



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 6 July 2022; 10:00am
Meeting Number: MINJDAP/142
Meeting Venue: City of Stirling
25 Cedric Street, Stirling

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Attendance

DAP Members

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

Officers in attendance

Ms Amanda Sheers (City of Stirling)
Ms Giovanna Lumbaca (City of Stirling)
Mr Cameron Howell (City of Stirling)
Mr Daniel Heymans (City of Stirling)

Minute Secretary

Mr Jackson Mawby (City of Stirling)
Ms Amorette Kerklaan (City of Stirling)

Applicants and Submitters

Mr Matthew Cain (Planning Solutions)
Mr Paul Kotsoglo (Planning Solutions)
Mr Brendan Foley (Thomson Geer Lawyers)
Mr Scott Lambie (Stantec)

Members of the Public / Media

There were 5 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.04am on 6 July 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.



2. Apologies

Cr Felicity Farrelly (Local Government Member, City of Stirling)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr Brendan Foley (Thomson Geer Lawyers) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Paul Kotsoglo (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Stirling Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

*Mr John Syme left the panel at 11.05am.
Mr John Syme returned to the panel at 11.07am.*

*Cr Suzanne Migdale left the panel at 11.48am
Cr Suzanne Migdale returned to the panel at 11.51am.*

PROCEDURAL MOTION 1

Moved by: Ms Francesca Lefante

Seconded by: Cr Suzanne Migdale

That the meeting be adjourned for a period of 5 minutes.

The Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow members to have a comfort break.

*The meeting was adjourned at 11.55am.
The meeting was reconvened at 12.04pm.*



8. Form 1 – Responsible Authority Reports – DAP Applications

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

Development Description: Mixed Use Development - 32 Multiple Dwellings and 19 Commercial Tenancies
Applicant: Planning Solutions
Owner: Mainstreet Properties Pty Ltd
Responsible Authority: City of Stirling
DAP File No: DAP/21/02119

REPORT RECOMMENDATION

Moved by: Cr Elizabeth Re

Seconded by: Mr John Syme

The Metro Inner North Joint Development Assessment Plan resolves to:

1. **Refuse** DAP Application reference DAP/21/02119 and accompanying plans (as listed in the table) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 67 of the Deemed Provisions, and the provisions of the City of Stirling Local Planning Scheme No. 3, and pursuant to Clause 24(i) and 26 of the Metropolitan Region Scheme, for the proposed Mixed Use Development – 32 Multiple Dwellings and 19 Commercial Tenancies at Lot 57, House Numbers 8 and 10, and Lot 12875, House Number 10A, Chesterfield Road, Mirrabooka, for the following reasons:

Reasons

- a. Pursuant to Schedule 2, Part 9, Clause 67(2)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not result in orderly and proper planning as it is not consistent with the objectives and requirements in City of Stirling Local Planning Scheme No. 3, and would result in a less than desirable urban design outcome which will compromise the objectives of the Mirrabooka Town Centre Special Control Area.
- b. Pursuant to Schedule 2, Part 9, Clause 67(2)(h) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the streetscape design, streetscape activation, building setbacks, building height and external finishes does not satisfy the requirements of the Mirrabooka Town Activity Centre Plan or Local Development Plan.

Design Outcome

- c. Pursuant to Schedule 2, Part 9, Clause 67(2)(p) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed landscaping, including the number of trees to be retained, quantity of trees proposed and deep soil areas is insufficient and will result in an unpleasant pedestrian environment which will not contribute positively to the area.



- d. Pursuant to Schedule 2, Part 9, Clause 67(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development does not satisfy the following Design Elements of State Planning Policy 7.3 Residential Design Codes Volume 2:
- i. Part 2 Primary Controls: Elements 2.3 Street Setbacks and 2.4 Side and Rear Setbacks;
 - ii. Part 3 Siting the Development: Elements 3.3 Tree Canopy and Deep Soil Areas, 3.4 Communal Open Space, 3.5 Visual Privacy and 3.9 Car and Bicycle Parking; and
 - iii. Part 4 Designing the Building: Elements 4.3 Size and Layout of Dwellings, 4.5 Circulation and Common Spaces, 4.7 Managing the Impact of Noise, 4.10 Façade Design, 4.12 Landscape Design, 4.14 Mixed Use and 4.17 Waste Management.
- e. Pursuant to Schedule 2, Part 9, Clause 67(2)(u)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and in accordance with Local Planning 6.3 Bin Store Areas and the Element Objectives of State Planning Policy 7.3 Residential Design Codes Volume 2 Element 4.17 Waste Management, the proposal has not demonstrated that the bin storage areas provided are sufficient in size to store the required number of bins.

PROCEDURAL MOTION 2

Moved by: Mr John Syme

Seconded by: Ms Lee O'Donohue

That the consideration of DAP Application DAP/21/02119 be deferred for a period of up to 120 days, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To address the reasons for refusal noted in the RAR; and
- To take address the comments made by the Design Review Panel.

The Procedural Motion was put and CARRIED (3/2).

For: Mr John Syme
Ms Lee O'Donohue
Cr Elizabeth Re

Against: Ms Francesca Lefante
Cr Suzanne Migdale

REASON: The proposal was deferred to provide an opportunity for the applicant to address concerns regarding the Design Review Panel comments and urban design outcome, including internal road configuration, given the significance of the site within the Mirrabooka Town Centre.

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

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022
DAP/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022

The Presiding Member noted the following Supreme Court Appeal.

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

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.25pm.