



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 27 July 2023; 9:30am
Meeting Number: MINJDAP/190
Meeting Venue: City of Stirling Council Chambers
25 Cedric Street, Stirling

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Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

Francesca Lefante (Presiding Member)
Ian Birch (A/Deputy Presiding Member)
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

Amanda Shears (City of Stirling)
Adrian Di Nella (City of Stirling)
Karina Bowater (City of Stirling)
Russell Jackson (City of Stirling)

Minute Secretary

Amorette Kerklaan (City of Stirling)
Katya Bennett (City of Stirling)

Applicants and Submitters

Ben Doyle (Planning Solutions)
Jimmy Thompson (MJA Studio)
Robert Geersen
Julianne Poland
Shawn Pearson
Paul Collins
Nicole Irvine - *WRITTEN SUBMISSION*
Ken Perry - *WRITTEN SUBMISSION*
Kirsten Greersen - *WRITTEN SUBMISSION*
Shauna Corrigan - *WRITTEN SUBMISSION*
Portia Zar - *WRITTEN SUBMISSION*
Mirka Tarca – *WRITTEN SUBMISSION*
Glenda Georgiou – *WRITTEN SUBMISSION*
Katia Defendi – *WRITTEN SUBMISSION*
Clare McLean (PLAN) – *WRITTEN SUBMISSION*

Members of the Public / Media

There were 27 members of the public in attendance.

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1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 27 July 2023 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

Lee O'Donohue (Deputy Presiding Member)

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

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 24 July 2023.

The Presiding Member notes an addendum to the agenda was published to include details of an amendment to responsible authority response in relation to Item 8.1, received on 26 July 2023.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

DAP Member, Ian Birch, declared an impartiality interest in item 8.1. Ian Birch knows written submitter, Mr Ken Perry. In the past, at Mr Perry's request, they have met and Ian Birch has provided advice on the workings of DAPS. In providing advice to Mr. Perry, it was always clear that as a panel member, he would not be expressing any opinion or making any comment otherwise on any specific development applications currently before a DAP or having been determined by a DAP in the past. This background has no influence on his impartiality in dealing with the matter

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Paul Whitehead on behalf of Julianne Poland addressed the DAP in support of the recommendation and against the proposed development at item 8.1 and responded to questions from the panel.
- 7.2 Robert Geersen addressed the DAP in support of the recommendation and against the proposed development at item 8.1 and responded to questions from the panel.
- 7.3 Shawn Pearson addressed the DAP against the recommendation and the application at item 8.1.
- 7.4 Paul Collins addressed the DAP against the recommendation and the application at item 8.1 and responded to questions from the panel.
- 7.5 Ben Doyle (Planning Solutions), Behnam Bordbar (Transcore) and Dilan Patel (Talis Consultants) addressed the DAP against the recommendation but in support of the application at item 8.1 and responded to questions from the panel.
- 7.6 Jimmy Thompson and Jess Beaver (MJA Studio) addressed the DAP against the recommendation but in support of the application at item 8.1 and responded to questions from the panel.
- 7.7 Nicole Irvine, Ken Perry, Kirsten Geersen, Shauna Corrigan, Portia Zar, Mirka Tarca, Glenda Georgiou, Katia Defendi and Clare McLean (PLAN) were noted as written submissions.
- 7.8 Amanda Sheers, Russell Jackson, Adrian Di Nella and Katrina Bowater (City of Stirling) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: Cr Suzanne Migdale

That the meeting be adjourned for a period of 15 minutes to allow members to panel members to have a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the panel a comfort break

The meeting was adjourned at 11.30am.

The meeting was reconvened at 11.48am.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1 (No.8) & Lot 2 (No.2) Adair Parade, Coolbinia

Development Description:	33 Multiple Dwellings and Five (5) Commercial Tenancies
Applicant:	Planning Solutions
Owner:	Fairwill Pty Ltd aft Adair Parade Property Trust
Responsible Authority:	City of Stirling
DAP File No:	DAP/22/02388

REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: Cr Felicity Farrelly

That the Metro Inner-North Joint Development Assessment Panel resolves to:

REFUSE DAP Application reference DAP/22/02388 and accompanying plans (Attachment 1) 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 pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, for the proposed Mixed Use Development – 33 Multiple Dwellings and Five Commercial Tenancies at Lot 2, House Number 2, and Lot 1, House Number 8, Adair Parade, Coolbinia, for the following reasons:

- a. Pursuant to Schedule 2, Part 9, Clause 67(2)(c) and (m)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Element Objectives of Clause 2.2 (Building Height) of State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments)*, the building is over the permitted height, and is not compatible or consistent with other building heights within the locality.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



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- b. Pursuant to Schedule 2, Part 9, Clause 67(2)(c) and (m)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Element Objectives of Clause 2.4 (Plot Ratio) of State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments)*, the plot ratio is excessive and results in overdevelopment of the site, resulting in inadequate car parking for the development, as well as insufficient waste and servicing arrangements.
 - c. Pursuant to Schedule 2, Part 9, Clause 67(2) (n)(iii) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the traffic generated from the development will have a negative traffic flow and safety impact on Klem Lane and Canwick Lane.
 - d. Pursuant to Schedule 2, Part 9, Clause 67(2) (s) and (u) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, waste collection for residential units and commercial tenancies on Walcott Street, near Klem Lane will have a negative safety impact for drivers exiting Klem Lane and drivers along Walcott Street.
 - e. Pursuant to Schedule 2, Part 9, Clause 67(2) (g), (n), (s) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, insufficient on-site visitor parking has been provided for the 33 multiple dwellings and five commercial tenancies which will result in a major parking problem in the local area.
 - f. Pursuant to Schedule 2, Part 9, Clause 67(2) (n)(iii), (s) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not provide adequate on-site delivery and service collection as the restricted use of the four visitor embayment bays will contribute further to the existing parking problems in the local area.
 - g. Pursuant to Schedule 2, Part 9, Clause 67(2)(m)(ii) and (x) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development has not been designed accordingly to the levels of the site, resulting in the basement level being raised and excessive fill abutting the adjoining residential properties.

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

For: Cr Suzanne Migdale
Cr Felicity Farrelly

Against: Francesca Lefante
Ian Birch
John Syme

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



ALTERNATE MOTION

Moved by: John Syme

Seconded by: Cr Suzanne Migdale

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/22/02388 and accompanying plans (Attachment 1) 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 pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, for the proposed Mixed Use Development – 33 Multiple Dwellings and Five (5) Commercial Tenancies at Lot 2, House Number 2, and Lot 1, House Number 8, Adair Parade, Coolbinia, subject to the following conditions:

Development Services

1. The development shall comply with all details and amendments to the approved plans, as follows:
 - a. Prior to the submission of a Building Permit application, the fire service needs to be designed to ensure that a DFES "Fire Appliance Hardstand" and associated line marking is not required to be installed within the road reserves abutting the development. Details, location and elevations of the fire booster are to be submitted and approved by the City of Stirling.
 - b. An updated Basement Plan (A2.01) and updated Ground Floor Plan (A2.02) is to be provided, which demonstrates the number and allocation of car parking bays provided on-site as follows:

Basement Parking Area:

 - i. 45 residential car parking bays;
 - ii. One (1) residential visitor car parking bay; and
 - iii. 16 non-residential (staff only) car parking bays

At Grade Parking Area:

 - i. Four (4) non-residential car parking bays;
 - ii. Five (5) residential visitor car parking bays; and
 - iii. One (1) vehicle turning bay (in place of one of the existing commercial vehicle bays, refer Advice Note 16).
 - c. Prior to the submission of a Building Permit, details related to the operation of an intercom system and infrastructure or FOB system for the basement car parking area to allow residential visitors and commercial car parking in the basement car parking area, to the satisfaction of the City of Stirling.
 - d. An amended Parking Management Plan is to be submitted to the City, reflecting the above car parking allocation and operation of the car parking access to the basement, to the satisfaction of the City of Stirling.
 - e. The pier on the right side of the at grade car parking bay entrance is to be located so as to not be within the 2m x 2.5m sight truncation.
2. Pursuant to Clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

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3. 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.
4. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or changes as required, outlined within Condition 1a-e, and annotations detailed thereon by the Metro Inner-North JDAP. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Drawing Number	Version	Drawn By
Yield Table + Contents	23 May 2023	A0.00	W	MJA Studio
Site Plan	23 May 2023	A1.00	P	MJA Studio
Site Context Plan	23 May 2023	A1.02	P	MJA Studio
CONTOUR & FEATURE SURVEY OF LOTS 1 & 2 #2 & #8 ADAIR PARADE, COOLBINIA	18 March 2023			Surveying Solutions WA
Basement Plan	23 May 2023	A2.01	V	MJA Studio
Ground Floor Plan	23 May 2023	A2.02	W	MJA Studio
First Floor Plan	23 May 2023	A2.03	V	MJA Studio
Second Floor Plan	23 May 2023	A2.04	U	MJA Studio
Third Floor Plan	23 May 2023	A2.05	S	MJA Studio
Fourth Floor Plan	23 May 2023	A2.06	S	MJA Studio
Roof Plan	23 May 2023	A02.07	G	MJA Studio
Section A	23 May 2023	A03.01	M	MJA Studio
Section B	23 May 2023	A03.02	N	MJA Studio
Section C	23 May 2023	A03.03	M	MJA Studio
North Elevation	23 May 2023	A4.02	C	MJA Studio
West Elevation	23 May 2023	A4.03	C	MJA Studio
South Elevation	23 May 2023	A4.04	C	MJA Studio
East Elevation	23 May 2023	A4.05	C	MJA Studio
Partial Ground Floor Plan	23 May 2023	A2.08	C	MJA Studio

5. 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.
6. Prior to occupation of the development, Lots 2 and 1, House Numbers 2 and 8 Adair Parade, Coolbinia, shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.

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7. The approved land uses are as follows:
 - Comm 01 – Private Recreation
 - Comm 02 – Small Bar
 - Comm 03 – Restaurant
 - Comm 04 – 05 – ShopAny changes to the approved land uses may require separate approval from the City of Stirling.
8. The total public floorspace of the Small Bar and Restaurant in tenancies COMM 02 and COMM 03 is not to exceed 78m². An increase to public floorspace may require separate approval from the City of Stirling.
9. The total number of persons in attendance in the Private – Recreation land use as proposed in COMM 01 is not to exceed 20 persons at any one time. An increase to the number of persons in attendance may require separate approval from the City of Stirling.
10. The privacy screening to the south-eastern elevations of the terrace alfresco areas on the Ground Floor Level for Apartments TH05 – TH08 is to be 1.6m in height from the finished floor levels. Additionally, fixed louvre screens as shown on the First Floor Level for Apartments TH05 – TH08 is to be provided, to provide an appropriate level of visual privacy, to the satisfaction of the City of Stirling.
11. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the submission of a Building Permit. The Site Management Plan shall include but not be limited to measures relating to vibration, dust, noise, waste management, Street Tree protection zones, construction parking, traffic, storage of materials and site safety and security. The Site Management Plan is to be complied with for the duration of the construction of the development.
12. Prior to the submission of a Building Permit application (relevant to the construction of the Multiple Dwellings), certification completed by a Liveable Housing Australia assessor confirming that the detailed design of the ‘Silver Level’ dwellings are compliant with the ‘Silver Level’ of the ‘Liveable Housing Design Guidelines’ produced by Liveable 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.
13. All Energy Efficiency measures as identified by the Sustainability Statement received on 28 November 2022 as prepared by Floth are to be incorporated into the building design and implemented prior to the occupancy of the development, to the satisfaction of the City of Stirling.
14. The development is to achieve all Water Management and Conservation measures as identified by the Planning Report received on 28 November 2022 as prepared by Planning Solutions, to the satisfaction of the City of Stirling.



15. The operating hours are to be restricted to the following hours, unless otherwise reflected in an amended Acoustic Report and approved by the City of Stirling:
- Restaurant: Monday to Sunday – 6am to 4pm; and
 - Small Bar: Monday to Sunday – 1pm to 10pm.

On-site Engineering

16. The development is to comply with the Waste Management Plan prepared by Encycle received 23 May 2023, unless otherwise approved by the City of Stirling. Bulk bins are not permitted to be collected from within the road reserve.
17. All on-site car parking bays are to be compliant with the Australian Standards Australian Standard / New Zealand Standard 2890.1 and Australian Standard / New Zealand Standard 2890.6, to the satisfaction of the City of Stirling.
18. Prior to lodgement of a Building Permit, a Drainage Management Plan is to be submitted and approved by the City of Stirling, detailing how all stormwater drainage will be contained on-site.
19. Prior to occupation, vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
20. Unless otherwise approved, no further walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
- a. walls, letterboxes or fences adjoin vehicular access points to the site, or
 - b. a driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way.
21. Prior to the commencement of the use, all visitor and ACROD bays are to be permanently marked, drained and clearly sign posted to the satisfaction of the City.
22. Prior to occupation of the development, a minimum of 20 bicycle spaces are to be provided in a secure, undercover storage area, including within residential store rooms, as shown on the plans, and shall be made available for use by residents and visitors, in accordance with State Planning Policy 7.3 – Residential Design Codes, Volume 2, Element 3.9 - Car and Bicycle Parking and Australian Standards AS 2890 (as amended).

Off-Site Engineering

23. For all proposed works within the road reserve relating to the subject development, a separate written approval is required from the City of Stirling Engineering Services Unit. Detailed civil engineering construction plans must be submitted by a suitably qualified person, for approval of the City Written approval must be obtained from the City prior to any work occurring within the road reserve.



24. A bond shall be paid for all construction works within the road reserve, prior to commencement of the development. The bond shall be determined by the City's 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.
25. Prior to the occupation of the development, a Service/Car Embayment Bay for four (4) vehicles is to be constructed within the Adair Parade verge to the satisfaction of the City Engineering Services, at the owner's expense. The Service/Car Embayment Bay is to be surfaced in red bitumen.
26. Prior to the occupation of the development, a footpath with a minimum width of 1.8m shall be provided along the Adair Parade Service/Car Embayment Bay and connected to the existing footpath on Adair Parade and shall be constructed to the specifications of the City of Stirling, at the owner/applicant's expense.
27. Prior to occupation of the development, the Walcott Street verge including the MRS road widening area is to be upgraded to match the existing commercial precinct verge paving styles and treatments east of Klem Lane, to the satisfaction of the City of Stirling.
28. Prior to occupation of the development, appropriate parking restriction signage for the embayed car parking bay in Adair Parade is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development. The parking restriction is to restrict the four (4) embayed car parking bays to use for deliveries during the hours of 7am to 7pm.
29. Prior to practical completion of the development, the Car Embayment Bay and all associated road asset on Adair Parade and verge re-alignment are to be constructed to the satisfaction of the City of Stirling, at the landowner's expense.
30. Prior to the lodgement of a Building Permit, detailed civil engineering construction drawings are to be prepared by a suitably qualified consultant which demonstrate the following works:
 - a. the Car Embayment Bay within the Adair Parade verge area;
 - b. the footpath widened to a minimum of 1.8m along the Adair Parade frontage;
 - c. all associated road assets on Adair Parade;
 - d. the verge re-alignment on Adair Parade.These drawings are to be submitted for written approval to the satisfaction of the City of Stirling
31. Prior to the occupation of the development, the City of Stirling is to be provided with "as constructed" copies in '.dwg' format, of all road and drainage modification works.



32. 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 is based on the following:
 - 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.
 - 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.
33. Prior to occupation of the development, appropriate parking restriction signage is to be installed along the Walcott Street frontage by the City of Stirling at the landowner's expense. In accordance with in accordance with Australian Standards 1742.11, a Parking Signage Plan is required to be submitted for the City of Stirling's approval prior to the commencement of the development.
34. 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 construction of all roads and associated drainage works, as estimated by the City of Stirling.
35. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.
36. Prior to occupation of the development, the Right of Way (Klem Lane) along the southeast boundary of the subject land to be widened by 0.97m and the required land ceded free of cost to the Crown.
37. Prior to the occupation of the development, the road widening reservation of Walcott Street shown on WAPC Plan Number 1.3153, plus a 2 metre by 2 metre truncation on the intersection of Klem Lane and Walcott Street (taken after the road widening of Klem Lane and Walcott Street) is to be ceded free of cost to the Crown.
38. Any proposed verge infrastructure, such as bicycle parking bays and residential footpaths, do not form part of this approval and require separate approval by the City of Stirling.
39. Prior to occupation of the development, the owner is required to complete the following works to Klem Lane, Walcott Street and the intersection of Klem Lane and Walcott Street at their own cost to the specification and satisfaction of the City of Stirling:
 - a) Construction and draining of the 0.97m widening of Klem Lane, including the widening of the existing crossover to Walcott Street.
 - b) Removal of the redundant crossover to Walcott Street, together with the associated kerbing, and pedestrian ramp and reinstate the footpath, verge and kerbing along Walcott Street up to and including the intersection of Klem Lane.
 - c) Installation of kerbing to both sides of Klem Lane adjacent to the subject land, up to and including the intersection with Walcott Street.



- d) Relocation of the existing speedhumps in Klem Lane adjacent to the subject site further towards the Walcott Street intersection.
 - e) Installation of speed humps on either side of the Klem Lane and Canwick Lane intersection.
 - f) Replacement of the existing manhole cover at the southern end of Klem Lane with a trafficable manhole cover.
 - g) Replacement of the two (2) existing drainage gully grates in Klem Lane with wave gully grates.
40. The owner is to lodge a Performance Bond with the City of Stirling, prior to making an application for a Building Permit, for the works to Klem Lane, Walcott Street and the intersection of these streets in an amount equivalent to the cost of the works as determined by the City.
41. The owner must pay to the City of Stirling a development contribution towards the cost of providing lighting infrastructure in Klem Lane abutting the subject land in accordance with Local Planning Scheme No. 3. The contribution must be made to the City of Stirling at or before the time an application is made for a Building Permit or within 60 days from the commencement of the development, whichever occurs first.

Environmental Health

42. Unless otherwise agreed, all deliveries to the site and waste collections from the site are to take place between the hours of 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays, to the satisfaction of the City of Stirling.
43. Prior to the submission of a building permit for the Restaurant and Small Bar, an 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 itself including but not limited to:
- a) Restaurant and Small Bar noise, air conditioning, music, patrons in open areas and kitchen exhaust.
 - b) Noise Management Plan shall be submitted by the operator of the Small Bar outlining how compliance with the *Environmental Protection (Noise) Regulations 1997* will be achieved with regards to music and equipment noise.
 - c) Specific control measures relating to noise mitigation measures to the affected balconies of residential apartments to satisfy State Planning Policy 5.4 Road and Rail Noise.

Written confirmation with the certified building permit application and Form BA7 Completion Form is to be provided that the recommendations and control measures identified in the revised Acoustic Report has been incorporated into the design, development and operation of the proposed development, to the satisfaction of the City of Stirling. The revised Acoustic report shall be complied with for the duration of the development.



44. 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 use/operation. Should noise emissions exceeds assigned levels, then further noise reduction measures are to be installed and implemented.
45. 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.'
46. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
47. Any outside lighting to comply with Australian Standards AS4282-2019 (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

Parks and Sustainability

48. Prior to occupation of the development, a minimum of six (6) Advanced Trees must be planted on site and be thereafter maintained. The Advanced Trees must be provided with a portion of uncovered deep soil area around the trunk at ground level which is free of intrusions, to the satisfaction of the City of Stirling.
49. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the Landscaping Plan prepared by MJA and Capa Studio received 28 November 2022 and maintained thereafter in perpetuity, to the satisfaction of the City of Stirling.
50. All street trees located on the verge shall be retained and protected in accordance with Australian Standards AS4970:2009, to the satisfaction of the City.
51. Prior to the submission of a Building Permit, a Tree Management Plan is required to outline the measures taken to protect the existing street trees during construction, to the satisfaction of the City of Stirling.

General

52. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupation of the development.
53. Stormwater from all roofed and paved areas is to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.



54. No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.
55. 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.
56. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.
57. Prior to occupation of the development, all privacy screening shall be visually impermeable, to the satisfaction of the City of Stirling.
58. The development is to be connected to the sewer.

Advice Notes

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

Engineering

3. All works within the road reserve requires a separate approval from the City of Stirling.
4. In relation to the condition relating to works in Klem Lane, the extent of works required in Klem Lane, Walcott Street and the intersection of these streets is shown on the 'DA22/1406 Lot 2 & 1, House Number 2 and House Number 8, Adair Parade, Coolbinia, Revision E – July 2023 plan of works, to be provided upon request. Plans are to be submitted to the City of Stirling for approval prior to commencing the works.
5. "Low Clearance" signage is required at the entrance of the at grade car parking area.



Environmental Health

6. The following advice is provided from the City of Stirling's Environmental Health Services Business Unit:
 - a. The proposed Restaurant and Small Bar will require a Certificate of Registration prior to operating.
 - b. Plans and a Food Business Notification Form are to be submitted to the City of Stirling Environmental Health Business Unit for assessment of the food premises fit out. The following details will be required to support the application:
 - Two copies of scale floor plans showing the position of all fixtures and equipment at scale of 1:50;
 - Two (2) copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - Finishes of every wall, floor and ceiling;
 - Indication of hot and cold water supply and waste water services;
 - Location of all sinks including hand washbasin;
 - Provide details of any ventilation and exhaust system servicing the premises.
 - c. Compliance in all respects with the Food Act 2008 and Food Standards Codes shall be achieved. The operator of the food business shall submit a completed Food Premises Notification Form prior to commencement.
 - d. Environmental Health shall be contacted for a final inspection and a Certificate of Food Business Registration obtained prior to operating.
 - e. The health studio and bar are likely to meet the definition of a "public building" and will require a Form 4 Certificate of Approval prior to operating.
 - f. Premises must comply with the Health (Public Buildings) Regulations 1992 and an application for a certificate of approval shall be made in writing in the form of Form 1 and 2 in Schedule 2.
 - g. The swimming pool meets the definition of an "aquatic facility" unless exempted by the Chief Health Officer.
 - h. The occupier shall apply to the Chief Health Officer for approval to construct the swimming pool. The Application must be in the approved form and must be accompanied by —
 - a. Two (2) copies of the plans and specifications for, and a description of, the proposed aquatic facility, alteration or extension which, for the construction or extension of a water body, must include how the water body is to be drained, ventilated and lit, the quantity of water to be held and the capacity of the filtration and other water treatment units; and
 - b. A block plan showing the position of the water body or bodies in relation to the position and distribution of toilets, change rooms and other similar facilities, and the lands to which the aquatic facility abuts and the purposes for which those lands are used.
 - i. A Certificate of Compliance and a Permit to Operate shall be obtained from the Chief Health Officer for the swimming pool prior to its operation and use.
 - j. The demolition is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - k. A Dust Management Plan is required for demolition.
 - l. The demolition is to comply with the *Health (Asbestos) Regulations 1992*.



- m. The building is to comply with the provisions of the *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*.
- n. Mechanical services are to comply with Australian Standards AS1668.2 A compliance certification of installation of all mechanical services will be required.
- o. If a water based air conditioning system is selected, the air conditioning system to comply with the provisions of the Health (Air-Handling & Water Systems) Regulations 1994.
- p. Plumbing is to comply with the Plumbing Code of Australia. Compliance certification of installation of all hydraulic services is to be provided.
- q. Site noise emissions are to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- r. The car parking area is to comply with the provisions of the *Health Act (Carbon Monoxide) Regulations 1975*.
- s. All areas within the development that are classed as a public building are to comply with the *Health (Public Buildings) Regulations 1992*.
- t. Development to comply in all respects with the *Health (Public Building) Regulations 1992*.
- u. Delivery vehicles must comply with the *Environmental Protection (Noise) Regulations*.

Parks and Sustainability

- 7. In reference to the Condition regarding Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 as: *'means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.'*
- 8. The City of Stirling reminds the landowner that it is an offence under Clause 2.1(a) of the City of Stirling Thoroughfares and Public Places Local Law 2009 to remove, fell, poison or otherwise kill a verge tree without prior approval or written permission. Please note penalties may apply.
- 9. Prior to the planting of Street Trees, the landowner is to contact the City of Stirling to discuss positioning of the proposed Street Trees within the road reserve. The number of Street Trees planted within the road reserve will depend on the available space and the limitations of service alignments to be determined at completion of building. Following planting works, the landowner is to advise the City of Stirling so they can be added to the City of Stirling register of Street Trees.
- 10. The City of Stirling recommends that Western Australian tree species are used in tree plantings, and that trees are planted 2m off the property boundary, fence, or building.

General

- 11. Construction noise is to comply with the *Environmental Protection (Noise) Regulations*. Noisy Construction Work outside the period 7 am to 7 pm 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 by the City of Stirling.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



12. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
13. In reference to the right of way lighting cost contribution condition, a monetary contribution towards the right of way lighting infrastructure of Klem Lane will need to be paid by the Landowner in order to satisfy this condition of approval. The required contribution amount is currently estimated to be \$10,022.22 (70.45m x \$142.26plm). Please note that this figure is subject to change and the amount payable will need to be confirmed with the City prior to payment.
14. The Department of Planning, Lands and Heritage advises that it has no objection to the use of the reserved land for landscaping on a temporary basis only, on condition that the landowner agrees to remove any development at the time when the reserved land is required for the upgrading of Walcott Street at their own expense, if required.
15. The Department of Water and Environmental Regulation advises:
 - a. An appropriate management plan should be prepared to address the risks associated with potential exposure of any soil contamination during excavations for the basement level.
 - b. Any material to be disposed off-site should be tested in accordance with the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)*.
16. In regards to Condition 1b, a manoeuvring bay will need to be provided for residential visitors.

The Seconder WITHDREW support of the Alternate Recommendation

REASON: The Alternative Motion was seconded with the addition of a condition to remove APT 3.01 and APT 4.01 from the Development Application. The mover did not agree to the additional condition and the seconder withdrew her support for the motion.

ALTERNATE MOTION

Moved by: John Syme

Seconded by: Ian Birch

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/22/02388 and accompanying plans (Attachment 1) 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 pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, for the proposed Mixed Use Development – 33 Multiple Dwellings and Five (5) Commercial Tenancies at Lot 2, House Number 2, and Lot 1, House Number 8, Adair Parade, Coolbinia, subject to the following conditions:

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Development Services

1. The development shall comply with all details and amendments to the approved plans, as follows:
 - a. Prior to the submission of a Building Permit application, the fire service needs to be designed to ensure that a DFES "Fire Appliance Hardstand" and associated line marking is not required to be installed within the road reserves abutting the development. Details, location and elevations of the fire booster are to be submitted and approved by the City of Stirling.
 - b. An updated Basement Plan (A2.01) and updated Ground Floor Plan (A2.02) is to be provided, which demonstrates the number and allocation of car parking bays provided on-site as follows:

Basement Parking Area:

 - i. 45 residential car parking bays;
 - ii. One (1) residential visitor car parking bay; and
 - iii. 16 non-residential (staff only) car parking bays

At Grade Parking Area:

 - i. Four (4) non-residential car parking bays;
 - ii. Five (5) residential visitor car parking bays; and
 - iii. One (1) vehicle turning bay (in place of one of the existing commercial vehicle bays, refer Advice Note 16).
 - c. Prior to the submission of a Building Permit, details related to the operation of an intercom system and infrastructure or FOB system for the basement car parking area to allow residential visitors and commercial car parking in the basement car parking area, to the satisfaction of the City of Stirling.
 - d. An amended Parking Management Plan is to be submitted to the City, reflecting the above car parking allocation and operation of the car parking access to the basement, to the satisfaction of the City of Stirling.
 - e. The pier on the right side of the at grade car parking bay entrance is to be located so as to not be within the 2m x 2.5m sight truncation.
2. 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.
3. 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.



4. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or changes as required, outlined within Condition 1a-e, and annotations detailed thereon by the Metro Inner-North JDAP. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Drawing Number	Version	Drawn By
Yield Table + Contents	23 May 2023	A0.00	W	MJA Studio
Site Plan	23 May 2023	A1.00	P	MJA Studio
Site Context Plan	23 May 2023	A1.02	P	MJA Studio
CONTOUR & FEATURE SURVEY OF LOTS 1 & 2 #2 & #8 ADAIR PARADE, COOLBINIA	18 March 2023			Surveying Solutions WA
Basement Plan	23 May 2023	A2.01	V	MJA Studio
Ground Floor Plan	23 May 2023	A2.02	W	MJA Studio
First Floor Plan	23 May 2023	A2.03	V	MJA Studio
Second Floor Plan	23 May 2023	A2.04	U	MJA Studio
Third Floor Plan	23 May 2023	A2.05	S	MJA Studio
Fourth Floor Plan	23 May 2023	A2.06	S	MJA Studio
Roof Plan	23 May 2023	A02.07	G	MJA Studio
Section_A	23 May 2023	A03.01	M	MJA Studio
Section_B	23 May 2023	A03.02	N	MJA Studio
Section_C	23 May 2023	A03.03	M	MJA Studio
North_Elevation	23 May 2023	A4.02	C	MJA Studio
West_Elevation	23 May 2023	A4.03	C	MJA Studio
South_Elevation	23 May 2023	A4.04	C	MJA Studio
East_Elevation	23 May 2023	A4.05	C	MJA Studio
Partial Ground Floor Plan	23 May 2023	A2.08	C	MJA Studio

5. 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.
6. Prior to occupation of the development, Lots 2 and 1, House Numbers 2 and 8 Adair Parade, Coolbinia, shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.



7. The approved land uses are as follows:
 - Comm 01 – Private Recreation
 - Comm 02 – Small Bar
 - Comm 03 – Restaurant
 - Comm 04 – 05 – ShopAny changes to the approved land uses may require separate approval from the City of Stirling.
8. The total public floorspace of the Small Bar and Restaurant in tenancies COMM 02 and COMM 03 is not to exceed 78m². An increase to public floorspace may require separate approval from the City of Stirling.
9. The total number of persons in attendance in the Private – Recreation land use as proposed in COMM 01 is not to exceed 20 persons at any one time. An increase to the number of persons in attendance may require separate approval from the City of Stirling.
10. The privacy screening to the south-eastern elevations of the terrace alfresco areas on the Ground Floor Level for Apartments TH05 – TH08 is to be 1.6m in height from the finished floor levels. Additionally, fixed louvre screens as shown on the First Floor Level for Apartments TH05 – TH08 is to be provided, to provide an appropriate level of visual privacy, to the satisfaction of the City of Stirling.
11. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the submission of a Building Permit. The Site Management Plan shall include but not be limited to measures relating to vibration, dust, noise, waste management, Street Tree protection zones, construction parking, traffic, storage of materials and site safety and security. The Site Management Plan is to be complied with for the duration of the construction of the development.
12. Prior to the submission of a Building Permit application (relevant to the construction of the Multiple Dwellings), certification completed by a Liveable Housing Australia assessor confirming that the detailed design of the ‘Silver Level’ dwellings are compliant with the ‘Silver Level’ of the ‘Liveable Housing Design Guidelines’ produced by Liveable 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.
13. All Energy Efficiency measures as identified by the Sustainability Statement received on 28 November 2022 as prepared by Floth are to be incorporated into the building design and implemented prior to the occupancy of the development, to the satisfaction of the City of Stirling.
14. The development is to achieve all Water Management and Conservation measures as identified by the Planning Report received on 28 November 2022 as prepared by Planning Solutions, to the satisfaction of the City of Stirling.



15. The operating hours are to be restricted to the following hours, unless otherwise reflected in an amended Acoustic Report and approved by the City of Stirling:
- Restaurant: Monday to Sunday – 6am to 4pm; and
 - Small Bar: Monday to Sunday – 1pm to 10pm.

On-site Engineering

16. The development is to comply with the Waste Management Plan prepared by Encycle received 23 May 2023, unless otherwise approved by the City of Stirling. Bulk bins are not permitted to be collected from within the road reserve.
17. All on-site car parking bays are to be compliant with the Australian Standards Australian Standard / New Zealand Standard 2890.1 and Australian Standard / New Zealand Standard 2890.6, to the satisfaction of the City of Stirling.
18. Prior to lodgement of a Building Permit, a Drainage Management Plan is to be submitted and approved by the City of Stirling, detailing how all stormwater drainage will be contained on-site.
19. Prior to occupation, vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
20. Unless otherwise approved, no further walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
- a. walls, letterboxes or fences adjoin vehicular access points to the site, or
 - b. a driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way.
21. Prior to the commencement of the use, all visitor and ACROD bays are to be permanently marked, drained and clearly sign posted to the satisfaction of the City.
22. Prior to occupation of the development, a minimum of 20 bicycle spaces are to be provided in a secure, undercover storage area, including within residential store rooms, as shown on the plans, and shall be made available for use by residents and visitors, in accordance with State Planning Policy 7.3 – Residential Design Codes, Volume 2, Element 3.9 - Car and Bicycle Parking and Australian Standards AS 2890 (as amended).

Off-Site Engineering

23. For all proposed works within the road reserve relating to the subject development, a separate written approval is required from the City of Stirling Engineering Services Unit. Detailed civil engineering construction plans must be submitted by a suitably qualified person, for approval of the City. Written approval must be obtained from the City prior to any work occurring within the road reserve.



24. A bond shall be paid for all construction works within the road reserve, prior to commencement of the development. The bond shall be determined by the City's 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.
25. Prior to the occupation of the development, a Service/Car Embayment Bay for four (4) vehicles is to be constructed within the Adair Parade verge to the satisfaction of the City Engineering Services, at the owner's expense. The Service/Car Embayment Bay is to be surfaced in red bitumen.
26. Prior to the occupation of the development, a footpath with a minimum width of 1.8m shall be provided along the Adair Parade Service/Car Embayment Bay and connected to the existing footpath on Adair Parade and shall be constructed to the specifications of the City of Stirling, at the owner/applicant's expense.
27. Prior to occupation of the development, the Walcott Street verge including the MRS road widening area is to be upgraded to match the existing commercial precinct verge paving styles and treatments east of Klem Lane, to the satisfaction of the City of Stirling.
28. Prior to occupation of the development, appropriate parking restriction signage for the embayed car parking bay in Adair Parade is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development. The parking restriction is to restrict the four (4) embayed car parking bays to use for deliveries during the hours of 7am to 7pm.
29. Prior to practical completion of the development, the Car Embayment Bay and all associated road asset on Adair Parade and verge re-alignment are to be constructed to the satisfaction of the City of Stirling, at the landowner's expense.
30. Prior to the lodgement of a Building Permit, detailed civil engineering construction drawings are to be prepared by a suitably qualified consultant which demonstrate the following works:
 - a. the Car Embayment Bay within the Adair Parade verge area;
 - b. the footpath widened to a minimum of 1.8m along the Adair Parade frontage;
 - c. all associated road assets on Adair Parade;
 - d. the verge re-alignment on Adair Parade.These drawings are to be submitted for written approval to the satisfaction of the City of Stirling
31. Prior to the occupation of the development, the City of Stirling is to be provided with "as constructed" copies in '.dwg' format, of all road and drainage modification works.



32. 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 is based on the following:
 - 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.
 - 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.
33. Prior to occupation of the development, appropriate parking restriction signage is to be installed along the Walcott Street frontage by the City of Stirling at the landowner's expense. In accordance with in accordance with Australian Standards 1742.11, a Parking Signage Plan is required to be submitted for the City of Stirling's approval prior to the commencement of the development.
34. 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 construction of all roads and associated drainage works, as estimated by the City of Stirling.
35. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.
36. Prior to occupation of the development, the Right of Way (Klem Lane) along the southeast boundary of the subject land to be widened by 0.97m and the required land ceded free of cost to the Crown.
37. Prior to the occupation of the development, the road widening reservation of Walcott Street shown on WAPC Plan Number 1.3153, plus a 2 metre by 2 metre truncation on the intersection of Klem Lane and Walcott Street (taken after the road widening of Klem Lane and Walcott Street) is to be ceded free of cost to the Crown.
38. Any proposed verge infrastructure, such as bicycle parking bays and residential footpaths, do not form part of this approval and require separate approval by the City of Stirling.
39. Prior to occupation of the development, the owner is required to complete the following works to Klem Lane, Walcott Street and the intersection of Klem Lane and Walcott Street at their own cost to the specification and satisfaction of the City of Stirling:
 - a) Construction and draining of the 0.97m widening of Klem Lane, including the widening of the existing crossover to Walcott Street.
 - b) Removal of the redundant crossover to Walcott Street, together with the associated kerbing, and pedestrian ramp and reinstate the footpath, verge and kerbing along Walcott Street up to and including the intersection of Klem Lane.
 - c) Installation of kerbing to both sides of Klem Lane adjacent to the subject land, up to and including the intersection with Walcott Street.



- d) Relocation of the existing speedhumps in Klem Lane adjacent to the subject site further towards the Walcott Street intersection.
 - e) Installation of speed humps on either side of the Klem Lane and Canwick Lane intersection.
 - f) Replacement of the existing manhole cover at the southern end of Klem Lane with a trafficable manhole cover.
 - g) Replacement of the two (2) existing drainage gully grates in Klem Lane with wave gully grates.
40. The owner is to lodge a Performance Bond with the City of Stirling, prior to making an application for a Building Permit, for the works to Klem Lane, Walcott Street and the intersection of these streets in an amount equivalent to the cost of the works as determined by the City.
41. The owner must pay to the City of Stirling a development contribution towards the cost of providing lighting infrastructure in Klem Lane abutting the subject land in accordance with Local Planning Scheme No. 3. The contribution must be made to the City of Stirling at or before the time an application is made for a Building Permit or within 60 days from the commencement of the development, whichever occurs first.

Environmental Health

42. Unless otherwise agreed, all deliveries to the site and waste collections from the site are to take place between the hours of 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays, to the satisfaction of the City of Stirling.
43. Prior to the submission of a building permit for the Restaurant and Small Bar, an 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 itself including but not limited to:
- a) Restaurant and Small Bar noise, air conditioning, music, patrons in open areas and kitchen exhaust.
 - b) Noise Management Plan shall be submitted by the operator of the Small Bar outlining how compliance with the *Environmental Protection (Noise) Regulations 1997* will be achieved with regards to music and equipment noise.
 - c) Specific control measures relating to noise mitigation measures to the affected balconies of residential apartments to satisfy State Planning Policy 5.4 Road and Rail Noise.

Written confirmation with the certified building permit application and Form BA7 Completion Form is to be provided that the recommendations and control measures identified in the revised Acoustic Report has been incorporated into the design, development and operation of the proposed development, to the satisfaction of the City of Stirling. The revised Acoustic report shall be complied with for the duration of the development.



44. 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 use/operation. Should noise emissions exceeds assigned levels, then further noise reduction measures are to be installed and implemented.
45. 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.'
46. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
47. Any outside lighting to comply with Australian Standards AS4282-2019 (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

Parks and Sustainability

48. Prior to occupation of the development, a minimum of six (6) Advanced Trees must be planted on site and be thereafter maintained. The Advanced Trees must be provided with a portion of uncovered deep soil area around the trunk at ground level which is free of intrusions, to the satisfaction of the City of Stirling.
49. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the Landscaping Plan prepared by MJA and Capa Studio received 28 November 2022 and maintained thereafter in perpetuity, to the satisfaction of the City of Stirling.
50. All street trees located on the verge shall be retained and protected in accordance with Australian Standards AS4970:2009, to the satisfaction of the City.
51. Prior to the submission of a Building Permit, a Tree Management Plan is required to outline the measures taken to protect the existing street trees during construction, to the satisfaction of the City of Stirling.

General

52. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupation of the development.
53. Stormwater from all roofed and paved areas is to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.



54. No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.
55. 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.
56. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.
57. Prior to occupation of the development, all privacy screening shall be visually impermeable, to the satisfaction of the City of Stirling.
58. The development is to be connected to the sewer.

Advice Notes

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

Engineering

3. All works within the road reserve requires a separate approval from the City of Stirling.
4. In relation to the condition relating to works in Klem Lane, the extent of works required in Klem Lane, Walcott Street and the intersection of these streets is shown on the 'DA22/1406 Lot 2 & 1, House Number 2 and House Number 8, Adair Parade, Coolbinia, Revision E – July 2023 plan of works, to be provided upon request. Plans are to be submitted to the City of Stirling for approval prior to commencing the works.
5. "Low Clearance" signage is required at the entrance of the at grade car parking area.



Environmental Health

6. The following advice is provided from the City of Stirling's Environmental Health Services Business Unit:
- a. The proposed Restaurant and Small Bar will require a Certificate of Registration prior to operating.
 - b. Plans and a Food Business Notification Form are to be submitted to the City of Stirling Environmental Health Business Unit for assessment of the food premises fit out. The following details will be required to support the application:
 - Two copies of scale floor plans showing the position of all fixtures and equipment at scale of 1:50;
 - Two (2) copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - Finishes of every wall, floor and ceiling;
 - Indication of hot and cold water supply and waste water services;
 - Location of all sinks including hand washbasin;
 - Provide details of any ventilation and exhaust system servicing the premises.
 - c. Compliance in all respects with the Food Act 2008 and Food Standards Codes shall be achieved. The operator of the food business shall submit a completed Food Premises Notification Form prior to commencement.
 - d. Environmental Health shall be contacted for a final inspection and a Certificate of Food Business Registration obtained prior to operating.
 - e. The health studio and bar are likely to meet the definition of a "public building" and will require a Form 4 Certificate of Approval prior to operating.
 - f. Premises must comply with the Health (Public Buildings) Regulations 1992 and an application for a certificate of approval shall be made in writing in the form of Form 1 and 2 in Schedule 2.
 - g. The swimming pool meets the definition of an "aquatic facility" unless exempted by the Chief Health Officer.
 - h. The occupier shall apply to the Chief Health Officer for approval to construct the swimming pool. The Application must be in the approved form and must be accompanied by —
 - a. Two (2) copies of the plans and specifications for, and a description of, the proposed aquatic facility, alteration or extension which, for the construction or extension of a water body, must include how the water body is to be drained, ventilated and lit, the quantity of water to be held and the capacity of the filtration and other water treatment units; and
 - b. A block plan showing the position of the water body or bodies in relation to the position and distribution of toilets, change rooms and other similar facilities, and the lands to which the aquatic facility abuts and the purposes for which those lands are used.
 - i. A Certificate of Compliance and a Permit to Operate shall be obtained from the Chief Health Officer for the swimming pool prior to its operation and use.
 - j. The demolition is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - k. A Dust Management Plan is required for demolition.
 - l. The demolition is to comply with the *Health (Asbestos) Regulations 1992*.



- m. The building is to comply with the provisions of the *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*.
- n. Mechanical services are to comply with Australian Standards AS1668.2 A compliance certification of installation of all mechanical services will be required.
- o. If a water based air conditioning system is selected, the air conditioning system to comply with the provisions of the Health (Air-Handling & Water Systems) Regulations 1994.
- p. Plumbing is to comply with the Plumbing Code of Australia. Compliance certification of installation of all hydraulic services is to be provided.
- q. Site noise emissions are to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- r. The car parking area is to comply with the provisions of the *Health Act (Carbon Monoxide) Regulations 1975*.
- s. All areas within the development that are classed as a public building are to comply with the *Health (Public Buildings) Regulations 1992*.
- t. Development to comply in all respects with the *Health (Public Building) Regulations 1992*.
- u. Delivery vehicles must comply with the *Environmental Protection (Noise) Regulations*.

Parks and Sustainability

- 7. In reference to the Condition regarding Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 as: *'means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.'*
- 8. The City of Stirling reminds the landowner that it is an offence under Clause 2.1(a) of the City of Stirling Thoroughfares and Public Places Local Law 2009 to remove, fell, poison or otherwise kill a verge tree without prior approval or written permission. Please note penalties may apply.
- 9. Prior to the planting of Street Trees, the landowner is to contact the City of Stirling to discuss positioning of the proposed Street Trees within the road reserve. The number of Street Trees planted within the road reserve will depend on the available space and the limitations of service alignments to be determined at completion of building. Following planting works, the landowner is to advise the City of Stirling so they can be added to the City of Stirling register of Street Trees.
- 10. The City of Stirling recommends that Western Australian tree species are used in tree plantings, and that trees are planted 2m off the property boundary, fence, or building.



General

11. Construction noise is to comply with the *Environmental Protection (Noise) Regulations*. Noisy Construction Work outside the period 7 am to 7 pm 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 by the City of Stirling.
12. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
13. In reference to the right of way lighting cost contribution condition, a monetary contribution towards the right of way lighting infrastructure of Klem Lane will need to be paid by the Landowner in order to satisfy this condition of approval. The required contribution amount is currently estimated to be \$10,022.22 (70.45m x \$142.26plm). Please note that this figure is subject to change and the amount payable will need to be confirmed with the City prior to payment.
14. The Department of Planning, Lands and Heritage advises that it has no objection to the use of the reserved land for landscaping on a temporary basis only, on condition that the landowner agrees to remove any development at the time when the reserved land is required for the upgrading of Walcott Street at their own expense, if required.
15. The Department of Water and Environmental Regulation advises:
 - a. An appropriate management plan should be prepared to address the risks associated with potential exposure of any soil contamination during excavations for the basement level.
 - b. Any material to be disposed off-site should be tested in accordance with the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)*.
16. In regards to Condition 1b, a manoeuvring bay will need to be provided for residential visitors.

Cr Suzanne Migdale (Local Government Member, City of Stirling) left the panel at 1.12pm.

Cr Suzanne Migdale (Local Government Member, City of Stirling) re-joined the panel at 1.18pm.



PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: Cr Felicity Farrelly

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.

REASON: To allow the panel to speak more than once on the item.

The Standing Orders were suspended at 1.19pm.

PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: Cr Suzanne Migdale

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

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To reinstate Standing Orders

The Standing Orders were reinstated at 2.16pm.

AMENDING MOTION 1

Moved by: John Syme

Seconded by: NIL

That Condition No.28 be amended to read as follows:

*Prior to occupation of the development, appropriate parking restriction signage for the embayed car parking bay in Adair Parade is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development. The parking restriction is to restrict the four (4) embayed car parking bays to use for deliveries during the hours of **7am to 75pm** Monday to Friday.*

The Amending Motion lapsed for want of a seconder.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



AMENDING MOTION 2

Moved by: Ian Birch

Seconded by: John Syme

That Condition No.28 be amended to read as follows:

*Prior to occupation of the development, appropriate parking restriction signage for the embayed car parking bay in Adair Parade is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development. The parking restriction is to restrict the four (4) embayed car parking bays to use for deliveries during the hours of ~~7am~~ **9.30am to 7pm 11.30am**.*

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

For: Francesca Lefante
Ian Birch
John Syme
Cr Suzanne Migdale

Against: Cr Felicity Farrelly

REASON: The panel was of the view that the four embayed car parking bays should not be restricted for the use of deliveries over such a large portion of the day, and that the community would benefit from the use of these car parking bays outside the reduced restricted hours.

AMENDING MOTION 3

Moved by: John Syme

Seconded by: Ian Birch

That Condition No.1b be amended to read as follows:

~~An updated Basement Plan (A2.01) and updated Ground Floor Plan (A2.02) is to be provided, which demonstrates The number and allocation of car parking bays is to be provided on-site as follows:~~

Basement Parking Area:

- i. ~~45~~ **56** residential car parking bays; and*
- ii. ~~One (1) 6~~ residential visitor **commercial** car parking bays; and*
- iii. ~~16 non-residential (staff only) car parking bays~~*

At Grade Parking Area:

- i. ~~Four (4) 5~~ non-residential car parking bays; and*
- ii. ~~Five (5) residential visitor car parking bays; and~~*
- iii. ~~One (1) vehicle turning bay (in place of one of the existing commercial vehicle bays, refer Advice Note 16).~~*

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



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

For: Ms Francesca Lefante
Mr Ian Birch
Mr John Syme
Cr Felicity Farrelly

Against: Cr Suzanne Migdale

REASON: To provide parking for commercial staff in the basement and dedicated customer parking on site.

AMENDING MOTION 4

Moved by: John Syme

Seconded by: Francesca Lefante

The following amendments were made en bloc;

- i. That Condition No.1c be amended to read as follows:

Prior to the submission of a Building Permit, details related to the operation of an intercom system and infrastructure or FOB system for the basement car parking area to allow residential ~~visitors~~ and commercial car parking in the basement car parking area, to the satisfaction of the City of Stirling.

REASON: To reflect the parking bay use and access arrangement for the basement parking.

- ii. That Condition No.15 be amended to read as follows:

The operating hours are to be restricted to the following hours, unless otherwise reflected in an amended Acoustic Report and approved by the City of Stirling:

- *Restaurant: Monday to Sunday – 6am to 4pm; and*
- *Small Bar: Monday to Sunday – 4**12pm** to 10pm.*

REASON: The above changes were requested by the applicant and agreed to by the panel and City officers. To reflect the operating hours and use during the day which provides for a combination of restaurant and small bar.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



iii) That Condition 44 be deleted, and the remaining conditions be renumbered accordingly.

REASON: Management of noise is controlled by specific legislation which applies to the site and operations, accordingly the condition was deleted.

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

For: Ms Francesca Lefante
Mr Ian Birch
Mr John Syme
Cr Felicity Farrelly

Against: Cr Suzanne Migdale

AMENDING MOTION 5

Moved by: John Syme

Seconded by: Ian Birch

That Advice Note No.16 be deleted, and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Advice Note No.16 is no longer required as the site manoeuvring is consistent with provisions and consistent with the amended Condition 1b.

AMENDING MOTION 6

Moved by: Ian Birch

Seconded by: John Syme

That a new Condition No.57 be added as follows:

Privacy screening is to be provided to the north and eastern elevations of the APT 2.01 and APT 3.01 balconies, which is consistent to the effect of the privacy screening on APT 4.01, and is to be 1.6m in height from the finished floor levels, to provide an appropriate level of visual privacy, to the satisfaction of the City of Stirling.

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

For: Ms Francesca Lefante
Mr Ian Birch
Mr John Syme
Cr Felicity Farrelly

Against: Cr Suzanne Migdale

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



REASON: The panel was of the view that the addition of privacy screening to APT 2.01 and APT 3.01 would be appropriate to reduce potential overlooking.

AMENDING MOTION 7

Moved by: Cr Suzanne Migdale

Seconded by: Cr Felicity Farrelly

That a new Condition No.58 be added as follows:

That APT 3.01 and APT 4.01 be removed from the Development Application.

The Amending Motion was put and LOST (2/3).

For: Cr Suzanne Migdale
Cr Felicity Farrelly

Against: Ms Francesca Lefante
Mr Ian Birch
Mr John Syme

ALTERNATE MOTION (AS AMENDED)

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/22/02388 and accompanying plans (Attachment 1) 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 pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, for the proposed Mixed Use Development – 33 Multiple Dwellings and Five (5) Commercial Tenancies at Lot 2, House Number 2, and Lot 1, House Number 8, Adair Parade, Coolbinia, subject to the following conditions:

Development Services

1. The development shall comply with all details and amendments to the approved plans, as follows:
 - a. Prior to the submission of a Building Permit application, the fire service needs to be designed to ensure that a DFES "Fire Appliance Hardstand" and associated line marking is not required to be installed within the road reserves abutting the development. Details, location and elevations of the fire booster are to be submitted and approved by the City of Stirling.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



- b. The number and allocation of car parking bays is to be provided on-site as follows:
 Basement Parking Area:
 - i. 56 residential car parking bays; and
 - ii. 6 commercial car parking bays
 At Grade Parking Area:
 - iii. 5 non-residential car parking bays; and
 - iv. Five (5) residential visitor car parking bays.
 - c. Prior to the submission of a Building Permit, details related to the operation of an intercom system and infrastructure or FOB system for the basement car parking area to allow resident and commercial car parking in the basement car parking area, to the satisfaction of the City of Stirling.
 - d. An amended Parking Management Plan is to be submitted to the City, reflecting the above car parking allocation and operation of the car parking access to the basement, to the satisfaction of the City of Stirling.
 - e. The pier on the right side of the at grade car parking bay entrance is to be located so as to not be within the 2m x 2.5m sight truncation.
2. 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.
 3. 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.
 4. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or changes as required, outlined within Condition 1a-e, and annotations detailed thereon by the Metro Inner-North JDAP. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Drawing Number	Version	Drawn By
Yield Table + Contents	23 May 2023	A0.00	W	MJA Studio
Site Plan	23 May 2023	A1.00	P	MJA Studio
Site Context Plan	23 May 2023	A1.02	P	MJA Studio
CONTOUR & FEATURE SURVEY OF LOTS 1 & 2 #2 & #8 ADAIR PARADE, COOLBINIA	18 March 2023			Surveying Solutions WA
Basement Plan	23 May 2023	A2.01	V	MJA Studio
Ground Floor Plan	23 May 2023	A2.02	W	MJA Studio
First Floor Plan	23 May 2023	A2.03	V	MJA Studio
Second Floor Plan	23 May 2023	A2.04	U	MJA Studio



Third Floor Plan	23 May 2023	A2.05	S	MJA Studio
Fourth Floor Plan	23 May 2023	A2.06	S	MJA Studio
Roof Plan	23 May 2023	A02.07	G	MJA Studio
Section A	23 May 2023	A03.01	M	MJA Studio
Section B	23 May 2023	A03.02	N	MJA Studio
Section C	23 May 2023	A03.03	M	MJA Studio
North Elevation	23 May 2023	A4.02	C	MJA Studio
West Elevation	23 May 2023	A4.03	C	MJA Studio
South Elevation	23 May 2023	A4.04	C	MJA Studio
East Elevation	23 May 2023	A4.05	C	MJA Studio
Partial Ground Floor Plan	23 May 2023	A2.08	C	MJA Studio

5. 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.
6. Prior to occupation of the development, Lots 2 and 1, House Numbers 2 and 8 Adair Parade, Coolbinia, shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.
7. The approved land uses are as follows:
 - Comm 01 – Private Recreation
 - Comm 02 – Small Bar
 - Comm 03 – Restaurant
 - Comm 04 – 05 – Shop
 Any changes to the approved land uses may require separate approval from the City of Stirling.
8. The total public floorspace of the Small Bar and Restaurant in tenancies COMM 02 and COMM 03 is not to exceed 78m². An increase to public floorspace may require separate approval from the City of Stirling.
9. The total number of persons in attendance in the Private – Recreation land use as proposed in COMM 01 is not to exceed 20 persons at any one time. An increase to the number of persons in attendance may require separate approval from the City of Stirling.
10. The privacy screening to the south-eastern elevations of the terrace alfresco areas on the Ground Floor Level for Apartments TH05 – TH08 is to be 1.6m in height from the finished floor levels. Additionally, fixed louvre screens as shown on the First Floor Level for Apartments TH05 – TH08 is to be provided, to provide an appropriate level of visual privacy, to the satisfaction of the City of Stirling.



11. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the submission of a Building Permit. The Site Management Plan shall include but not be limited to measures relating to vibration, dust, noise, waste management, Street Tree protection zones, construction parking, traffic, storage of materials and site safety and security. The Site Management Plan is to be complied with for the duration of the construction of the development.
12. Prior to the submission of a Building Permit application (relevant to the construction of the Multiple Dwellings), certification completed by a Liveable Housing Australia assessor confirming that the detailed design of the 'Silver Level' dwellings are compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable 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.
13. All Energy Efficiency measures as identified by the Sustainability Statement received on 28 November 2022 as prepared by Floth are to be incorporated into the building design and implemented prior to the occupancy of the development, to the satisfaction of the City of Stirling.
14. The development is to achieve all Water Management and Conservation measures as identified by the Planning Report received on 28 November 2022 as prepared by Planning Solutions, to the satisfaction of the City of Stirling.
15. The operating hours are to be restricted to the following hours, unless otherwise reflected in an amended Acoustic Report and approved by the City of Stirling:
 - Restaurant: Monday to Sunday – 6am to 4pm; and
 - Small Bar: Monday to Sunday – 12pm to 10pm.

On-site Engineering

16. The development is to comply with the Waste Management Plan prepared by Encycle received 23 May 2023, unless otherwise approved by the City of Stirling. Bulk bins are not permitted to be collected from within the road reserve.
17. All on-site car parking bays are to be compliant with the Australian Standards Australian Standard / New Zealand Standard 2890.1 and Australian Standard / New Zealand Standard 2890.6, to the satisfaction of the City of Stirling.
18. Prior to lodgement of a Building Permit, a Drainage Management Plan is to be submitted and approved by the City of Stirling, detailing how all stormwater drainage will be contained on-site.
19. Prior to occupation, vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.



20. Unless otherwise approved, no further walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
 - a. walls, letterboxes or fences adjoin vehicular access points to the site, or
 - b. a driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way.
21. Prior to the commencement of the use, all visitor and ACROD bays are to be permanently marked, drained and clearly sign posted to the satisfaction of the City.
22. Prior to occupation of the development, a minimum of 20 bicycle spaces are to be provided in a secure, undercover storage area, including within residential store rooms, as shown on the plans, and shall be made available for use by residents and visitors, in accordance with State Planning Policy 7.3 – Residential Design Codes, Volume 2, Element 3.9 - Car and Bicycle Parking and Australian Standards AS 2890 (as amended).

Off-Site Engineering

23. For all proposed works within the road reserve relating to the subject development, a separate written approval is required from the City of Stirling Engineering Services Unit. Detailed civil engineering construction plans must be submitted by a suitably qualified person, for approval of the City Written approval must be obtained from the City prior to any work occurring within the road reserve.
24. A bond shall be paid for all construction works within the road reserve, prior to commencement of the development. The bond shall be determined by the City's 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.
25. Prior to the occupation of the development, a Service/Car Embayment Bay for four (4) vehicles is to be constructed within the Adair Parade verge to the satisfaction of the City Engineering Services, at the owner's expense. The Service/Car Embayment Bay is to be surfaced in red bitumen.
26. Prior to the occupation of the development, a footpath with a minimum width of 1.8m shall be provided along the Adair Parade Service/Car Embayment Bay and connected to the existing footpath on Adair Parade and shall be constructed to the specifications of the City of Stirling, at the owner/applicant's expense.
27. Prior to occupation of the development, the Walcott Street verge including the MRS road widening area is to be upgraded to match the existing commercial precinct verge paving styles and treatments east of Klem Lane, to the satisfaction of the City of Stirling.



28. Prior to occupation of the development, appropriate parking restriction signage for the embayed car parking bay in Adair Parade is to be installed by the City of Stirling at the landowner's expense. The landowner is required to submit a Parking Signage Plan in accordance with Australian Standards 1742.11 to the City of Stirling for approval prior to commencement of development. The parking restriction is to restrict the four (4) embayed car parking bays to use for deliveries during the hours of 9.30am to 11.30am.
29. Prior to practical completion of the development, the Car Embayment Bay and all associated road asset on Adair Parade and verge re-alignment are to be constructed to the satisfaction of the City of Stirling, at the landowner's expense.
30. Prior to the lodgement of a Building Permit, detailed civil engineering construction drawings are to be prepared by a suitably qualified consultant which demonstrate the following works:
 - a. the Car Embayment Bay within the Adair Parade verge area;
 - b. the footpath widened to a minimum of 1.8m along the Adair Parade frontage;
 - c. all associated road assets on Adair Parade;
 - d. the verge re-alignment on Adair Parade.These drawings are to be submitted for written approval to the satisfaction of the City of Stirling
31. Prior to the occupation of the development, the City of Stirling is to be provided with "as constructed" copies in '.dwg' format, of all road and drainage modification works.
32. 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 is based on the following:
 - 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.
 - 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.
33. Prior to occupation of the development, appropriate parking restriction signage is to be installed along the Walcott Street frontage by the City of Stirling at the landowner's expense. In accordance with in accordance with Australian Standards 1742.11, a Parking Signage Plan is required to be submitted for the City of Stirling's approval prior to the commencement of the development.
34. 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 construction of all roads and associated drainage works, as estimated by the City of Stirling.
35. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.



36. Prior to occupation of the development, the Right of Way (Klem Lane) along the southeast boundary of the subject land to be widened by 0.97m and the required land ceded free of cost to the Crown.
37. Prior to the occupation of the development, the road widening reservation of Walcott Street shown on WAPC Plan Number 1.3153, plus a 2 metre by 2 metre truncation on the intersection of Klem Lane and Walcott Street (taken after the road widening of Klem Lane and Walcott Street) is to be ceded free of cost to the Crown.
38. Any proposed verge infrastructure, such as bicycle parking bays and residential footpaths, do not form part of this approval and require separate approval by the City of Stirling.
39. Prior to occupation of the development, the owner is required to complete the following works to Klem Lane, Walcott Street and the intersection of Klem Lane and Walcott Street at their own cost to the specification and satisfaction of the City of Stirling:
 - a) Construction and draining of the 0.97m widening of Klem Lane, including the widening of the existing crossover to Walcott Street.
 - b) Removal of the redundant crossover to Walcott Street, together with the associated kerbing, and pedestrian ramp and reinstate the footpath, verge and kerbing along Walcott Street up to and including the intersection of Klem Lane.
 - c) Installation of kerbing to both sides of Klem Lane adjacent to the subject land, up to and including the intersection with Walcott Street.
 - d) Relocation of the existing speedhumps in Klem Lane adjacent to the subject site further towards the Walcott Street intersection.
 - e) Installation of speed humps on either side of the Klem Lane and Canwick Lane intersection.
 - f) Replacement of the existing manhole cover at the southern end of Klem Lane with a trafficable manhole cover.
 - g) Replacement of the two (2) existing drainage gully grates in Klem Lane with wave gully grates.
40. The owner is to lodge a Performance Bond with the City of Stirling, prior to making an application for a Building Permit, for the works to Klem Lane, Walcott Street and the intersection of these streets in an amount equivalent to the cost of the works as determined by the City.
41. The owner must pay to the City of Stirling a development contribution towards the cost of providing lighting infrastructure in Klem Lane abutting the subject land in accordance with Local Planning Scheme No. 3. The contribution must be made to the City of Stirling at or before the time an application is made for a Building Permit or within 60 days from the commencement of the development, whichever occurs first.



Environmental Health

42. Unless otherwise agreed, all deliveries to the site and waste collections from the site are to take place between the hours of 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays, to the satisfaction of the City of Stirling.
43. Prior to the submission of a building permit for the Restaurant and Small Bar, an 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 itself including but not limited to:
 - a) Restaurant and Small Bar noise, air conditioning, music, patrons in open areas and kitchen exhaust.
 - b) Noise Management Plan shall be submitted by the operator of the Small Bar outlining how compliance with the *Environmental Protection (Noise) Regulations 1997* will be achieved with regards to music and equipment noise.
 - c) Specific control measures relating to noise mitigation measures to the affected balconies of residential apartments to satisfy State Planning Policy 5.4 Road and Rail Noise.

Written confirmation with the certified building permit application and Form BA7 Completion Form is to be provided that the recommendations and control measures identified in the revised Acoustic Report has been incorporated into the design, development and operation of the proposed development, to the satisfaction of the City of Stirling. The revised Acoustic report shall be complied with for the duration of the development.

44. Architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points to be provided prior to occupation of the development.
45. Any outside lighting to comply with Australian Standards AS4282-2019 (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.

Parks and Sustainability

46. Prior to occupation of the development, a minimum of six (6) Advanced Trees must be planted on site and be thereafter maintained. The Advanced Trees must be provided with a portion of uncovered deep soil area around the trunk at ground level which is free of intrusions, to the satisfaction of the City of Stirling.
47. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the Landscaping Plan prepared by MJA and Capa Studio received 28 November 2022 and maintained thereafter in perpetuity, to the satisfaction of the City of Stirling.
48. All street trees located on the verge shall be retained and protected in accordance with Australian Standards AS4970:2009, to the satisfaction of the City.



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49. Prior to the submission of a Building Permit, a Tree Management Plan is required to outline the measures taken to protect the existing street trees during construction, to the satisfaction of the City of Stirling.

General

50. Each multiple dwelling shall be provided with a mechanical dryer prior to the occupation of the development.
51. Stormwater from all roofed and paved areas is to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.
52. No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.
53. 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.
54. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.
55. Prior to occupation of the development, all privacy screening shall be visually impermeable, to the satisfaction of the City of Stirling.
56. The development is to be connected to the sewer.
57. Privacy screening is to be provided to the north and eastern elevations of the APT 2.01 and 3.01 balconies, which is consistent to the effect of the privacy screening on APT 4.01. and is to be 1.6m in height from the finished floor levels, to provide an appropriate level of visual privacy, to the satisfaction of the City of Stirling.

Advice Notes

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



Engineering

3. All works within the road reserve requires a separate approval from the City of Stirling.
4. In relation to the condition relating to works in Klem Lane, the extent of works required in Klem Lane, Walcott Street and the intersection of these streets is shown on the 'DA22/1406 Lot 2 & 1, House Number 2 and House Number 8, Adair Parade, Coolbinia, Revision E – July 2023 plan of works, to be provided upon request. Plans are to be submitted to the City of Stirling for approval prior to commencing the works.
5. “Low Clearance” signage is required at the entrance of the at grade car parking area.

Environmental Health

6. The following advice is provided from the City of Stirling’s Environmental Health Services Business Unit:
 - a. The proposed Restaurant and Small Bar will require a Certificate of Registration prior to operating.
 - b. Plans and a Food Business Notification Form are to be submitted to the City of Stirling Environmental Health Business Unit for assessment of the food premises fit out. The following details will be required to support the application:
 - Two copies of scale floor plans showing the position of all fixtures and equipment at scale of 1:50;
 - Two (2) copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - Finishes of every wall, floor and ceiling;
 - Indication of hot and cold water supply and waste water services;
 - Location of all sinks including hand washbasin;
 - Provide details of any ventilation and exhaust system servicing the premises.
 - c. Compliance in all respects with the Food Act 2008 and Food Standards Codes shall be achieved. The operator of the food business shall submit a completed Food Premises Notification Form prior to commencement.
 - d. Environmental Health shall be contacted for a final inspection and a Certificate of Food Business Registration obtained prior to operating.
 - e. The health studio and bar are likely to meet the definition of a “public building” and will require a Form 4 Certificate of Approval prior to operating.
 - f. Premises must comply with the Health (Public Buildings) Regulations 1992 and an application for a certificate of approval shall be made in writing in the form of Form 1 and 2 in Schedule 2.
 - g. The swimming pool meets the definition of an “aquatic facility” unless exempted by the Chief Health Officer.
 - h. The occupier shall apply to the Chief Health Officer for approval to construct the swimming pool. The Application must be in the approved form and must be accompanied by —



- a. Two (2) copies of the plans and specifications for, and a description of, the proposed aquatic facility, alteration or extension which, for the construction or extension of a water body, must include how the water body is to be drained, ventilated and lit, the quantity of water to be held and the capacity of the filtration and other water treatment units; and
- b. A block plan showing the position of the water body or bodies in relation to the position and distribution of toilets, change rooms and other similar facilities, and the lands to which the aquatic facility abuts and the purposes for which those lands are used.
- i. A Certificate of Compliance and a Permit to Operate shall be obtained from the Chief Health Officer for the swimming pool prior to its operation and use.
- j. The demolition is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- k. A Dust Management Plan is required for demolition.
- l. The demolition is to comply with the *Health (Asbestos) Regulations 1992*.
- m. The building is to comply with the provisions of the *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*.
- n. Mechanical services are to comply with Australian Standards AS1668.2 A compliance certification of installation of all mechanical services will be required.
- o. If a water based air conditioning system is selected, the air conditioning system to comply with the provisions of the Health (Air-Handling & Water Systems) Regulations 1994.
- p. Plumbing is to comply with the Plumbing Code of Australia. Compliance certification of installation of all hydraulic services is to be provided.
- q. Site noise emissions are to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- r. The car parking area is to comply with the provisions of the *Health Act (Carbon Monoxide) Regulations 1975*.
- s. All areas within the development that are classed as a public building are to comply with the *Health (Public Buildings) Regulations 1992*.
- t. Development to comply in all respects with the *Health (Public Building) Regulations 1992*.
- u. Delivery vehicles must comply with the *Environmental Protection (Noise) Regulations*.

Parks and Sustainability

7. In reference to the Condition regarding Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 as: *'means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.'*
8. The City of Stirling reminds the landowner that it is an offence under Clause 2.1(a) of the City of Stirling Thoroughfares and Public Places Local Law 2009 to remove, fell, poison or otherwise kill a verge tree without prior approval or written permission. Please note penalties may apply.



9. Prior to the planting of Street Trees, the landowner is to contact the City of Stirling to discuss positioning of the proposed Street Trees within the road reserve. The number of Street Trees planted within the road reserve will depend on the available space and the limitations of service alignments to be determined at completion of building. Following planting works, the landowner is to advise the City of Stirling so they can be added to the City of Stirling register of Street Trees.
10. The City of Stirling recommends that Western Australian tree species are used in tree plantings, and that trees are planted 2m off the property boundary, fence, or building.

General

11. Construction noise is to comply with the *Environmental Protection (Noise) Regulations*. Noisy Construction Work outside the period 7 am to 7 pm 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 by the City of Stirling.
12. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
13. In reference to the right of way lighting cost contribution condition, a monetary contribution towards the right of way lighting infrastructure of Klem Lane will need to be paid by the Landowner in order to satisfy this condition of approval. The required contribution amount is currently estimated to be \$10,022.22 (70.45m x \$142.26plm). Please note that this figure is subject to change and the amount payable will need to be confirmed with the City prior to payment.
14. The Department of Planning, Lands and Heritage advises that it has no objection to the use of the reserved land for landscaping on a temporary basis only, on condition that the landowner agrees to remove any development at the time when the reserved land is required for the upgrading of Walcott Street at their own expense, if required.
15. The Department of Water and Environmental Regulation advises:
 - a. An appropriate management plan should be prepared to address the risks associated with potential exposure of any soil contamination during excavations for the basement level.
 - b. Any material to be disposed off-site should be tested in accordance with the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)*.



The Alternate Recommendation (as amended) was put and CARRIED (3/2).

For: Ms Francesca Lefante
Mr Ian Birch
Mr John Syme

Against: Cr Suzanne Migdale
Cr Felicity Farrelly

REASON: Due consideration was given to the proposal, planning framework, submission received, agency comments and presentations in reaching a decision on this proposal. The majority of panel members were satisfied the proposed development is consistent with the planning framework. The increase in height towards Walcott Street was appropriate design and scale in the context of the site and different zoning over the two lots, which included reducing the height of the majority of the residential zoned site and the inclusion of privacy screening.

The inclusion of ground floor commercial tenancies is consistent with street activation objectives of the Local Centre zone. The exterior architecture and materials are appropriate within the local character, streetscape, and size planning provisions.

Parking onsite and on street were supported, Site services have been appropriately addressed including Main Roads support. In reaching a determination, Panel members focused on the parking and traffic movements associated with the development, noting that existing parking & traffic related matters in the area were the matters for the City.

Overall, the site location is considered appropriate for the mixed-use design with ground level which supports Local Centre provisions, and accordingly the proposal was supported having regard to the above.

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/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


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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
DAP/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, West Leederville	Two-Storey Childcare Centre	04/10/2022
DAP/22/02191 DR192/2022	City of Vincent	No. 391 (Lot: 20) Lord Street, Mount Lawley	Proposed Mixed Use Development	31/10/2022
DAP/22/02276 DR194/2022	Town of Cottesloe	19 Napoleon Street (Lot 20) Cottesloe (Also Known As 19 & 21 Napoleon Street)	Four-Storey Office Building with Rooftop Terrace, and Change of Use of Existing Ground Floor Buildings To 'Restaurant and Small Bar)	04/11/2022
DAP/22/02218 DR216/2022	City of Subiaco	No. 414 (Lot 27) Rokeby Road, Subiaco	Demolition Of Existing Building and Construction of a Six Storey Mixed Use Development (Ten Multiple Dwellings and Three Office Tenancies)	07/12/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023


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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02248	City of Vincent	No. 129 (Lot: 62; D/P: 956) Loftus Street, Leederville	Proposed Child Care Premises	24/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023

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 2.17pm.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP