



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 14 August 2024; 1.00pm
Meeting Number: MIDAP/29
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/29 - 14 August 2024 - City of Stirling](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF STIRLING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot No. 50 and Lot No. 123 (House Number 160) Hale Road, Wembley Downs - Additions to existing educational establishment – DAP/24/02709
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

Eugene Koltasz
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member)	Laura Simmons
Lindsay Baxter (Deputy Presiding Member)	Ashlee Kelly
Neema Premji	
<i>Part B – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Michael Dudek	Karina Bowater
Cr Teresa Olow	Shaun Wheatland

Eugene Koltasz
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Stirling</i>
Abbey Goodall Kathryn Chang (Kerry Hill Architects) Sean McGivern (Kerry Hill Architects)

Members of the Public / Media

Nil.

Observers via livestream

Nil.

Eugene Koltasz
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:00pm on 14 August 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 Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Suzanne Migdale (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](#).

Eugene Koltasz
Presiding Member, Metro Inner DAP



PART B – CITY OF STIRLING

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot No. 50 and Lot No. 123 (House Number 160) Hale Road, Wembley Downs - Additions to existing educational establishment – DAP/24/02709

Deputations and Presentations

Abbey Goodall (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1.

The City of Stirling Officers addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Michael Dudek

Seconded by: Neema Premji

The following amendment was made administratively to Condition 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 unless otherwise approved:

DRAWING TITLE	Revision	Sheet Number	Date	Drawn By
Contents Page	A	A0001	April 2024	KHA
Proposed Roof Site Plan	A	A0050	April 2024	KHA
Proposed Ground Floor Site Plan	A	A0051	April 2024	KHA
Demolition Plan	A	A0052	April 2024	KHA
Lower Ground Floor Plan	A	A1001	April 2004 2024	KHA

Eugene Koltasz
Presiding Member, Metro Inner DAP



Ground Floor Plan	A	A1010	April 2004 2024	KHA
First Floor Plan	A	A1011	April 2004 2024	KHA
Roof Plan	A	A1013	April 2004 2024	KHA
GA Sections	A	A2000	April 2004 2024	KHA
Elevations	A	A3001	April 2004 2024	KHA
Elevations	A	A3002	April 2004 2024	KHA
3.2 The Building in Context	NA	NA	NA	KHA
Coversheet	B	LA-000	April 2024	Aspect Studios
Tree Retention	B	LA-050	April 2024	Aspect Studios
General Arrangement	B	LA-101	April 2024	Aspect Studios
Gardening, Drainage & Levels	B	LA-401	April 2024	Aspect Studios
Sections	B	LA-701	April 2024	Aspect Studios
Concept Drainage	A	CV_001	March 2024	WGA
Concept Drainage	A	CV_003	March 2024	WGA

REASON: To refer to the correct date of approved plans

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02709 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 Additions to Educational Establishment at Lot 50 and Lot 123, House Number 160 Hale Road, Wembley Downs 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.



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 are listed below unless otherwise approved:

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Eugene Koltasz
Presiding Member, Metro Inner DAP



Landscaping

4. Prior to the commencement of development, a detailed Landscaping Plan is to be provided for the City of Stirling's approval that is generally in accordance with the Landscaping Investigation and Opportunities Plan prepared by Aspect Studio dated April 2024 and any recommendations therein.
5. Prior to the occupation of the development, all landscaped areas are to be planted and reticulated in accordance with the approved Landscaping Plan and maintained thereafter for the duration of the development, to the satisfaction of the City of Stirling.

Parking and Access

6. No goods or materials being 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.

General

7. 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.
8. Air conditioning units, ducts and other services shall be screened from view, to the satisfaction of the City of Stirling.
9. External lighting shall be positioned in accordance with Australian Standard AS/NZS 4282:2023, to the satisfaction of the City of Stirling.

Colours and Materials

10. 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, unless otherwise approved.

