



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 4 October 2023; 9:30am
Meeting Number: MINJDAP/199
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)
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

James Fletcher (City of Stirling)
Karina Bowater (City of Stirling)
John Taylor (City of Stirling)

Minute Secretary

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

Applicants and Submitters

Joshua Carmody (Planning Solutions)
Jarrad Nightingale (Meyer Shircore)
Scott Lambie (Stantec)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 4 October 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.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



2. Apologies

Lee O'Donohue (Deputy Presiding Member)
Diana Goldswain (A/Third Specialist Member)
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

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Francesca Lefante, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Francesca Lefante acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

7. Deputations and Presentations

7.1 Joshua Carmody (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.

7.2 Karina Bowater and James Fletcher (City of Stirling) addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

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

Nil

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Presiding Member, Metro Inner-North JDAP



10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Scarborough Beach Road, House Numbers 432, 438 And 440 (Lots 23, 15 And 351) And Howe Street, House Number 57 (Lot 31) Osborne Park

Development Description: Additions – Motor Vehicle Sales And Motor Vehicle Repair Redevelopment
Summary of Modifications: Additions – Motor Vehicle Sales And Motor Vehicle Repair Redevelopment
Applicant: Planning Solutions
Owner: Carriage Equity Pty Ltd
Responsible Authority: City of Stirling
DAP File No: DAP/22/02366 (DR74/2023)

REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: Cr Elizabeth Re

With the approval of the mover and seconder, the following amendments were made en bloc:

- (i) That Condition No. 3 be amended to read as follows:

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

REASON: To provide clarity.

- (ii) That Condition No. 4 be deleted and the remaining Conditions renumbered accordingly.
- (iii) That a new Advice Note No. 15 be added to read as follows:

No permanent structures, with the exception of the approved access ramp shall be permitted to be located within the 6m width of land indicated as 'Future 6m Wide Laneway' on the approved plans. This land is to remain clear of permanent structures for the duration of the development for the purpose of future road connections, to the satisfaction of the City of Stirling.

REASON: The content of Condition No 4 (now Advice Note No. 15) is more appropriate as an advice note.

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- (iv) That Condition No. 8 (now Condition No. 7) be amended to read as follows:

*All servicing and deliveries to the site, including the loading and unloading of vehicles, is to occur entirely within the lot in accordance with the draft ~~approved~~ Vehicle Delivery Management Plan as prepared by Planning Solutions received dated ~~10 August 2023~~ **21 September 2023 (or as amended and agreed by the City)**, and is not to occur within the road reserve.*

REASON: To provide clarity to the loading and timeframes in the context of the site and enable ongoing discussion.

- (v) That Condition No. 18 (now Condition 17) be deleted, and the remaining Conditions be renumbered accordingly.

REASON: The condition is not required and the City officers supported the removal of the condition.

- (vi) That Condition No. 30 (now Condition 28) be amended to read as follows:

*The development is to comply with the Waste Management Plan prepared by Planning Solutions dated ~~10 August 2023 (Attachment 5d)~~ **21 September 2023**, unless otherwise approved by the City of Stirling.*

REASON: To provide clarity.

That the Metro Inner-North Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR74 of 2023, resolves to:

Reconsider its decision dated 26 April 2023 and **SET ASIDE the decision and substitute a new** decision to **APPROVE** DAP Application reference DAP/22/02366 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of City of Stirling Local Planning Scheme No.3, and pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, for Additions – Motor Vehicle Sales and Motor Vehicle Repair to Existing Automotive Sales at Lot 23, 15 and 351 House Numbers 432, 438 and 440 Scarborough Beach Road and Lot 31 House Number 57 Howe Street, Osborne Park, with the following conditions:

Conditions

General

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.

