



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 18 January 2023; 9:30am
Meeting Number: MINJDAP/171
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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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr 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

Mr Andrew Karagoglou (City of Stirling)
Ms Karina Bowater (City of Stirling)
Mr Dean Williams (City of Stirling)
Ms Tracey Baglin (City of Stirling)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr James Lewisson (element)
Ms Emily Greenwood (element)
Ms Alicia Abbott (Actus Associates)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.30am on 18 January 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 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.



2. Apologies

Nil

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 17 January 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Ms Emily Greenwood (element) addressed the DAP in support of the recommendation for the application at Item 8.1.

7.2 Mr James Lewisson (element) addressed the DAP in support of 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 responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 224 (No.1) Dallwin Street and Lot 223 (No.450) Grand Promenade, Dianella

Development Description: Child Care Premises
Applicant: Element
Owner: Mary Phan, Troy Lance Adams and Phoebe Lin Adams
Responsible Authority: City of Stirling
DAP File No: DAP/22/02323

REPORT RECOMMENDATION

Moved by: Mr John Syme

Seconded by: Cr Suzanne Migdale

With the agreement of the mover and seconder, the following amendments were made to the report recommendation;

(i) That Condition No.11 be amended to read as follows:

The operational details outlined in the Environmental Acoustic Assessment and Noise Management Plan received 2 September 2022 (Attachments 5e), ~~and Draft Operational Management Plan received 14 November 2022 (Attachment 5h)~~ and 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 92 children and 17 staff on-site at any one time.*
- b. *The Child Care Premises shall not operate outside of the hours of 6:30am and 6:30pm, 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*

REASON: Minor changes to align with other conditions and provide clarity.

(ii) That Condition No.12 be amended to read as follows:

~~Prior to operation of the development, a revised Environmental Acoustic Assessment detailing that deliveries and servicing will occur after 7:00am shall be submitted to the City.~~ Deliveries and servicing of the development shall occur after 7.00am for the life of the development unless otherwise agreed with the City.

REASON: Wording changes to provide clarity on development deliveries and servicing timeframes.



(iii) That Advice Note 8 be amended to read as follows:

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 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.

REASON: Minor change to provide clarity.

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP22/02323 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 at Lot 224, House Number 1, Dallwin Street and Lot 223, House Number 450, Grand Promenade, Dianella, 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.
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 and are listed below:

DRAWING TITLE	Date	Sheet Number	Drawn By
Cover sheet	30/11/2022	A-001	Actus Associates
Site Plan – Area Analysis	30/11/2022	A-015	Actus Associates
Existing Site & Demolition Plan	30/11/2022	A-016	Actus Associates
Ground Floor Plan/Site Plan	01/12/2022	A-100	Actus Associates
First Floor Plan	01/12/ 2022	A-101	Actus Associates
Dianella Early Learning Corner Perspective	01/12/2022	A-030	Actus Associates
Grand Promenade Perspective	01/12/2022	A-031	Actus Associates
Dallwin Street Perspective	01/12/2022	A-032	Actus Associates
Ground Floor Space Perspective	01/12/2022	A-033	Actus Associates
First Floor Play Space Perspective	01/12/2022	A-034	Actus Associates



Undercroft Perspective & Isometric Views	01/12/2022	A-035	Actus Associates
Entry Ramp and NW Play Space	01/12/2022	A-036	Actus Associates
Ground Floor Play Area	01/12/2022	A-037	Actus Associates
First Floor Play Area	01/12/2022	A-038	Actus Associates
Elevations	01/12/2022	A-200	Actus Associates
Elevations	01/12/2022	A-201	Actus Associates
External Elevation Materials Palette	01/12/2022	A-210	Actus Associates
Landscape Planting Plan	30/11/2022	Page 201	Kelsie Davies Landscape Architecture
First Floor Planting Plan	30/11/2022	Page 202	Kelsie Davies Landscape Architecture

4. Prior to the occupation of the development, Lot 224, House Number 1 Dallwin Street and Lot 223, House Number 450 Grand Promenade, Dianella shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.