Waste Management and Services

11. 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.
12. The development is required to be connected to sewer.

Eugene Koltasz
Presiding Member, Metro Inner DAP



13. 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.

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 decision makers attention.
4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. A Master Plan be provided including future capital works to the satisfaction of the City of Stirling including the provision for but not limited to;
 - a. Public Art;
 - b. Parking and access; and
 - c. Landscaping.
6. 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.
7. The development shall comply with the *Health (Public Buildings) Regulations 1992*. The premises must be registered as a Public Building with the City of Stirling and an inspection of the property shall be completed and Maximum Accommodation Certificate issued prior to use of the premises.

Eugene Koltasz
Presiding Member, Metro Inner DAP



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 two (2) metres in height and at least two (2) years of age.
9. Prior to the occupation of the development, all reticulated garden beds shall be fitted with low flow triple dropper or coarse spray and timer connection reticulation measures, to the satisfaction of the City of Stirling.
10. All Advanced Trees are to be centrally located within the deep soil area free of buildings, impervious surfaces and other fixed structures, and be open to the air.
11. Prior to the occupation of the development, all mulched landscaping areas shall be mulched to a depth of 75mm, to the satisfaction of the City of Stirling.

AMENDING MOTION 1

Moved by: Cr Michael Dudek

Seconded by: Cr Teresa Olow

That Condition No. 6 be amended to read as follows:

*No goods or materials being 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 **unless otherwise approved to the satisfaction of the City.***

The Amending Motion was put and CARRIED (4/1).

For: Gene Koltasz
Neema Premji
Cr Michael Dudek
Cr Teresa Olow

Against: Lindsay Baxter

REASON: To allow for incidental storage of goods in the parking or landscape areas in an emergency or for a short-term and temporary basis at times, such as during construction of the new building, with the approval of the Council.

Eugene Koltasz
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02709 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 Additions to Educational Establishment at Lot 50 and Lot 123, House Number 160 Hale Road, Wembley Downs subject to the following conditions:

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Eugene Koltasz
Presiding Member, Metro Inner DAP



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8. Air conditioning units, ducts and other services shall be screened from view, to the satisfaction of the City of Stirling.
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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.
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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 decision makers attention.
4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. A Master Plan be provided including future capital works to the satisfaction of the City of Stirling including the provision for but not limited to;
 - a. Public Art;
 - b. Parking and access; and
 - c. Landscaping.

Eugene Koltasz
Presiding Member, Metro Inner DAP



6. 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.
7. The development shall comply with the *Health (Public Buildings) Regulations 1992*. The premises must be registered as a Public Building with the City of Stirling and an inspection of the property shall be completed and Maximum Accommodation Certificate issued prior to use of the premises.

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10. All Advanced Trees are to be centrally located within the deep soil area free of buildings, impervious surfaces and other fixed structures, and be open to the air.
11. Prior to the occupation of the development, all mulched landscaping areas shall be mulched to a depth of 75mm, to the satisfaction of the City of Stirling.

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

REASON: The Panel considered that the proposed additions and extensions to the school resulting in the demolition of the existing science and technology building and replacements with a new functional building is consistent with the zoning and land use for the site.

The Panel considered that the proposed building was of a high-quality design resulting from a competitive design competition.

The Panel also considered that the siting of the new building in the same location as the old one it is replacing will have no external impact on the amenity of the locality. As a replacement building it will also have no additional demands on parking either on site or in the surrounding locality.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Eugene Koltasz
Presiding Member, Metro Inner DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following 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/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	12/12/2
DAP/22/02259 DR166/2023	City of Subiaco	No. 424-428 (Lot 2) & No. 440 (Lots 4, 5 & 6) Hay Street, Subiaco	Demolition Of Existing Commercial Buildings and Construction Of Single And Two Storey Commercial Building	11/01/2024

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 1:17pm.

Eugene Koltasz
Presiding Member, Metro Inner DAP