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2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Stirling unless otherwise confirmed in writing by the City. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Sheet	Revision	Drawn By
(Untitled)	Aug 2023	0001	SK024	Meyer Shircore Architects
Existing Site Survey	Aug 2023	1000	SK024	Meyer Shircore Architects
Demo Site Plan	Aug 2023	1001	SK024	Meyer Shircore Architects
Overall Composite Site Plan	Aug 2023	1002	SK024	Meyer Shircore Architects
Building 1 – Ground Floor Plans and Elevation	Aug 2023	2000	SK024	Meyer Shircore Architects
Building 2 – Ground Floor Plans and Elevation	Aug 2023	2001	SK024	Meyer Shircore Architects
Building 3 – Ground Floor Plan (Howe Street Level) and Basement Floor Plan	Aug 2023	2002	SK024	Meyer Shircore Architects
Building 1 Perspective	Aug 2023	3005	SK024	Meyer Shircore Architects
Building 2 Perspective	Aug 2023	3006	SK024	Meyer Shircore Architects
Building 3 – Elevations	Aug 2023	3007	SK024	Meyer Shircore Architects

Parking and Access

4. The vehicle delivery method shall not force turning vehicles to cross the centreline of the public roadway to the extent that there is any interaction with the opposing direction of travel.

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5. Prior to the lodgement of a Building Permit, swept path diagrams to AS2890.1-2004 paragraph 3.1.1 Access Design Principles should be submitted to show that the design does not force a vehicle to interact with the opposing direction of travel when entering or exiting the site, and then built accordingly.
6. Prior to the occupation of the development, 18 bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Car parking - Bicycles (AS2890.3 as amended).
7. All servicing and deliveries to the site, including the loading and unloading of vehicles, is to occur entirely within the lot in accordance with the draft Vehicle Delivery Management Plan as prepared by Planning Solutions received dated 21 September 2023 (or as amended and agreed by the City), and is not to occur within the road reserve.
8. Prior to the occupation of the development, directional signage for the customer parking located behind the Motor Vehicles Sales buildings is to be erected by the owner/applicant, to the satisfaction of the City of Stirling.
9. Prior to the occupation of the development, 67 car parking bays and associated manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked (including loading and disabled bays), and thereafter maintained to the specification and satisfaction of the City of Stirling.
10. The car display zone shall be in strict accordance with the approved plans and vehicles are not to be displayed on any other portions of landscaping within or outside of the site, to the satisfaction of the City of Stirling.
11. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1 and AS2890.2. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5).
12. Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, to comply with Australian Standards AS/NZS1428.1-2009 (Design for access and mobility – General requirements for access – New building work).
13. Prior to the occupation of the development, all redundant vehicle crossovers shall be removed and the verge, landscaping, footpaths and kerbing reinstated in accordance with this approval at the owners/applicants expense, to the satisfaction of the City of Stirling.

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14. Prior to the lodgement of a Building Permit, amended plans are to be provided to the satisfaction of the City of Stirling that demonstrates the following modifications to the access ramp:
 - a. The portion of access ramp located within the 'Future 6m Wide Laneway' area is to be at a RL of 19.50;
 - b. The bottom ramp to transition from an RL of 19.3 to an RL of 19.5 and is to be at a 2% grade; and
 - c. The top ramp, to transition from an RL of 19.5 to an RL of 20 is to be at a maximum grade of 16.7% and is not to project into the car parking circulation area.
15. Prior to the occupation of the development, all parking, manoeuvring and circulation areas and ramps are to be constructed in accordance with the approved plans to the satisfaction of the City of Stirling, and maintained accordingly.
16. Prior to the lodgement of a Building Permit, amended plans demonstrating the height and location of all infrastructure within the swept path movements, including landscaping, kerbing and retaining, is required to be lodged to the satisfaction of the City of Stirling and on the advice of the Department of Planning, Lands and Heritage.
17. Prior to the lodgement of a Building Permit, further information is required to be lodged clarifying the queue lengths during peak hour periods for right-in manoeuvres of vehicle delivery trucks, to the satisfaction of the Department of Planning, Lands and Heritage. If required, remedial solutions including potential limitations to delivery times will need to be applied.
18. Prior to the lodgement of a Building Permit, amended plans and updated swept paths are required demonstrating all left in and left out heavy vehicle movements do not encroach into opposing traffic lanes (lane correctness) on Scarborough Beach Road, to the satisfaction of the City of Stirling on the advice of the Department of Planning, Lands and Heritage.

