



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 19 December 2024; 9:30am
Meeting Number: MIDAP/53
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[MIDAP/53 - 19 December 2024 - City of Nedlands - 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 NEDLANDS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 3, 4 & 5 (No.90) Stirling Highway, Nedlands – Commercial Development – DAP/24/02769
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF STIRLING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 6 (308) Main Street, Balcatta – Child Care Premises – DAP/24/02749
 - 3.2 Lot 15 (118) Flora Terrace, North Beach – Mixed use development – DAP/24/02744
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Francesca Lefante
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Laura Simmons
Eugene Koltasz (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – City of Nedlands</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Fergus Bennett	Chantel Weerasekera
Cr Kerry Smyth	Bruce Thompson
<i>Part C – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Suzanne Migdale	Shaun Wheatland
Cr Michael Dudek	Dean Williams
	John Taylor
	Russell Jackson

Francesca Lefante
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Nedlands</i>
Ken Perry Max Hipkins Tim Dawkins (Urbis Pty Ltd) Jackson Tomich (Urbis Pty Ltd) Jacob Martin (WSP) Nigel Uren (ALDI Food Pty Ltd)
<i>Part C – City of Stirling</i>
Alan Stewart (Lateral Planning) Doug Harman Clinton Long Ben Doyle (Planning Solutions) Mandy Leung (Space Collective Architects)

Members of the Public / Media

Nil

Observers via livestream

There were 13 persons observing the meeting via the livestream.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 19 December 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held 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 Rebecca Coghlan (Local Government Member, City of Nedlands)

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](#).

Francesca Lefante
Presiding Member, Metro Inner DAP



PART B – CITY OF NEDLANDS

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 16 December 2024, and an updated referral response from Main Roads WA 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

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Kerry Smyth and Cr Fergus Bennett, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Smyth and Cr Bennett acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 3, 4 & 5 (No.90) Stirling Highway, Nedlands – Commercial Development – DAP/24/02769

Deputations and Presentations

Ken Perry addressed the DAP in support of the recommendation for the application at Item 3.1.

Max Hipkins addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Tim Dawkins (Urbis Pty Ltd) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Nigel Uren (ALDI Food Pty Ltd) the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jacob Martin (WSP) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Inner DAP



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

REPORT RECOMMENDATION

Moved by: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

It is recommended that the Metro Inner DAP resolves to:

1. **Defer** the determination of DAP Application DAP/24/02769 for a period of up to 100 days to address the following matters:
 - i. In accordance with Clause 67(2)(t) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, insufficient information has been provided to comprehensively assess whether the traffic generated by the proposal is likely to have a negative effect on traffic flow and safety within the local road network.
 - ii. It is unclear if the proposal satisfies the objective of Local Planning Policy 4.1: Parking as insufficient information has been provided to justify and assess the adequacy of the amount of vehicle parking bays on site.
 - iii. Allow time to receive and consider transport planning related comments and recommendations pertaining to the development from Main Roads Western Australia.
 - iv. In accordance with Clause 32.4(5) of the City of Nedlands Local Planning Scheme 3, Element O4.12.2 is considered to be achieved where a total of 50% of the trees are endemic. Further time is required to allow for the preparation of an amended landscaping plan that includes 50% endemic tree species.

The Report Recommendation was put and LOST (2/3).

For: Cr Fergus Bennett
Cr Kerry Smyth

Against: Francesca Lefante
Eugene Koltasz
John Syme

Francesca Lefante
Presiding Member, Metro Inner DAP



PROCEDURAL MOTION 1

Moved by: Eugene Koltasz

Seconded by: Cr Fergus Bennett

That the consideration of DAP Application DAP/24/02769 be deferred for a period of up to 60 days, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:

- To enable the City of Nedlands/responsible authority to consider and provide comments on the Main Roads Response dated 18 December 2024

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

For: Eugene Koltasz
Cr Fergus Bennett
Cr Kerry Smyth

Against: Francesca Lefante
John Syme

REASON: To provide further information and comments on the Main Roads response as it relates to the proposal.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

PROCEDURAL MOTION 2

Moved by: Francesca Lefante

Seconded by: John Syme

That the meeting be adjourned for a period of 10 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow panel members a comfort break.

The meeting was adjourned at 11:08am.

The meeting was reconvened at 11:14am.

Cr Fergus Bennett and Cr Kerry Smyth (Local Government DAP Members, City of Nedlands) left the panel at 11:08am.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART C – CITY OF STIRLING

Cr Suzanne Migdale and Cr Michael Dudek (Local Government DAP Members, City of Stirling) joined the panel at 11:14am.

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information, including additional information received at 9am 19 December 2024.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 6 (308) Main Street, Balcatta – Child Care Premises – DAP/24/02749

Deputations and Presentations

Alan Stewart (Lateral Planning) addressed the DAP in support of the recommendation for the application at Item 3.1.

The City of Stirling addressed the DAP in relation to the application at Item 3.1.

REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: Cr Michael Dudek

The report recommendation was moved and seconded with an amendment to Condition No. 14 to refer to Operational Management Plan rather than Development Application Report.

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02749 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 Lot 6, House Number 308, Main Street, Balcatta 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.

Francesca Lefante
Presiding Member, Metro Inner DAP



- This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval.
- 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
Proposed Site Plan	C	26/09/2024	DA01	Hindley & Associates P/L
Survey Overlay/Levels/Demolition Plan	C	26/09/2024	DA02	Hindley & Associates P/L
Proposed Floor Plan	C	26/09/2024	DA03	Hindley & Associates P/L
Proposed Elevations	C	26/09/2024	DA04	Hindley & Associates P/L
Proposed Boundary Elevations & Sections	C	26/09/2024	DA05	Hindley & Associates P/L
Perspective Views	B	26/09/2024	DA06	Hindley & Associates P/L
Perspective Views	B	26/09/2024	DA07	Hindley & Associates P/L
Perspective Views	B	26/09/2024	DA08	Hindley & Associates P/L
Proposed Roof Plan	B	26/09/2024	DA09	Hindley & Associates P/L
Main Street Elevation	B	26/09/2024	DA10	Hindley & Associates P/L
Location Plan	C	Oct 2024	LS101	Nature Play Solutions
Concept Plan – 0 – 3 Years	C	Oct 2024	LS102	Nature Play Solutions
Concept Plan – 2 – 5 Years	C	Oct 2024	LS103	Nature Play Solutions

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Presiding Member, Metro Inner DAP



Shade Plan	C	Oct 2024	LS104	Nature Play Solutions
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- Where outdoor play areas abut residential properties, boundary fencing is to be of masonry construction or modular fencing to a height of 1.8m 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.

Landscaping

- Prior to occupation of the development, 10 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.
- 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 Nature Play Solutions dated October 2024 and thereafter maintained to the satisfaction of the City of Stirling.
- Prior to occupation of the development, the Significant Trees indicated on the approved plans for retention must be retained on site with a minimum nine (9) square metres of soil space at ground level free of intrusions, a minimum dimension of two (2) metres around the tree. The tree must be protected during the demolition and construction phase of the development and thereafter maintained. Should the tree die or be removed, it shall be replaced by an advanced tree.

Parking and Access

- 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, to the satisfaction of the City of Stirling.
- The crossover shall be designed and constructed to the satisfaction of the City of Stirling. Crossovers are to be installed prior to occupation of the development.
- 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.
- 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.

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Presiding Member, Metro Inner DAP



12. Prior to the occupation of the development, the car parking areas as shown on the approved plans shall be laid out and made available for use. The car parking shall thereafter be retained and available for the life of the development. to the satisfaction of the City of Stirling.
13. Prior to the occupation of the development, a minimum of two (2) 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

14. The operational details outlined in the Operational Management Plan prepared by Lateral Planning dated 15 May 2024 forms part of this approval, and 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 94 children and 19 staff on-site at any one time.
 - b. No part of the Child Care Premises shall operate outside of the hours of 6.30am and 7.00pm, Monday to Friday, or on Public Holidays.
 - c. Customer arrival and departure is limited between 7.00am to 6.30pm Monday to Friday.
15. The operational measures identified in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 23 August 2024, 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. 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.
16. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 23 August 2024, are to be implemented and comply with the Environmental Protection (Noise) Regulations 1997.
17. Within three (3) months of the commencement of the Child Care Premises 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.

Francesca Lefante
Presiding Member, Metro Inner DAP



General

18. A Construction Management Plan shall be submitted to and approved by the City of Stirling prior to the commencement of any works. The Construction Management Plan shall include specific details on the management of aspects including, but not limited to, dust, noise, vibration, tree protection zones, waste management, storage of materials, traffic, contractor parking, and site safety/security. The Construction Management Plan shall be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.
19. 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.
20. 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

21. 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

22. Prior to lodgement of the Building Permit, a detailed Delivery and Waste Management Plan is to be submitted to and approved in writing by the City of Stirling. The development is to operate in accordance with the approved Waste Management Plan for the life of the development.

Public Art

23. Prior to the commencement of the development, a public art proposal to the value of 1.0% of the construction value shall be submitted to and approved in writing by the City of Stirling.
24. The approved public art proposal shall be completed and installed by the developer prior to the commencement of the use and maintained thereafter for the life of the development, 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.

Francesca Lefante
Presiding Member, Metro Inner DAP



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.
7. The owner/applicant is advised the Water Corporation sewerage line running near the rear boundary of the site. Approval from Water Corporation may be required. For more information regarding the sewerage pipe please contact Water Corporation on 13 13 95.

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.

Parking and Access

9. 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.

Public Art

10. 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 \$30,000.

Francesca Lefante
Presiding Member, Metro Inner DAP



Miscellaneous

11. The development shall operate in general compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.
12. 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.
13. The applicant must submit a Food Premises Notification-Registration form.
14. The applicant is to contact the City of Stirling Environmental Health Team to arrange a final inspection, prior to commencement of commercial food operations.
15. The premises shall operate in compliance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
16. 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.
17. 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 Team. 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.
18. The development site is affected by a road widening requirement in accordance with Land Requirement Plan No. 1.3556. No buildings or structures are to be located within the road widening without the approval of the Department of Planning, Lands and Heritage.
19. Any future subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.

Francesca Lefante
Presiding Member, Metro Inner DAP



The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is consistent with the planning framework including site zoning. Members were satisfied that the design, form and scale is appropriate and responds to the site context. On-site parking and associated traffic management are considered sufficient for the proposal given the site location, operational details and site configuration accordingly members supported the exercise of discretion on the parking shortfall. The proposal was supported consistent with the RAR resolution and various conditions.

3.2 Lot 15 (118) Flora Terrace, North Beach – Mixed use development – DAP/24/02744

Deputations and Presentations

Clinton Long addressed the DAP against the recommendation for the application at Item 3.2.

Ben Doyle (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Mandy Leung (Space Collective Architects) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

The panel noted a written submission against the recommendation for the application at Item 3.2 was received from Doug Harman.

The City of Stirling addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: John Syme

The report recommendation was moved and seconded with amendments to Condition No. 4c and Condition No. 4d to state “or alternative treatment to achieve visual privacy to the satisfaction of the City of Stirling” and Condition No. 13 amended to remove “and must not spill into any adjacent premises”

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02744 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 Mixed Use Development on Lot 15, House Number 118, Flora Terrace, North Beach subject to the following conditions:

Francesca Lefante
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. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the Development Assessment Panel. The plans approved as part of this application form part of the planning approval issued (including any modifications required by conditions of approval).

PLAN TITLE	DATE	REVISION	DRAWING No.	DRAWN BY
Survey Plan	27/06/24	A	SD1-00	Space Collective Architects
Demolition Plan	06/11/24	B	SD1-01	Space Collective Architects
Site Plan	26/11/24	E	SD1-0	Space Collective Architects
Basement Plan	06/11/24	D	SD2-00	Space Collective Architects
Ground Floor Plan	06/11/24	E	SD2-01	Space Collective Architects
Level 01 Plan	06/11/24	E	SD2-02	Space Collective Architects
Level 02 Plan	06/11/24	E	SD2-03	Space Collective Architects
Level 03 Plan	06/11/24	E	SD2-04	Space Collective Architects
Level 04 Plan	06/11/24	E	SD2-05	Space Collective Architects
Roof Plan	06/11/24	D	SD2-06	Space Collective Architects
Elevations	06/11/24	D	SD3-01	Space Collective Architects
Elevations	06/11/24	D	SD3-02	Space Collective Architects
Section	06/11/24	E	SD4-01	Space Collective Architects

Francesca Lefante
Presiding Member, Metro Inner DAP



4. Notwithstanding the requirements of Condition 3, amended plans shall be provided as part of the Building Permit submission to the satisfaction of the City of Stirling addressing the following:
 - a. Widen the crossover to 5.5m in width with the building to be modified to allow for a 1.5m x 1.5m sightline truncation area at the northern junction of the access way and the Flora Terrace road reserve.
 - b. Remove the 1.5m wide painted strip along the northern portion of the driveway.
 - c. Amend the eastern major opening to Living Area / Dining Room of Apartment 103 and Apartment 203 to be permanently screened to 1.6m in height in accordance with the requirements of the Residential Design Codes Volume 2 (Element 3.5 Visual Privacy) or alternative treatment to achieve visual privacy to the satisfaction of the City of Stirling
 - d. Provide permanent visually impermeable screening at 1.6m in height to the Ground Floor Terrace and Private Open Space Area of Apartment G02 facing the western and southern lot boundaries in accordance with the requirements of the Residential Design Codes Volume 2 (Element 3.5 Visual Privacy) or alternative treatment to achieve visual privacy to the satisfaction the City of Stirling.
 - e. Locate the planters on Level 01 along Flora Terrace to be wholly within the lot boundaries.
 - f. Remove the proposed awnings to Flora Terrace where they conflict with the existing and proposed street trees and waste collection.

Building Design

5. 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.
6. Prior to occupation of the development, the external finish of the boundary walls shall be to the same standard as the rest of the development, to the satisfaction of the City of Stirling.

Construction Management

7. Prior to the submission of a Building Permit application, a Construction Management Plan (CMP) shall be submitted to the City of Stirling for approval. The CMP shall include specific details on the management of aspects including but not limited to, dust, noise, vibration, waste management, parking, traffic, street tree protection zones, storage of materials, site safety / security and any other relevant matters to the satisfaction of the City of Stirling. The CMP is to be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.

Francesca Lefante
Presiding Member, Metro Inner DAP



Landscaping

8. Prior to the submission of a Building Permit application, an amended Landscaping Plan shall be submitted to and approved by the City of Stirling with the following modifications
 - a. Planting of a Medium Tree Species to replace a Small Tree on the south of the Ground Floor G03 Terrace.
 - b. The removal of the Melaleuca Leucadendra tree species and replacement with an alternative tree species as per the City's recommended tree species list.
 - c. Details demonstrating the surface treatment within the deep soil areas of the Large and Medium Trees.
9. Prior to occupation of the development, all Advanced Trees required by the approved detailed Landscaping Plan must be planted on site in the area indicated on the approved plan and be thereafter maintained for the duration of the development. The Advanced Trees must be provided with the approved deep soil area at ground level free of intrusions, to the satisfaction of the City of Stirling.
10. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the amended landscaping plan to be approved and maintained thereafter for the duration of the development, to the satisfaction of the City of Stirling.
11. All street trees located on the verge shall be retained and protected in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the City of Stirling.

Lighting and Security

12. Adequate lighting being provided to all public spaces including under awnings, parking areas, service areas, footpaths and entry and exit points, to the satisfaction of the City of Stirling.
13. Any outside lighting to comply with Australian Standard AS 4282-2019 - Control of the Obtrusive Effects of Outdoor Lighting (as amended) for the control of obstructive effects of outdoor lighting. Details of any outside lighting to be submitted at the Building Permit application stage demonstrating compliance with Australian Standard AS 4282-2019 (as amended).

Noise

14. All recommendations provided in the Noise Management Plan prepared by Herring Storer Acoustics received 15 July 2024, are to be implemented, to the satisfaction of the City of Stirling.

Francesca Lefante
Presiding Member, Metro Inner DAP



15. Prior to the submission of the Building Permit application, the landowner is to provide written confirmation that all recommendations in the Noise Management Plan have been incorporated into the building design, with the certified Building Permit application, to the satisfaction of the City of Stirling.
16. Within three (3) months of the commencement of the development, 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.

Parking and Vehicle Access

17. The minimum number and allocation of car parking, bicycle, scooter and motorcycle on-site is to be provided as follows:
 - a. 20 residential car parking bays;
 - b. Four residential visitor car parking bays; and
 - c. Seven commercial car parking bays.
 - d. 10 residential bicycle parking spaces;
 - e. Two residential visitor bicycle parking spaces; and
 - f. Three residential motorcycle / scooter parking spaces
18. 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.
19. Prior to the occupation of the development, all driveways, parking and manoeuvring areas shall be hard surface, drained and maintained to the satisfaction of the City of Stirling.
20. Visitor car, motorcycle, scooter and bicycle parking bays shall be permanently marked, maintained and be accessible at all times for use exclusively by visitors to the property.
21. Prior to the occupation of the development, directional signage shall be provided at the entry to the site. The signage shall direct visitors to the visitor car parking, motorcycle, scooter and bicycle spaces. The signage shall thereafter be retained for the life of the development.
22. The crossover shall be designed, constructed, and installed prior to occupation of the development to the satisfaction of the City of Stirling.
23. Prior to the occupation of the development, any redundant crossover shall be removed and the kerbing and road verge reinstated to the satisfaction of the City of Stirling.

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24. Unless otherwise approved, no walls, fences, letterboxes or other structures above 0.75 metres in height to be constructed within the 1.5 metre width x 1.5 metre depth area of where:
 - a. Walls, letterboxes or fences adjoin vehicular access points to the site, or
 - b. A driveway meets a public or private street, or
 - c. Two streets intersect, or
 - d. A driveway meets a right of way, orunless the further approval of the City of Stirling is obtained.
25. Prior to the occupation of the development, a minimum of 15 bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
26. Where a storeroom is solely accessible through an adjacent car parking bay, the storeroom and the car parking bay are to be assigned to the same dwelling.
27. Where two car parking bays are provided in a tandem arrangement, both car bays are to be assigned to the same dwelling or commercial tenancy.
28. Prior to occupation of the development, the light pole impacted by the proposed crossover and existing light pole south of the site at the eastern carpark entry are to be relocated at the owner's expense to maintain consistent light spacings and lighting levels along Flora Terrace. Lighting to comply with Australian Lighting Standards, to the City's satisfaction and Western Power approvals.
29. Prior to the lodgement of a Building Permit application, the developments fire service needs to be designed to ensure that a Department of Fire and Emergency Services "Fire Appliance Hardstand" and associated line marking is not required to be installed within the road reserve abutting the development. Details, location and elevations are to be submitted and approved by the City of Stirling.

Development Contributions

30. Prior to occupation of the development, a public art proposal for the subject development to the value of 1.0% of the construction value must be submitted to, and approved by, the City of Stirling.
31. Prior to occupation of the development, the approved public art proposal shall be completed and installed by the developer and maintained thereafter by the owners of the development, to the satisfaction of the City of Stirling.

Sustainability

32. Prior to the submission of a Building Permit application, a revised Sustainable Design Statement is to be submitted to the City of Stirling confirming all dwellings exceed the minimum NATHERS requirement for apartments by one star and the development incorporates sustainable initiatives as per the submitted Sustainable Design Strategy prepared by Full Circle Design Services dated June 2024.

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Universal Design

33. Prior to the submission of a Building Permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of the 'Silver Level' dwellings are compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of Stirling. A minimum of 20% of dwellings are to be designed to achieve a 'Silver Level' rating. All required design features shall be installed and operational prior to occupation.

Utilities, Facilities and External Fixtures

34. Prior to the occupation of the development, each Multiple Dwelling shall be provided with a mechanical dryer, where a concealed drying area is not provided exclusively for the dwelling.
35. In accordance with the Residential Design Codes Volume 2 (Element 4.18 Utilities), all external fixtures, building services, roof equipment and utilities of the development are to be integrated into the building, landscape and/or fencing such that they are accessible for servicing requirements but do not create an adverse visual impact, to the satisfaction of the City of Stirling.
36. Residential storerooms shall be allocated to the dwellings in a manner consistent with Table 4.6 Storage requirements of the Residential Design Codes Volume 2 (Element 4.6 Storerooms), to the satisfaction of the City of Stirling.

Visual Privacy

37. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Residential Design Codes Volume 2 (Element 3.5 Visual Privacy), to the satisfaction of the City of Stirling.

Waste Management

38. The development is to comply with the Waste Management Plan prepared by Talis Consultants received 6 November 2024, unless otherwise approved by the City of Stirling.
39. The development is to be connected to the sewer.
40. 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. There shall be no connection to the City's drainage infrastructure without the written consent of the City of Stirling.

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Advice Notes

General

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the Development Assessment Panel or City of Stirling having first been sought and obtained.
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 Development Assessment Panel or City of Stirling 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 Development Assessment Panel or City of Stirling's attention.
5. 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.
6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
7. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.
8. In relation to the light pole's relocation, the relocation of the light poles is to comply with Australian Lighting Standards, to the satisfaction of the City of Stirling and Western Power.
9. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval require significant modifications to the approved plans, a Form 2 application will be required for consideration in accordance with Clause 17 or 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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10. All construction works to comply with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. 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 an approved Noise Management Plan for the construction site has been issued.

Landscaping

11. The detailed Landscaping Plan is to include the retention of the existing street tree planted in the verge.
12. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control and Swimming Pool Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.

Lighting and Security

13. Any outside lighting should meet Australia Standards AS 4282-2019 for the control of obstructive effects of outdoor lighting and must not spill into any neighbouring residential premises. Prior to the issue of the Building Permit a report is to be prepared by a suitably qualified consultant and submitted to the City of Stirling. It should demonstrate that all lighting associated with the development shall comply with AS 4282-2019.

Noise

14. All noise generated by plant and equipment including air conditioners shall comply with the *Environmental (Noise) Regulations 1997*.

Development Contributions

15. In relation to the Public Art condition, 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 \$100,000.

16. The applicant is advised that any future strata title or community title subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.

Waste Management

17. The bin enclosure is required to comply with the requirements of the City of Stirling's Waste Management Local Law 2010.

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The Report Recommendation was put and CARRIED (4/1).

For: Francesca Lefante
Eugene Koltasz
John Syme
Cr Suzanne Migdale

Against: Cr Michael Dudek

REASON: The proposal and land use mix is consistent with planning framework and site zoning. The majority of members were satisfied that the height, bulk and scale incorporated into a podium is well designed resulting in a development that focusses the bulk to the northern boundary with the form stepping back from other boundaries to minimise impacts of overlooking and overshadowing. The proposal provides surplus parking inclusive of condition to increase crossover width to address vehicle access and sightlines. The proposal was supported consistent with the RAR resolution and various conditions.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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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/22/02372 DR44/2024	City of Perth	Lot 20 (No.141) Wellington Street, East Perth	Proposed Convenient Store	28/03/2024
DAP/24/02688 DR 191/2024	City of South Perth	No 44 (Lot 15) Park Street, Como	Proposed Childcare Premises	16/12/2024
DAP/20/01911 DR/192/2024	Town of Cambridge	Lot 800 (29-33) Northwood Street, West Leederville	Three storey care premises and associated office	16/12/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:16pm.

Francesca Lefante
Presiding Member, Metro Inner DAP