qualified person shall be submitted to the City of Stirling for approval. The written approval shall be implemented, to the satisfaction of the City of Stirling.
32. No structures or trees, other than as shown in the approved plans, are permitted to encroach into the road reserve. The awnings must provide a 1.0m minimum horizontal clearance to on-street parking bays or existing road edges.

Parking and Vehicle Access

33. Prior to the occupation of the development, all driveways, parking and manoeuvring areas shall be hard surface, drained and maintained, to the satisfaction of the City of Stirling.



34. 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, AS 2890.2:2018 Parking Facilities Part 2: Off-Street Commercial Vehicle Facilities and AS/NZS2890.6.-2009: Parking Facilities Part 6: Off-Street Parking for People with Disabilities, to the satisfaction of the City of Stirling.
35. The car parking bays marked as a Public Bay are to be used as "Public Parking" and the car parking bays marked as a Short Stay Bay are to be used as "Short Stay Public Parking" (please refer to the corresponding advice note for definitions). Prior to occupancy or use of any particular stage of the development, all signage and markings for these car parking bays shall be installed on that particular part of the site, to the satisfaction of the City of Stirling.
36. Prior to occupancy or use of Multiple Dwellings on the site, all signage and markings for resident visitor car and bicycle parking bays shall be installed on site, to the satisfaction of the City of Stirling.

Residential visitor car and bicycle parking bays shall be permanently marked, maintained and legally 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 and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City of Stirling.

37. All on-site parking to be available during business hours for all customers and staff, to the satisfaction of the City of Stirling.
38. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.
39. 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.
40. Prior to the occupation of the residential component 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, to the satisfaction of the City of Stirling.
41. Prior to the occupation of the relevant stages of the development, the bicycle parking bays and end-of-journey facilities relevant to that stage 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, to the satisfaction of the City of Stirling.



Storage of Goods and Materials

42. Following occupation of each particular stage of the development, no goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways for that stage of the development. Following occupation, all goods and materials are to be stored within the buildings or storage yards, to the satisfaction of the City of Stirling.

Sustainability

43. The development is to achieve a 4 Star Green Star rating or the equivalent level of performance. At the Building Permit stage, the Applicant is to submit a secondary sustainability report confirming the final green star strategy (or equivalent) that will guide the construction stage of the development and beyond. This report shall clearly demonstrate that a 4 Star Green Star rating or the equivalent level of performance is to be achieved for this development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in the documentation and plans submitted with the Building Permit application. All sustainable design features proposed in the development shall be implemented.
44. Prior to the issue of a Building Permit, a revised Energy Efficiency Statement is to be submitted to the City of Stirling confirming all dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars and the development incorporates energy efficiency initiatives as per the submitted ESD Briefing Note prepared by Full Circle Design Services dated 4 May 2022, to the satisfaction of the City of Stirling.

Universal Design

45. Prior to the submission of a Building Permit application (relevant to the construction of the Multiple Dwellings), 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. Prior to the submission of an Occupancy Permit application, all required design features shall be installed and operational.

Utilities, Facilities and External Fixtures

46. 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.
47. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupation of the development, where a concealed drying area is not provided exclusively for the dwelling.



48. 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, to the satisfaction of the City of Stirling.

Waste Management

49. The Waste Management Plan prepared by Auswide dated September 2022, including any subsequent amendments approved in writing by the City of Stirling, shall be implemented in perpetuity, to the satisfaction of the City of Stirling.

Water Management

50. The development is to be connected to the sewer.
51. The volume of any stormwater permitted by the City of Stirling to be disposed using the existing connections into the City of Stirling's drainage system, shall not exceed the pre-development volume. Excess 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, to the satisfaction 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.
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*.
8. In regard to the approved land uses, any proposal to change the land use may require further approval in accordance with the City of Stirling Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advertisements

9. All signage is to be in strict accordance with the City of Stirling Local Planning Policy 6.1 - Advertising Signs, unless otherwise permitted by this approval, or further approval is obtained.

Construction Management

10. 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.
11. In reference to the required Site Management Plan, the Public Transport Authority requires the following information:
 - a. A pre-condition survey report of the Mirrabooka Bus Station; and
 - b. All measures to mitigate adverse impacts to bus operations and passengers during construction works, including but not limited to maintaining unobstructed access to the station, dust control, noise control and vermin control.
12. Upon completion of construction works, the City of Stirling will inspect all of the City of Stirling's existing stormwater drainage infrastructure using Close Circuit Television (CCTV) cameras. Any required remedial works caused by the developments construction works will need to be completed prior to occupation of the development. For minor required remedial works the City of Stirling may consider bonding to facilitate occupation of the development.

Food Businesses

13. All food premises activities are to comply with the *Food Act 2008*, Australian New Zealand Food Standards Code and City of Stirling Food Business Guide Design Construction Operation.



A Food Business Notification form is to be submitted for each premises with supporting plans and specifications of the food handling facilities for approval prior to installation and operation.

The general considerations include, but are not limited to, the following:

- a. The provision of food premises exhaust air discharge outlets above roof height of buildings and any surrounding residential uses, to prevent nuisances and to comply with AS1668.2 provisions.
- b. Grease traps are to be provided where required by the Water Corporation of WA.

Landscaping

14. 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”*.
15. The associated contribution costs for the planting of five (5) new street trees are as follows:
 - a. Cost of new tree: \$670.00 (current cost GST exempt)
 - b. Number of new trees required: 5
 - c. Total for the associated works: \$3,350.00 (current cost 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 of Stirling will replace the tree should it be damaged or die during that period. The City of Stirling will invoice the cost of the tree/s upon lodgement of a Building Permit.

Off-Site Engineering

16. For any proposed works within the road reserve, detailed engineering construction plans are to be submitted and approved by the City of Stirling prior to works commencing on site. The City of Stirling's approval will require the following payments and information:
 - a. A bond shall be paid for all construction works within the road reserve, prior to commencement of the works. The bond shall be determined by the City of Stirling (Engineer Subdivisions and Development Works) and will be based on the approved civil engineering construction plans. The bond will be returned once all works within the road reserve have been completed in accordance with the approved civil engineering construction plans and to the satisfaction of the City of Stirling (Manager Engineering Services).
 - b. Prior to the occupation of the development, a payment to the City of an inspection fee for the construction works within the road reserve is required, in accordance with the approved civil engineering construction plans and based on the following:



- i. Where the person has not engaged a consulting engineer to design and supervise the construction, the amount is to be 3% of the cost of the construction as estimated by the City of Stirling (Engineer Subdivisions and Development Works).
 - ii. Where the person has engaged a consulting engineer to design and supervise the construction, the amount is to be 1½% of the cost of the construction as estimated by the City of Stirling (Engineer Subdivisions and Development Works).
 - c. Prior to the occupation of the development, a payment to the City of Stirling of a “12 Months Defects Liability Period Retention Bond” of 5% is required, for the cost of construction as estimated by the City of Stirling (Engineer Subdivisions and Development Works) for works within the road reserve.
 - d. Upon completion of works, and prior to the occupation of the development, the City of Stirling is to be provided with “as constructed” transparencies and digital copies in dwg format, of the works.
17. The approval of the Public Transport Authority is required if the bus stop needs to be reconstructed or modified in any way, including changes to the footpath adjacent to the bus stop. Any design for a new boarding area must comply with the Public Transport Authority’s Bus Stop Design Guidelines.

Parking and Vehicle Access

18. 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.
19. Schedule 1 of the City of Stirling Local Planning Scheme No. 3 defines “Public Parking” and “Short Stay Public Parking” as follows:
- a. Public Parking: *means the parking of vehicles on land by members of the public at any time on any day whether or not payment of a fee is required.*
 - b. Short Stay Public Parking: *means parking bays that are available to the public where at least 50% of vehicles stay less than 4 hours and at least 90% stay less than 6 hours.*

Personal Care Services

20. Any tenancy uses involving hairdressing or skin penetration premises are to comply with the relevant requirements with minimum washable floor finishes, equipment, washing and sanitation purposes with the *Health (Skin Penetration Procedures) Regulations 1998* and *Hairdressing Establishment Regulations 1972*. Such premises to make application to the City of Stirling (Environmental Health Section) prior to operations.



Public Buildings

21. All premises where public building uses occur (function rooms, tavern, entertainment uses and similar) are to comply with the *Health (Public Building) Regulations 1992* and, requirements above the Building Code - National Construction Code provisions:
 - a. All stairways and steps leading from public building areas are to have:
 - i. Treads not less than 280 mm wide and risers not exceeding 180 mm in height.
 - ii. Handrails fitted on both sides of the stair way and not less than the minimum exit clear width permitted under the BCA – NCC provisions.
 - b. Prior to operation of the public building a Form 2 application is to be made for a Certificate of Approval; a Form 5 Certificate of Electrical Compliance completed; and an evacuation procedure and plan provided.

Strata Title

22. The Applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
23. 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.

Utilities, Facilities and External Fixtures

24. The City of Stirling advises that all external fixtures, building services and utilities of the development are to be designed in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 (Element 4.18 Utilities) and the Mirrabooka Town Centre Local Development Plan.

Waste Management

25. The bin enclosures are required to comply with the requirements of the City of Stirling's Waste Management Local Law 2010.

Water Management

26. Connection to deep sewer in the locality.

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



REASON: The Panel members were of the opinion that the proposed development design, mix of uses and configuration of the site is consistent with the planning framework and the Mirrabooka Town Activity Centre Plan. The plans included significant changes and improvements to the design and layout are positive and consistent with creating a town centre, and represents an entirely appropriate transition development. The public space including trees, paving, seating and play areas are significant aspects of a well function town centre. The landscape plans design, treatment, materials and finishes are considered high quality and were supported as shown in the landscape plans .

On balance Panel Members were of the opinion that proposal is considered to reinvigorate and redefine the town centre and public areas in an aesthetically pleasing manner, and accordingly approved the proposal inclusive of a number of condition modifications.

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

9.1 Lot 1, House Number 331 West Coast Drive, Trigg

Development Description:	Amendments To An Existing Approval For A Four-Storey Mixed-Use Development
Proposed Amendments:	Amendments To An Existing Approval For A Four-Storey Mixed-Use Development
Applicant:	Element
Owner:	MW Investments No 9 Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/19/01722

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

That the Metro Inner-North JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/19/01722 as detailed on the DAP Form 2 dated 26 July 2022 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/19/01722 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 amendments to the approved Mixed Use Development at Lot 1, House Number 331, West Coast Drive, Trigg, subject to the following conditions:



Amended Conditions

- The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Drawing Number	Revision	Drawn By
Existing Survey + Demolition Plan	9 September 2022	DA.00	A	MJA Studio
Floor Plan Lower + Upper Ground	9 September 2022	DA.01	A	MJA Studio
Floor Plan First + Second Floors	9 September 2022	DA.02	A	MJA Studio
Floor Plans Penthouse & Roof	9 September 2022	DA.03	A	MJA Studio
Elevations West & North	9 September 2022	DA.04	A	MJA Studio
Elevations East & South	9 September 2022	DA.05	A	MJA Studio
Sections	9 September 2022	DA.06	A	MJA Studio
Street Perspective 1	9 September 2022	DA.07	A	MJA Studio
Street Perspective 2	9 September 2022	DA.08	A	MJA Studio
Yield & Plot Ratio	9 September 2022	DA.09	A	MJA Studio
Overshadowing	9 September 2022	DA.10	A	MJA Studio
Overshadowing	9 September 2022	DA.11	A	MJA Studio
Landscape Calcs & Setback Diagrams	9 September 2022	DA.12	A	MJA Studio

- The Parking Management Plan prepared by Level 5 Design received 9 September 2022, is to be complied with for the life of the development unless otherwise amended and approved by the City, to the satisfaction of the City of Stirling.

New Conditions

- The Waste Management Plan prepared by Talis Consultants received 17 June 2022 forms a part of this approval and is to be complied with for the life of the development unless otherwise amended and approved by the City, to the satisfaction of the City of Stirling.

Previous Conditions

All other conditions and requirements detailed on the previous approval dated 27 August 2021, shall remain, unless altered by this application.



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

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme
Cr Felicity Farrelly

Against: Cr Suzanne Migdale

REASON: The modification were considered minor and appropriate within the context of the approval. Minor modification was support to condition to reference the correct Plan drawing Reference – E.

10. 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/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/20/01770 DR140/2022	City of Nedlands	97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands	Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.	23/08/2022



11. General Business

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 11.56am.