Landscaping

19. Prior to the occupation of the development a minimum of 21 Advanced Trees are to be provided on-site to the satisfaction of the City of Stirling.
20. Landscaping shall meet the following requirements:
 - a. All landscaped areas are to be reticulated and applied with organic mulch to a minimum depth of 75mm;
 - b. All Shrubs and groundcovers are to be a minimum pot size of 130mm; and
 - c. An applicable planting density of two (2) shrubs per square metre, and four (4) strappy plants per square metre is to be achieved.
to the satisfaction of the City of Stirling.

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21. Prior to occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the submitted landscaping plan, prior to occupation of the development and maintained thereafter to the satisfaction of the City of Stirling.
22. Planting of the Street Trees as demonstrated on the Landscaping Plan is to be undertaken by the land owner as part of the landscaping of the site. The Street Trees are to be located so as to not conflict with existing verge infrastructure.
23. All areas indicated as 'permeable paving' are to be planted with grass or any other vegetation as agreed with the City of Stirling and thereafter maintained, to the satisfaction of the City of Stirling..

Stormwater

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.
25. The development is required to be connected to sewer.
26. No goods or materials shall 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.

Site and Waste Management

27. Prior to commencement of works, a Site Management Plan shall be submitted to, and approved by, the City of Stirling. The Site Management Plan shall include, but not be limited to, specific measures relating to dust, noise, vibration, waste management, storage of materials, traffic, contractor 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.
28. The development is to comply with the Waste Management Plan prepared by Planning Solutions dated 21 September 2023 unless otherwise approved by the City of Stirling.

Widening and Future Road Connection

29. Prior to the occupation of the development, the road widening reservation as per Planning Control Area Number 166 shown on WAPC Plan Number 1.3175 and as demonstrated on the approved plans, is to be ceded free of cost to the Crown.
30. Prior to occupation of the development, Lots 23, 15 and 351 House Numbers 432, 438 and 440 Scarborough Beach Road shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.

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Road and Rail Noise

31. 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.'

Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of four years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development.
3. 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.

Landscaping

4. An Advanced Tree is defined in Local Planning Policy 6.11 as: a tree which requires planting in at least a 90 litre container or greater size and which is at least two (2) metres in height and at least two (2) years of age.
5. The City is to be notified after landscaping has been completed so the Street Trees can be included in the City's planting register and audit. Once the Street Trees are established, they will be maintained by the City.
6. All construction works to comply with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
7. Any outside lighting is to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential premises.
8. Development within Planning Control Area 166, such as the Monolith Sign, will require separate approval from the Department of Planning, Lands and Heritage.
9. All waste water is to be discharged to sewer in accordance with the Water Corporations Trade Waste requirements.
10. Liquid waste is to be disposed of in accordance with the Environmental Protection (Controlled Waste) Regulations.

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11. Chemicals, oil and liquid waste is to be stored on sealed surfaces which are adequately covered and bunded to prevent spills from entering the environment.
12. All signage is to be in strict accordance with the City's Local Planning Policy 6.1 Advertising Signs, unless further development approval is obtained.
13. The RL of the portion of access ramp within the future Right of Way location is required to be at the RL of the future Right of Way, as per Figure 13 of the Draft Herdsman Glendalough Structure Plan.
14. The Vehicle Delivery Management Plan will require updating to reflect any agreed remedial solutions as a result of the further information relating to the queue lengths in peak hour periods.
15. No permanent structures, with the exception of the approved access ramp shall be permitted to be located within the 6m width of land indicated as 'Future 6m Wide Laneway' on the approved plans. This land is to remain clear of permanent structures for the duration of the development for the purpose of future road connections, to the satisfaction of the City of Stirling.

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

REASON: The Panel Members considered that the revised application as submitted, following mediation at SAT, addressed the issues associated with site servicing, landscaping and design. The proposal changes are considered design improvement appropriate in its context and consistent with the planning framework and scheme provisions. Minor modification to conditions were supported to provide clarity on the vehicle delivery on-site and associated restrictions during peak traffic periods in the context of the operation of the Vehicle Delivery Management. On balance, the proposal was supported consistent with the reasons as given in the RAR and the above modifications.

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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
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/22/02218 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

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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

* Matters finalised during the last meeting cycle.

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 10.24am.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP