



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 22 October 2024; 9:30am
Meeting Number: MIDAP/41
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/41 - 22 October 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 156 and 157 (House Numbers 279 and 283) Harborne Street and Lot No. 2 (House Number 4) Jon Sanders Drive, Glendalough – Child Care Premises – DAP/24/02729
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – 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
Karen Hyde (Deputy Presiding Member)	Zoe Hendry
John Syme	
<i>Part B – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Michael Dudek	Michael Italiano
Cr Teresa Olow	Dean Williams

Eugene Koltasz
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Stirling</i>
John Shaw Ashleigh Maple (Rowe Group) Danielle Davison (Davison Advisory) Joe Germano (Germano Designs) John Hurley (EAQ Consulting)

Members of the Public / Media

Nil

Observers via livestream

There were 2 persons observing the meeting via the livestream.

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 9:37am on 22 October 2024 and acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

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 Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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 Suzanna Migdale (Local Government DAP 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

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 18 October 2024 was published in Part B of the Related Information.

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 156 and 157 (House Numbers 279 and 283) Harborne Street and Lot No. 2 (House Number 4) Jon Sanders Drive, Glendalough – Child Care Premises – DAP/24/02729

Deputations and Presentations

John Shaw addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Danielle Davison (Davison Advisory) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: John Syme

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02729 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 on Lots 156 and 157, House Numbers 279 and 283 Harborne Street and Lot 2, House Number 4 Jon Sanders Drive, Glendalough subject to the following conditions:

Eugene Koltasz
Presiding Member, Metro Inner DAP



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.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or modifications required as detailed thereon by the Metro Inner DAP. The plans approved as part of this application form part of the development approval issued are listed below:

DRAWING TITLE	Revision	Date	Drawing Number	Drawn By
Cover Page	08	01/07/2024	01	Germano Designs
3D render	08	01/07/2024	02	Germano Designs
3D render	08	01/07/2024	03	Germano Designs
Existing Site Plan	08	01/07/2024	04	Germano Designs
Site Plan	08	01/07/2024	05	Germano Designs
Overall Site Plan	08	01/07/2024	06	Germano Designs
Amalgamation Plan	08	01/07/2024	07	Germano Designs
Context Plan	08	01/07/2024	08	Germano Designs
Aerial	08	01/07/2024	09	Germano Designs
Ground Floor	08	01/07/2024	10	Germano Designs
Breeze Path Plan	08	01/07/2024	11	Germano Designs
Roof Plan	08	01/07/2024	12	Germano Designs
Elevations	08	01/07/2024	13	Germano Designs
Sections/Solar Study	08	01/07/2024	14	Germano Designs

4. Where outdoor play areas abut residential properties, boundary fencing is to be of masonry construction or modular fencing system to minimise noise and vibration. Details of the proposed fencing construction shall be provided as part of the Building Permit submission, to the satisfaction of the City of Stirling.
5. Prior to occupation of the development, Lots 156 and 157, House Numbers 279 and 283 Harborne Street, Glendalough shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.
6. The reciprocal car parking arrangement endorsed as part of this approval shall be formalised by way of a legal agreement prior to occupation of the use, and thereafter retained in perpetuity to the satisfaction of the City of Stirling.
7. Where the satisfaction of any condition requires the preparation of a legal agreement, these agreements are to be prepared by the City of Stirling's solicitors and, all costs incidental to the satisfaction of these conditions, including the City of Stirling's legal costs and registration fees and stamp duty (if any), must be paid by the landowner.

Eugene Koltasz
Presiding Member, Metro Inner DAP



Landscaping

8. Prior to occupation of the development, four (4) Advanced Trees must be planted on-site and maintained thereafter, to the satisfaction of the City of Stirling. All Advanced Trees are to be centrally located within the deep soil area free, of buildings, impervious surfaces and other fixed structure, and be open to the air.
9. Prior to occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by TDL dated June 2024 and thereafter maintained to the satisfaction of the City of Stirling.

Parking and Access

10. Prior to the occupation of the development, all redundant crossovers shall be removed, and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City of Stirling.
11. The crossover shall be designed and constructed in accordance with the City of Stirling 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.
12. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1:2004 Amendment 1 and AS2890.2:2018. 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), to the satisfaction of the City of Stirling.
13. Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.3-2009 (Design for access and mobility – General requirements for access – New building work), to the satisfaction of the City of Stirling.
14. The car parking areas as shown on the approved plans shall be laid out and made available for use prior to the occupation of the development. The car parking shall thereafter be retained and available for the life of the development. to the satisfaction of the City of Stirling.
15. Prior to the occupation of the development, a minimum of four (4) 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.

Eugene Koltasz
Presiding Member, Metro Inner DAP



Acoustics and Operation

16. The operational details outlined in the Development Application Report prepared by Rowe Group dated 15 May 2024 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 72 children and 13 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 7.00am and 6.30pm, Monday to Friday, nor on Public Holidays.
17. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Stirling confirming that the noise amelioration recommendations listed in the State Planning Policy 5.4 Noise Management Plan, prepared by Herring Storer Acoustics have been implemented, to the satisfaction of the City of Stirling.
18. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received March 2024, are to be implemented and comply with the *Environmental Protection (Noise) Regulations 1997*.
19. Within 3 months of the commencement of the childcare use a noise report prepared by an accredited noise consultant shall be submitted to and approved in writing by the City of Stirling. The noise report confirming noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City of Stirling.

General

20. A Construction 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 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.
21. Where located along the street frontage, air conditioning units, ducts and other services shall be screened from view to the satisfaction of the City of Stirling.
22. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282:2019, to the satisfaction of the City of Stirling.

Eugene Koltasz
Presiding Member, Metro Inner DAP



Colours and Materials

23. 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.

Waste Management and Services

24. Prior to lodgement of the Building Permit, an amended Waste Management Plan is to be submitted to and approved by the City of Stirling with the bin pad area relocated to minimise conflict with the proposed crossover. The development is to operate in accordance with the approved Waste Management Plan for the life of the development. All servicing and deliveries to the site, shall occur entirely within the subject lot boundaries.

Development Contributions

25. Prior to the commencement of the development, a public art proposal to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land shall be submitted to and approved in writing by the City of Stirling.
26. The approved public art proposal shall be completed and installed by the developer prior to the commencement of the use and maintained thereafter in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

Advice Notes

General

1. If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the Planning and Development Act 2005. Any appeal must be lodged within 28 days of the date 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 it has been drawn to the attention of the decision maker.

Eugene Koltasz
Presiding Member, Metro Inner DAP



4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. The development is required to be connected to sewer.
6. All stormwater discharge 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.

Landscaping

7. 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.

Parking and Access

8. The proposed crossover configuration is subject to the approval of the City of Stirling Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.

Development Contributions

9. In relation to the Public Art condition requirement, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land.

Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$22,000.

Miscellaneous

The development shall operate in general compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.

10. Compliance in all respects with the Food Act 2008 and Food Standards Codes. Completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of business.
11. The applicant must submit a Food Premises Notification-Registration form.
12. The applicant is to contact the City of Stirling Environmental Health Services Business Unit to arrange a final inspection, prior to commencement of commercial food operations.
13. Premises to be operated in compliance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

Eugene Koltasz
Presiding Member, Metro Inner DAP



14. Compliance with *Food Act 2008*, the *Food Regulations 2009*, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.
15. Prior to the commencement of the use, details of the proposed kitchen fit out are to be submitted to and approved in writing by the City's Environmental Health Services Business Unit. The following details will be required to support the application:
 - i. Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);
 - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - iii. Finishes of every wall, floor and ceiling;
 - iv. Indication of hot and cold water supply and waste water services;
 - v. Location of all sinks including hand washbasin; and
 - vi. Details of ventilation and exhaust system servicing the kitchen area.

AMENDING MOTION 1

Moved by: Cr Michael Dudek

Seconded by: Cr Teresa Olow

That a new Condition No. 27 be added to read as follows:

On the western boundary between the car park and the residential property boundary fencing is to be of masonry construction, and a minimum height of 2 metres, to the satisfaction of the City of Stirling

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered it appropriate to reiterate the requirement for a masonry fence to assist in noise attenuation for traffic noise emanating from Harborne Street adjacent car park and to ensure a consistent fence treatment across the adjoining residential property boundary.

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: John Syme

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

~~Prior to the occupation of the Child Care Premises,~~ The reciprocal car parking arrangement endorsed as part of this approval shall be formalised by way of ~~any easement, restrictive covenant, right of way or reciprocal access or circulation arrangement,~~ ***legal agreement prior to occupation of the use and thereafter retained in perpetuity to the satisfaction of the City of Stirling.***

Eugene Koltasz
Presiding Member, Metro Inner DAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that an appropriate legal agreement was entered into as assurance that the reciprocal parking arrangement was fit for purpose.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02729 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 on Lots 156 and 157, House Numbers 279 and 283 Harborne Street and Lot 2, House Number 4 Jon Sanders Drive, Glendalough 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.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or modifications required as detailed thereon by the Metro Inner DAP. The plans approved as part of this application form part of the development approval issued are listed below:

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Roof Plan	08	01/07/2024	12	Germano Designs
Elevations	08	01/07/2024	13	Germano Designs
Sections/Solar Study	08	01/07/2024	14	Germano Designs

Eugene Koltasz
Presiding Member, Metro Inner DAP



4. Where outdoor play areas abut residential properties, boundary fencing is to be of masonry construction or modular fencing system to minimise noise and vibration. Details of the proposed fencing construction shall be provided as part of the Building Permit submission, to the satisfaction of the City of Stirling.
5. Prior to occupation of the development, Lots 156 and 157, House Numbers 279 and 283 Harborne Street, Glendalough shall be amalgamated into a single lot on a Certificate of Title, to the satisfaction of the City of Stirling.
6. The reciprocal car parking arrangement endorsed as part of this approval shall be formalised by way of legal agreement prior to occupation of the use and thereafter retained in perpetuity to the satisfaction of the City of Stirling
7. Where the satisfaction of any condition requires the preparation of a legal agreement, these agreements are to be prepared by the City of Stirling's solicitors and, all costs incidental to the satisfaction of these conditions, including the City of Stirling's legal costs and registration fees and stamp duty (if any), must be paid by the landowner.

Landscaping

8. Prior to occupation of the development, four (4) Advanced Trees must be planted on-site and maintained thereafter, to the satisfaction of the City of Stirling. All Advanced Trees are to be centrally located within the deep soil area free, of buildings, impervious surfaces and other fixed structure, and be open to the air.
9. Prior to occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by TDL dated June 2024 and thereafter maintained to the satisfaction of the City of Stirling.

Parking and Access

10. Prior to the occupation of the development, all redundant crossovers shall be removed, and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City of Stirling.
11. The crossover shall be designed and constructed in accordance with the City of Stirling 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.
12. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1:2004 Amendment 1 and AS2890.2:2018. 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), to the satisfaction of the City of Stirling.

Eugene Koltasz
Presiding Member, Metro Inner DAP



13. Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.3-2009 (Design for access and mobility – General requirements for access – New building work), to the satisfaction of the City of Stirling.
14. The car parking areas as shown on the approved plans shall be laid out and made available for use prior to the occupation of the development. The car parking shall thereafter be retained and available for the life of the development. to the satisfaction of the City of Stirling.
15. Prior to the occupation of the development, a minimum of four (4) 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.

Acoustics and Operation

16. The operational details outlined in the Development Application Report prepared by Rowe Group dated 15 May 2024 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 72 children and 13 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 7.00am and 6.30pm, Monday to Friday, nor on Public Holidays.
17. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Stirling confirming that the noise amelioration recommendations listed in the State Planning Policy 5.4 Noise Management Plan, prepared by Herring Storer Acoustics have been implemented, to the satisfaction of the City of Stirling.
18. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received March 2024, are to be implemented and comply with the *Environmental Protection (Noise) Regulations 1997*.
19. Within 3 months of the commencement of the childcare use a noise report prepared by an accredited noise consultant shall be submitted to and approved in writing by the City of Stirling. The noise report confirming noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City of Stirling.

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General

20. A Construction 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 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.
21. Where located along the street frontage, air conditioning units, ducts and other services shall be screened from view to the satisfaction of the City of Stirling.
22. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282:2019, to the satisfaction of the City of Stirling.

Colours and Materials

23. 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.

Waste Management and Services

24. Prior to lodgement of the Building Permit, an amended Waste Management Plan is to be submitted to and approved by the City of Stirling with the bin pad area relocated to minimise conflict with the proposed crossover. The development is to operate in accordance with the approved Waste Management Plan for the life of the development. All servicing and deliveries to the site, shall occur entirely within the subject lot boundaries.

Development Contributions

25. Prior to the commencement of the development, a public art proposal to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land shall be submitted to and approved in writing by the City of Stirling.
26. The approved public art proposal shall be completed and installed by the developer prior to the commencement of the use and maintained thereafter in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.
27. On the western boundary between the car park and the residential property boundary fencing is to be of masonry construction, and a minimum height of 2 metres, to the satisfaction of the City of Stirling

Eugene Koltasz
Presiding Member, Metro Inner DAP



Advice Notes

General

1. If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the Planning and Development Act 2005. Any appeal must be lodged within 28 days of the date 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 it has been drawn to the attention of the decision maker.
4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. The development is required to be connected to sewer.
6. All stormwater discharge 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.

Landscaping

7. 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.

Parking and Access

8. The proposed crossover configuration is subject to the approval of the City of Stirling Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.

Eugene Koltasz
Presiding Member, Metro Inner DAP



Development Contributions

9. In relation to the Public Art condition requirement, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land.

Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$22,000.

Miscellaneous

The development shall operate in general compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.

10. Compliance in all respects with the Food Act 2008 and Food Standards Codes. Completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of business.
11. The applicant must submit a Food Premises Notification-Registration form.
12. The applicant is to contact the City of Stirling Environmental Health Services Business Unit to arrange a final inspection, prior to commencement of commercial food operations.
13. Premises to be operated in compliance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
14. Compliance with *Food Act 2008*, the *Food Regulations 2009*, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.
15. Prior to the commencement of the use, details of the proposed kitchen fit out are to be submitted to and approved in writing by the City's Environmental Health Services Business Unit. The following details will be required to support the application:
 - i. Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);
 - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - iii. Finishes of every wall, floor and ceiling;
 - iv. Indication of hot and cold water supply and waste water services;
 - v. Location of all sinks including hand washbasin; and
 - vi. Details of ventilation and exhaust system servicing the kitchen area.

Eugene Koltasz
Presiding Member, Metro Inner DAP



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

REASON: The Panel considered that the proposed Child Care Premises generally complied with the provisions of the planning framework for the locality as expressed within City of Stirling Local Planning Scheme No3, and various relevant Local Planning Policies.

The colocation of the premises adjacent to the Glendalough Shopping Centre was also seen as a positive factor and in keeping with State Policy on Child Care Centres.

The Panel considered the issues raised by presenters in regard to traffic noise, fencing and landscaping and was satisfied that the proponents and Council had addressed any concerns satisfactorily through design changes and conditions of approval.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Eugene Koltasz
Presiding Member, Metro Inner DAP



PART C – 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/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
DAP/22/02372 DR44/2024	City of Perth	Lot 20 (No.141) Wellington Street, East Perth	Proposed Convenient Store	28/03/2024

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 10:24am.

Eugene Koltasz
Presiding Member, Metro Inner DAP