Landscaping

5. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved plans and maintained in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
6. Prior to the occupation of the development, four (4) Advanced trees must be planted on-site in the area indicated on the development plans and be maintained thereafter.
7. Prior to the occupation of the development, all planting beds proposed on structure are to be installed to a minimum depth of 1m and thereafter maintained, to the satisfaction of the City of Stirling.
8. Planting of one (1) new street tree at the landowner's cost will be scheduled to occur in the next available planting season after the completion of the development. The landowner shall pay the cost of planting of the new street tree prior to the commencement of development as determined by the City in the City's Street and Reserve Trees Policy.



Lighting

9. Prior to the submission of a Building Permit, a Lighting Plan shall be submitted to the City with the provision of lighting to all public spaces, awning areas, parking areas, service areas, footpaths, ground floor entry and exit points, to the satisfaction of the City.
10. External lighting shall be positioned so as to not adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997, to the satisfaction of the City of Stirling.

Operation

11. The operational details outlined in the Environmental Acoustic Assessment and Noise Management Plan received 2 September 2022 (Attachments 5e), 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 92 children and 17 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 6:30am and 6:30pm, 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
12. Deliveries and servicing of the development shall occur after 7.00am for the life of the development unless otherwise agreed with the City.
13. A revised Operations Management Plan shall be submitted to the City for its review and endorsement prior to the occupation of the development. The proposed development is to operate in accordance with revised Operations Management Plan, to the satisfaction of the City of Stirling unless otherwise agreed. The revised Operations Management Plan shall be complied with for the duration of the development.
14. The operational measures identified Section 7 - Conclusion of the Environmental Acoustic Assessment received 2 September 2022 (Attachment 5e), which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling.
15. The Applicant is to provide written confirmation that all recommendations in the Environmental Acoustic Assessment received 2 September 2022 (Attachments 5e), have been incorporated into the building design at time of lodgement of the Building Permit application, to the satisfaction of the City of Stirling.
16. All construction recommendations provided in Appendix B of the Noise Management Plan received 2 September 2022 (Attachments 5e), are to be implemented prior to the operation of the development, to the satisfaction of the City of Stirling.



17. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted confirming all recommendations in the Environmental Acoustic Assessment received 2 September 2022 (Attachments 5e) have been achieved.
18. 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.'

Confirmation of the above Notification being registered on the Certificate of Title is to be provided to the City.

Parking and Access

19. Prior to the occupation of the development, the redundant crossovers shall be removed and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City's Local Planning Policy 6.7 – Parking and Access to the satisfaction of the City of Stirling.
20. The crossover shall be designed and constructed in accordance with the City of Stirling's 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.
21. 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).
22. Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.1-2009 (Design for access and mobility – General requirements for access – New building work) to the satisfaction of the City of Stirling.
23. Prior to the occupation of the development, the turning bay shall be permanently marked, drained and clearly delineated, to the satisfaction of the City.
24. Prior to the occupation of the development, a minimum of three (3) 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.



General

25. A Site Management Plan shall be submitted to the City of Stirling and approved prior to commencement of works. The Site Management Plan shall include specific details on the management of aspects such as, 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.
26. 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.
27. Prior to the submission of a Building Permit, revised plans are to be submitted which provide an appropriate treatment to the western wall of the bin store, so as to reduce the visual impacts of the blank wall.
28. Air conditioning units, ducts and other services shall be screened from view and are to be located away from the streets, to the satisfaction of the City of Stirling.
29. The open-style front fencing shall be visually permeable as defined in State Planning Policy 7.3 – Residential Design Codes Volume 1, to the satisfaction of the City of Stirling.
30. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within 1.5 metres of where:
 - a. vehicular access points adjoin the site, or
 - b. driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way,or unless further approval from the City of Stirling is obtained.
31. The development is to comply with the Waste Management Plan prepared by Talis Consultants dated 15 August 2022 (Attachment 5g), unless otherwise approved by the City of Stirling.
32. Stormwater from all roofed and paved areas shall be collected and contained onsite. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.
33. Prior to the commencement of construction, a report is to be provided outlining the intended environmentally sustainable design approach for the detailed design of the development, in accordance with Principle 5 – Sustainability of State Planning Policy 7.0 – Design of the Built Environment, to the satisfaction of the City.
34. The development is required to be connected to sewer.



Advice Notes

General

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. 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.
3. This is a Development Approval under the City of Stirling Local Planning Scheme 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 licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. 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. 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.
5. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.

Operation

7. 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

8. 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 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.



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9. The associated contribution costs for the planting of one (1) new street tree are as follows:
- a. i. Cost of each new tree: \$655.00 (current cost)
 - b. ii. Number of new trees required: One (1)
 - c. iii. Total for the associated works: \$655.00

Trees species will be chosen by the City to reflect the surrounding streetscape. Costs include 2 years watering and the provision that the City will replace the tree should it be damaged or die during that period.

Parking and Access

10. 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.

Waste

11. Collection and disposal of waste shall be managed in accordance with the City of Stirling Waste Management Local Law 2010, to the satisfaction of the City of Stirling.
12. Waste collections should be restricted to between 7.00am and 7.00pm Monday to Saturday or 9.00am and 7.00pm on Sundays and Public Holidays.
13. General waste control and the bin enclosure is to comply with the requirements of the City's *Waste Management Local Law 2010*, and be sufficient to dispose of/store the waste produced by the business (may be referred to City's waste Services).

Miscellaneous

14. 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 and have 'Verification' approval prior to starting food service.
15. The Applicant must submit a Food Premises Notification-Registration form.
16. The Applicant is to contact the City's Environmental Health Services to arrange a final inspection, prior to commencement of commercial food operations.



AMENDING MOTION 1

Moved by: Mr John Syme

Seconded by: Cr Suzanne Migdale

That Condition No.33 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Ms Lee O'Donohue
Mr John Syme
Cr Suzanne Migdale

Against: Ms Francesca Lefante
Cr Felicity Farrelly

REASON: Sufficient information has been provided as part of the application on this aspect, and as such this condition is not considered relevant.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP22/02323 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 at Lot 224, House Number 1, Dallwin Street and Lot 223, House Number 450, Grand Promenade, Dianella, subject to the following conditions:

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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 and are listed below:

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First Floor Plan	01/12/ 2022	A-101	Actus Associates
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Elevations	01/12/2022	A-200	Actus Associates
Elevations	01/12/2022	A-201	Actus Associates
External Elevation Materials Palette	01/12/2022	A-210	Actus Associates
Landscape Planting Plan	30/11/2022	Page 201	Kelsie Davies Landscape Architecture
First Floor Planting Plan	30/11/2022	Page 202	Kelsie Davies Landscape Architecture

4. Prior to the occupation of the development, Lot 224, House Number 1 Dallwin Street and Lot 223, House Number 450 Grand Promenade, Dianella shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.

Landscaping

5. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved plans and maintained in accordance with the City of Stirling’s Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.



6. Prior to the occupation of the development, four (4) Advanced trees must be planted on-site in the area indicated on the development plans and be maintained thereafter.
7. Prior to the occupation of the development, all planting beds proposed on structure are to be installed to a minimum depth of 1m and thereafter maintained, to the satisfaction of the City of Stirling.
8. Planting of one (1) new street tree at the landowner's cost will be scheduled to occur in the next available planting season after the completion of the development. The landowner shall pay the cost of planting of the new street tree prior to the commencement of development as determined by the City in the City's Street and Reserve Trees Policy.

Lighting

9. Prior to the submission of a Building Permit, a Lighting Plan shall be submitted to the City with the provision of lighting to all public spaces, awning areas, parking areas, service areas, footpaths, ground floor entry and exit points, to the satisfaction of the City.
10. External lighting shall be positioned so as to not adversely affect the amenity of the locality in accordance with Australian Standard AS/NZ 4282-1997, to the satisfaction of the City of Stirling.

Operation

11. The operational details outlined in the Environmental Acoustic Assessment and Noise Management Plan received 2 September 2022 (Attachments 5e), which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
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 - 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
12. Deliveries and servicing of the development shall occur after 7.00am for the life of the development unless otherwise agreed with the City.
13. A revised Operations Management Plan shall be submitted to the City for its review and endorsement prior to the occupation of the development. The proposed development is to operate in accordance with revised Operations Management Plan, to the satisfaction of the City of Stirling unless otherwise agreed. The revised Operations Management Plan shall be complied with for the duration of the development.



14. The operational measures identified Section 7 - Conclusion of the Environmental Acoustic Assessment received 2 September 2022 (Attachment 5e), which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling.
15. The Applicant is to provide written confirmation that all recommendations in the Environmental Acoustic Assessment received 2 September 2022 (Attachments 5e), have been incorporated into the building design at time of lodgement of the Building Permit application, to the satisfaction of the City of Stirling.
16. All construction recommendations provided in Appendix B of the Noise Management Plan received 2 September 2022 (Attachments 5e), are to be implemented prior to the operation of the development, to the satisfaction of the City of Stirling.
17. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted confirming all recommendations in the Environmental Acoustic Assessment received 2 September 2022 (Attachments 5e) have been achieved.
18. 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.'

Confirmation of the above Notification being registered on the Certificate of Title is to be provided to the City.

Parking and Access

19. Prior to the occupation of the development, the redundant crossovers shall be removed and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City's Local Planning Policy 6.7 – Parking and Access to the satisfaction of the City of Stirling.
20. The crossover shall be designed and constructed in accordance with the City of Stirling's 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.
21. 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).



22. Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.1-2009 (Design for access and mobility – General requirements for access – New building work) to the satisfaction of the City of Stirling.
23. Prior to the occupation of the development, the turning bay shall be permanently marked, drained and clearly delineated, to the satisfaction of the City.
24. Prior to the occupation of the development, a minimum of three (3) 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.

General

25. A Site Management Plan shall be submitted to the City of Stirling and approved prior to commencement of works. The Site Management Plan shall include specific details on the management of aspects such as, 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.
26. 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.
27. Prior to the submission of a Building Permit, revised plans are to be submitted which provide an appropriate treatment to the western wall of the bin store, so as to reduce the visual impacts of the blank wall.
28. Air conditioning units, ducts and other services shall be screened from view and are to be located away from the streets, to the satisfaction of the City of Stirling.
29. The open-style front fencing shall be visually permeable as defined in State Planning Policy 7.3 – Residential Design Codes Volume 1, to the satisfaction of the City of Stirling.
30. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within 1.5 metres of where:
 - a. vehicular access points adjoin the site, or
 - b. driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way,or unless further approval from the City of Stirling is obtained.
31. The development is to comply with the Waste Management Plan prepared by Talis Consultants dated 15 August 2022 (Attachment 5g), unless otherwise approved by the City of Stirling.



32. Stormwater from all roofed and paved areas shall be collected and contained onsite. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.
33. The development is required to be connected to sewer.

Advice Notes

General

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. 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.
3. This is a Development Approval under the City of Stirling Local Planning Scheme 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 licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. 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. 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.
5. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.

Operation

7. 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

8. 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 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.



9. The associated contribution costs for the planting of one (1) new street tree are as follows:
- a. i. Cost of each new tree: \$655.00 (current cost)
 - b. ii. Number of new trees required: One (1)
 - c. iii. Total for the associated works: \$655.00

Trees species will be chosen by the City to reflect the surrounding streetscape. Costs include 2 years watering and the provision that the City will replace the tree should it be damaged or die during that period.

Parking and Access

10. 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.

Waste

11. Collection and disposal of waste shall be managed in accordance with the City of Stirling Waste Management Local Law 2010, to the satisfaction of the City of Stirling.
12. Waste collections should be restricted to between 7.00am and 7.00pm Monday to Saturday or 9.00am and 7.00pm on Sundays and Public Holidays.
13. General waste control and the bin enclosure is to comply with the requirements of the City's *Waste Management Local Law 2010*, and be sufficient to dispose of/store the waste produced by the business (may be referred to City's waste Services).

Miscellaneous

14. 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 and have 'Verification' approval prior to starting food service.
15. The Applicant must submit a Food Premises Notification-Registration form.
16. The Applicant is to contact the City's Environmental Health Services to arrange a final inspection, prior to commencement of commercial food operations.

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

REASON: Panel Member were of the opinion that the site is an appropriate location for a childcare, which adjoins and has frontage to Grand Promenade and is within proximity of commercial area and public transport. The building is well designed and articulated within the context and character of the area and site location. Members were of the opinion that Condition 4 requiring site amalgamation as is valid purpose, related to and associated with the development and consistent with orderly and proper planning. On balance the JDAP supported the proposal, including the reasons contained in the RAR, within some condition modifications.



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/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/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street 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/22/02219	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02218	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

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 10.25am.