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## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 13 December 2023; 9:30am  
**Meeting Number:** MINJDAP/208  
**Meeting Venue:** City of Stirling  
25 Cedric Street, Stirling

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**Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP



## **Attendance**

### **DAP Members**

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

### **Officers in attendance**

Amanda Sheers (City of Stirling)  
Dean Williams (City of Stirling)  
Cameron Howell (City of Stirling)  
Russell Jackson (City of Stirling)

### **Minute Secretary**

Amorette Kerklaan (City of Stirling)  
Daniel Govus (City of Stirling)  
Sean McDiarmid (City of Stirling)

### **Applicants and Submitters**

Petar Mrdja (Urbanista Town Planning)  
Mandy Leung (Space Collective Architects)  
Ken Perry  
Barbara Witon

### **Members of the Public / Media**

There were two members of the public in attendance.

#### **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declared the meeting open at 9.30am on 13 December 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*.

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## 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 Elizabeth Re (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. Declarations of Due Consideration

The Presiding Member notes an addendum to the responsible authority report was published in relation to Item 8.1, received on 8 December 2023.

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1, received on 8 December 2023.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member Suzanne Migdale declared an impartiality interest in Item 8.1 as Urbanista Town Planning are known to her.

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.

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## 7. Deputations and Presentations

- 7.1 Ken Perry addressed the DAP in support of the recommendation and against the proposed development at item 8.1.
- 7.2 Felipe Soto (Space Collective Architects) addressed the DAP against the recommendation and in support of the application at item 8.1 and responded to questions from the panel.
- 7.3 Petar Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation and in support of the application at item 8.1 and responded to questions from the panel.
- 7.4 Barbara Witon provided a written submission against item 8.1.
- 7.5 Amanda Sheers and Dean Williams (City of Stirling) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 201 (39) Chester Avenue, Dianella

Development Description:	43 Multiple Dwellings
Applicant:	Urbanista Town Planning
Owner:	Affluent Property Investments Pty Ltd Snow Oak Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/23/02548

### REPORT RECOMMENDATION

**Moved by:** Cr Suzanne Migdale

**Seconded by:** Nil.

That the Metro Inner-North JDAP resolves to:

1. **Refuse** DAP Application reference DAP/23/02548 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*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the following reasons:
  - a. Pursuant to Schedule 2, Part 9, Clause 67 (2)(b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the height, bulk and scale of the proposed development is not consistent with the planned built form outcomes for the subject site as identified in Clause 6.12.4 b) and Table 6.12.4 b) of City of Stirling Local Planning Scheme No. 3.

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- b. Pursuant to Schedule 2, Part 9, Clause 67 (2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not minimise direct overlooking of adjoining properties.
- c. Pursuant to Schedule 2, Part 9, Clause 67 (2)(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the height, bulk and scale of the development is not compatible with its setting and will have a significant negative impact on amenity.
- d. Pursuant to Schedule 2, Part 9, Clause 67 (2)(y), submissions received in relation to building height which raise valid concerns in relation to the height, bulk and scale of the development and visual privacy which will have an adverse impact on amenity.

List of Development Plans

PLAN TITLE	DATE	REVISION	DRAWN BY
A1-01 Site Plan	4 September 2023	A	Space Collective Architects
A2-01 Ground Floor Plan	23 October 2023	B	Space Collective Architects
A2-02 Mezzanine Floor Plan	23 October 2023	B	Space Collective Architects
A2-03 Level 1 Plan	23 October 2023	B	Space Collective Architects
A2-04 Level 2-3 Plan	23 October 2023	B	Space Collective Architects
A2-05 Level 4 Plan	23 October 2023	B	Space Collective Architects
A2-06 Level 5 Plan	23 October 2023	B	Space Collective Architects
A2-07 Rooftop Terrace	23 October 2023	B	Space Collective Architects
A2-08 Roof Plan	23 October 2023	B	Space Collective Architects
A3-01 East Elevation	23 October 2023	B	Space Collective Architects
A3-02 North Elevation	23 October 2023	B	Space Collective Architects
A3-03 West Elevation	23 October 2023	B	Space Collective Architects
A3-04 South Elevation	23 October 2023	B	Space Collective Architects
A4-01 Section	20 October 2023	B	Space Collective Architects
A4-02 Section 1A & Section 1B	20 October 2023	B	Space Collective Architects

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PLAN TITLE	DATE	REVISION	DRAWN BY
A4-03 Section 2A & Section 2B	20 October 2023	B	Space Collective Architects

### Advice Notes

1. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

### PROCEDURAL MOTION

**Moved by:** John Syme

**Seconded by:** Lee O'Donohue

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.**

Standing Orders were suspended at 10.42am.

*Suzanne Migdale (Local Government Member, City of Stirling) left the panel at 11.00am.*

*Suzanne Migdale (Local Government Member, City of Stirling) joined the panel at 11.03am.*

### PROCEDURAL MOTION

**Moved by:** Francesca Lefante

**Seconded by:** Suzanne Migdale

That the Standing Orders be resumed.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

Standing Orders were resumed 11.06am

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**PROCEDURAL MOTION**

**Moved by:** John Syme

**Seconded by:** Lee O’Donohue

That the consideration of DAP Application DAP/23/02548 be deferred until no later than 10 May 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

For the Applicant to provide more information and consideration of:

- Overall height, bulk and scale in the context of the planning provisions and the DRP commentary;
- Overall height, particularly as it addresses Chester Avenue and surrounding properties;
- Built form and scale;
- Any deviation relating to the plot and ratio and calculation of plot ratio;
- Further clarity around the strategic framework, including future context;
- Clarity on overlooking, including perception of overlooking of the school;
- Further information of overshadowing and its extents and impacts;
- Consistency with the planning framework; and
- Information on the transition to surrounding development.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** For further information to be provided as specified in the deferral reasons, in particular scale, bulk and height, locational context and impacts on overlooking and overshadowing.

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

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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

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<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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/22/02366 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	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 11.09am.

**Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP