



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 5 January 2024; 9:30am
Meeting Number: MINJDAP/210
Meeting Venue: Electronic Means

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

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Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

Lee O'Donohue (A/Presiding Member)
Gabriela Poezyn (A/Deputy Presiding Member)
John Syme (Third Specialist Member)
Cr Suzanne Migdale (Local Government Member, City of Stirling)
Cr Elizabeth Re (Local Government Member, City of Stirling)

Officers in attendance

Giovanna Lumbacca (City of Stirling)
Dean Williams (City of Stirling)

Minute Secretary

Adele McMahon (DAP Secretariat)
Tenielle Brownfield (DAP Secretariat)
Laura Simmons (DAP Secretariat)

Applicants and Submitters

Carlo Famiano (CF Town Planning)

Members of the Public / Media

Erick Lopez from Perth Now was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:33am on 5 January 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

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

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2. Apologies

Francesca Lefante (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 A/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 2 January 2024.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Carlo Famiano (CF Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot No. 435 (House Number 39) Odin Road, Innaloo

Development Description: Child Care Premises and Fast-Food Outlet
Applicant: Germano Designs
Owner: Gang Ren
Responsible Authority: City of Stirling
DAP File No: DAP/23/02557

REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: John Syme

With the approval of the mover and seconder the following amendment was made;

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

*Prior to occupation of the development, a **minimum of four (4) Advanced Trees** must be planted on-site and maintained thereafter, to the satisfaction of the City of Stirling.*

REASON: To clarify the provisions of the City of Stirling LPP 6.11 – Tress and Development.

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

Approve DAP Application reference DAP/23/02507 and accompanying plans as listed in Condition 3 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the proposed Child Care Premises and Fast Food Outlet at Lot 435, House Number 39 Odin Road, Innaloo, subject to the following conditions:

Conditions

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

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

DRAWING TITLE	Revision	Date	Drawing Number	Drawn By
Cover Sheet	010	24/10/2023	PD01	Germano Designs
3D render	010	24/10/2023	PD02	Germano Designs
Existing Site Survey	010	24/10/2023	PD03	Germano Designs
Site Plan	010	24/10/2023	PD04	Germano Designs
Context Plan	010	24/10/2023	PD05	Germano Designs
Ground Floor Plan	010	24/10/2023	PD06	Germano Designs
First Floor Plan	010	24/10/2023	PD07	Germano Designs
Roof Plan	010	24/10/2023	PD08	Germano Designs
Elevations	010	24/10/2023	PD09	Germano Designs

Landscaping

4. Prior to occupation of the development, a minimum of four (4) Advanced Trees must be planted on-site and maintained thereafter, to the satisfaction of the City of Stirling.
5. All Advanced Trees are to be centrally located within the deep soil area free, of buildings, impervious surfaces and other fixed structure, and be open to the air.
6. Prior to occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by Childscapes dated 25 October 2023 and thereafter maintained to the satisfaction of the City of Stirling.

Parking and Access

7. Prior to the occupation of the development, all redundant crossovers shall be removed, and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City of Stirling.
8. The crossover shall be designed and constructed in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City of Stirling. Crossovers are to be installed prior to occupation of the development.
9. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1:2004 Amendment 1 and AS2890.2:2018. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5) to the satisfaction of the City of Stirling.

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10. Prior to the occupation of the development, the turning bay shall be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
11. Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.3-2009 (Design for access and mobility – General requirements for access – New building work), to the satisfaction of the City of Stirling.
12. Prior to the occupation of the development, 22 car parking bays, one (1) ACROD bay and one (1) Delivery/Service bay in the areas marked on the development plans shall be constructed.
13. Prior to the occupation of the development, a minimum of four (4) bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City of Stirling.

Acoustics and Operation

14. The operational details outlined in the Development Application Report prepared by CF Town Planning & Development dated 14 December 2023 Revision 1 (Attachment 6a) which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The Child Care Premises shall be limited to a maximum number of 108 children and 18 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 6.30am and 7.00pm, Monday to Friday.
 - c. The Child Care Premises shall not operate on Saturdays, Sundays or public holidays.
 - d. The external play areas shall not be made available for use prior to 7.00am during operation of the Child Care Premises.
15. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Stirling confirming that the noise amelioration listed in the Noise Management Plan, prepared by Herring Storer Acoustics has been implemented, to the satisfaction of the City of Stirling.
16. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 25 August 2023, are to be implemented and compliance with the Environmental (Noise) Regulations 1997.

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General

17. A Site Management Plan shall be submitted to and approved by the City of Stirling prior to the commencement of any works. The Site Management Plan shall include specific details on the management of aspects including, but is not limited to, dust, noise, vibration, waste management, storage of materials, traffic, parking, on-site and street tree protection areas and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.
18. Air conditioning units, ducts and other services shall be screened from view and are to be located away from the street frontages, to the satisfaction of the City of Stirling.
19. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282:2019, to the satisfaction of the City of Stirling.

Colours and Materials

20. 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.

Waste Management and Services

21. The development is to comply with the Waste Management Plan prepared by CF Town Planning and Development dated 25 August 2023, unless otherwise approved by the City of Stirling.
22. All servicing and deliveries to the site, including the loading and unloading of vehicles, is to occur entirely within the lot, and is not to occur within the road reserve.
23. The development is required to be connected to sewer.
24. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

Public Art

25. Prior to occupation of the development, a public art proposal for the subject development to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land must be submitted to, and approved by, the City of Stirling. (refer to advice note)

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26. Prior to occupation of the development, the approved public art proposal shall be completed and installed by the developer and maintained thereafter by the owners of the development, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

Advice Notes

General

1. If an applicant is aggrieved by this determination, there is a right of appeal under Part 14 of the Planning and Development Act 2005. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.
2. This is a Development Approval under the City of Stirling Local Planning Scheme No.3 and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the Applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development of 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 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 of Stirling's attention.
4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

Operation

5. Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Stirling.

Landscaping

6. In reference to the Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 - Trees and Development as: a tree which requires planting in at least a 100 litre container or greater size and which is at least two (2) metres in height and at least two (2) years of age.

Parking and Access

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

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Public Art

8. In relation to the Public Art condition requirement, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land.

Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$27,000.

Miscellaneous

9. General compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons will be applicable. A Food Safety Plan must be submitted to the City of Stirling and have 'Verification' approval prior to starting food service.
10. Compliance in all respects with the Food Act 2008 and Food Standards Codes. Completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of business.
11. The applicant must submit a Food Premises Notification-Registration form.
12. The applicant is to contact the City of Stirling Environmental Health Services Business Unit to arrange a final inspection, prior to commencement of commercial food operations.
13. Plans are to be submitted to Environmental Health Services Business Unit for assessment of the kitchen fit out. The following details will be required to support the application:
- i. Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);
 - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - iii. Finishes of every wall, floor and ceiling;
 - iv. Indication of hot and cold water supply and waste water services;
 - v. Location of all sinks including hand washbasin; and
 - vi. Provide details of ventilation and exhaust system servicing the premises.

Signage

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

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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REASON: The proposed development is in line with the planning framework for the site and City’s Stirling City Centre Special Control Area. The building design, scale and configuration results in a well considered development that will address Odin Road with an attractive façade. The height of the development at two storeys is in keeping with surrounding residential development and the materials, finishes and landscaping will make a positive contribution to the area. On site parking and waste management are considered acceptable and supported. While there is limited scope for trees in the verge due to its width, the treatment of the front setback area provides as much landscaping as possible given the need for access and a meeting area to support the fast food outlet.

Whilst it was noted by some panel members that the development does not include a residential component, the proposed child care centre, incorporating a take away coffee shop, were considered a desirable land use in this transitional area. The child care centre will cater to a wider community need and coffee take away will encourage social interaction amongst centre clients and the wider residential community.

Overall the design is considered to be sensitive to the existing and expected future character of the area and the conditions are appropriate.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The A/Presiding Member noted the following SAT Applications -

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, Leederville	Two-Storey Childcare Centre	04/10/2022

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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02248 DR76/2023	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
DAP/23/02480 DR184/2023	City of Vincent	Lot 3 (37-43) Stuart Street, Perth	Proposed Unlisted Use (Community Purpose) & Alterations & Additions	

11. General Business

The A/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 A/Presiding Member declared the meeting closed at 10:23am.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP