



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 19 June 2024; 9.30am  
**Meeting Number:** MIDAP/19  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

A recording of the meeting is available via the following link: [MIDAP/19 - 19 June 2024 - City of Melville - 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 MELVILLE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 No. 5 (Lot 121) Fiona Wood Road & No. 55 (Lot 120) Barry Marshall Parade, Murdoch - Mixed use - Residential, Commercial, Office, Retail and Carpark – DAP/24/02647
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 Lots 950 (1&2) No. 104,106A & 106B Main Street Osborne Park – Child Care Centre – DAP/22/02355
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

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member) Ian Birch (Deputy Presiding Member) John Syme	Tenielle Brownfield Ashlee Kelly
<i>Part B – City of Melville</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Matthew Woodall Cr Daniel Lim	Troy Cappellucci Kate Bainbridge Kamal Khalil
<i>Part C – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Suzanne Migdale Cr Michael Dudek	Shaun Wheatland Karina Bowater Joseph Rowe-Martin Michael Italiano

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Melville</i>
Sean Fairfoul (Lateral Planning) Jamie Fini (Hesperia) Reece Johnson (Hesperia) Darren Levey (Uloth and Associates) Mark Jeavons (Hallsall)
<i>Part C – City of Stirling</i>
Ben Carter (Pinnacle Planning) Chris Bocso (Botchette Education) Alysha Cass – Pivot Project Consulting Services

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 7 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 9.35am on 19 June 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 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

Nil.

### 3. Members on Leave of Absence

Nil.

### 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

Francesca Lefante  
Presiding Member, Metro Inner DAP



## PART B – CITY OF MELVILLE

### 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 June 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 No. 5 (Lot 121) Fiona Wood Road & No. 55 (Lot 120) Barry Marshall Parade, Murdoch - Mixed use - Residential, Commercial, Office, Retail and Carpark – DAP/24/02647

#### Deputations and Presentations

Jamie Fini (Hesperia) addressed the DAP against the recommendation for the application at Item 3.1.

Stuart Duplock (Foundation Housing) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Darren Levey (Uloth and Associates) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Sean Fairfoul (Lateral Planning) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Troy Cappellucci, Kate Bainbridge and Kamal Khalil (City of Melville) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



## REPORT RECOMMENDATION

**Moved by:** Cr Matthew Woodall

**Seconded by:** Cr Daniel Lim

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02647 is appropriate for consideration as a Mixed-Use development containing Shop, Supermarket, Small Bar, Restaurant/Café, Recreation Private, Medical Centre, Consulting Room, Office and Multiple Dwellings land uses and is compatible with the objectives of the zoning table in accordance with clause no. 16 of the City of Melville Local Planning Scheme No. 6;
2. **Defer** DAP Application reference DAP/24/02647 and accompanying plans (Attachment 2) for a Mixed-Use Development at No. 5 (Lot 121) Fiona Wood Road and No. 55 (Lot 120) Barry Marshall Parade, Murdoch for 60 days to enable the applicant to demonstrate compliance with Local Planning Policy 4.4 – Murdoch Health and Knowledge Precinct with regards to the proposed vehicular access off Barry Marshall Parade and ensure mandatory sunlight access requirements to the nearby Conservation Area are achieved.

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

For: Cr Matthew Woodall  
Cr Daniel Lim

Against: Francesca Lefante  
Ian Birch  
John Syme

## ALTERNATE MOTION

**Moved by:** John Syme

**Seconded by:** Ian Birch

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02647 is appropriate for consideration as a Mixed-Use development containing Shop, Supermarket, Small Bar, Restaurant/Café, Recreation Private, Medical Centre, Consulting Room, Office and Multiple Dwellings land uses and is compatible with the objectives of the zoning table in accordance with clause no. 16 of the City of Melville Local Planning Scheme No. 6;
2. **Approve** DAP Application reference DAP/24/02647 and accompanying plans (Attachment 2) for a Mixed-Use Development at No. 5 (Lot 121) Fiona Wood Road and No. 55 (Lot 120) Barry Marshall Parade, Murdoch 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. The development the subject of this approval must comply with the approved plans at all times unless otherwise agreed to in writing by the City of Melville or the Joint Development Assessment Panel.
3. Prior to the lodgement of a Building Permit, or an alternative timeframe agreed to by the City, detailed design drawings shall be submitted to and approved by the City, on the advice of Civil Aviation Safety Authority and Jandakot Airport, which demonstrate that:
  - a. The tallest proposed building is lit with a steady red medium-intensity obstacle light at night and during low visibility, in accordance with the requirements of *Part 139 (Aerodromes) Manual of Standards (MOS)*.

Development is thereafter to be constructed prior to the initial occupation of the development in accordance with the approved detailed design drawings, to the satisfaction of the City.

4. Prior to the lodgement of a Building Permit, or an alternative timeframe agreed to by the City, a solar modelling report that demonstrates that the development does not impact negatively on the Conservation Area shall be submitted to and approved in writing by the City. The development shall thereafter be constructed in accordance with those approved details to the satisfaction of the City.
5. Prior to demolition and construction commencing, a Demolition and Construction Management Plan (CMP) is to be submitted to and approved by the City of Melville. The CMP shall be prepared having regard to the provisions of Local Planning Policy 1.22 Construction Management Plans. Once approved in writing by the City, the demolition and construction is to be carried out in accordance with the CMP to the satisfaction of the City and on the advice of Jandakot Airport and Civil Aviation Safety Authority in regard to crane operations. Any modifications to the CMP are to be approved by the City in writing prior to occurring.
6. Prior to commencement of demolition and construction, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ) unless otherwise approved in writing by the City. Each TPZ shall be installed to the satisfaction of the City, in accordance with the following criteria:
  - a) A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - b) If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



- c) Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
- d) The following actions shall not be undertaken within any TPZ:
  - i. Storage of materials, equipment, fuel, oil dumps or chemicals.
  - ii. Servicing or refuelling of equipment or vehicles.
  - iii. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches, or any other fixing device).
  - iv. Open-cut trenching or excavation works (whether for laying of services).
  - v. Changes to the natural ground level of the verge.
  - vi. Location of any temporary buildings including portable toilets; or
  - vii. The parking of vehicles or machinery.
7. Prior to the commencement of development, updated plans and supporting documentation shall be submitted to and approved by the City in writing to demonstrate all the measures identified in the Sustainability Report dated 29 January 2024 have been incorporated design. Prior to occupation, evidence shall be provided from a suitably qualified consultant, confirming that the development has been constructed in accordance with the approved plans to the satisfaction of the City.
8. Prior to the commencement of development, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel in accordance with Local Planning Policy *LPP1.4 Provision of Art in Development Proposals*. The approved public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. In lieu of provision of art on site, a cash in lieu contribution may be made as per LPP 1.4 prior to the occupation of the development.
9. Prior to the commencement of development a detailed Acoustic Report shall be submitted to and approved in writing by the City as per the conclusions in Part 7 of the preliminary Acoustic Report dated 23 January 2024. The development shall thereafter operate in accordance with the recommendations set out in the final approved Acoustic Report to the satisfaction of the City.
10. Prior to initial occupation of the development, the landowner is to provide written confirmation that all recommendations in the Acoustic Report/s have been incorporated into the building design, to the satisfaction of the City.
11. Prior to the initial occupation of the development, a notification under section 70A of the *Transfer of Land Act 1893* must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land the existence of a hazard or other factor to the satisfaction of the City. The notification is to be prepared and executed at the applicant's cost and is to state as follows:

*"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."*

**Francesca Lefante**  
Presiding Member, Metro Inner DAP





12. Unless otherwise approved, the development is to be constructed and maintained in accordance with the approved Waste Management Plan dated 31 January 2024 and the City's Waste Management Guideline for New Developments, to the satisfaction of the City.
13. Prior to the commencement of development, a crossover application accompanied with a detailed crossover design shall be submitted to the City. The crossover shall be constructed as per the City's written approval from the City's Technical Services department. The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.
14. Prior to the initial occupation of the development, all redundant vehicle crossover(s) shall be removed, and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the City.
15. Prior to the initial occupation of the development, all vehicle parking bays, bicycle parking facilities, manoeuvring areas, line markings, vehicle access sightlines, directional arrows and points of ingress and egress shall be provided in accordance with the approved plans, AS 2890.3 and AS/NZS 2890.1:2004, to the satisfaction of the City. These shall be retained for the life of the development.
16. All car parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City.
17. Prior to the commencement of development, a detailed stormwater design shall be prepared by an accredited and registered Civil Engineer in accordance with the following design criteria:
  - a. All stormwater generated on site shall be contained and discharged at a maximum allowable rate of no greater than 120L/s/ha;
  - b. All water retention tanks, devices and/or other flow restriction devices shall be provided to ensure compliance with 'a' above, to the satisfaction of the City; and
  - c. All water retention devices shall be designed to cater for at least a 1:100 ARI, 24hr duration storm event.

The detailed stormwater design is to be submitted to and approved in writing by the City, and thereafter be constructed in accordance with the approved design plans to the satisfaction of the City.

18. Prior to initial occupation of the development, a Certificate of Design Compliance is required to be submitted to the City by the Design Engineer certifying that the development has been constructed in accordance with the approved stormwater management plan.
19. Prior to the initial occupation of the development, the visitor car parking bays must be individually signed/marked on site as 'Visitor Bays'. The visitor bays must be always made available for use by visitors, to the satisfaction of the City.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



20. Prior to the occupation of the development, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan must address, but is not limited to, details of visitor parking management and how the security gates and intercom systems are to be operated. The approved Parking Management Plan is to be implemented and complied with thereafter to the satisfaction of the City.
21. Prior to the occupation of the development, an Operational Management Plan for the control of deliveries and service vehicles to and from the site shall be submitted to and approved in writing by the City. The Operational Management Plan shall be prepared to ensure that all service vehicles entering and exiting the site do so in forward motion. The development shall operate in accordance with the approved Operational Management Plan for the lifetime of the development to the satisfaction of the City.
22. Prior to the commencement of development, plans shall be lodged which demonstrate all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas are located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City prior to construction commencing.
23. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
  - a) The location, number and type of proposed trees and shrubs including planter size and planting density;
  - b) Any lawns to be established;
  - c) Any existing vegetation and/or landscaped areas to be retained;
  - d) Any verge treatments;
  - e) Soft landscaping (communal and private) shall be planted with at least 70% native species, with at least 50% either species found in the project area or other native species suitable for foraging by Carnaby's Black Cockatoo. This excludes turfed areas;
  - f) Maintenance agreement details with the City to ensure responsibilities for verge landscaping are defined; and
  - g) Irrigation adhering to the City's guidelines.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.

24. Prior to the commencement of development, a Wind Management Report is to be provided to and approved in writing by the City. The report is required to respond to the recommendations/conclusions provided for in Part 5 of the Pedestrian Wind Environment Statement dated 25 January 2024. Once approved, the agreed measures shall be implemented prior to initial occupation, and retained thereafter to the ongoing satisfaction of the City.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



25. Prior to the commencement of development, a detailed lighting plan is to be submitted to and approved in writing by the City. The lighting plan shall account for all car parking areas, communal open space and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting shall be provided such that the light source does not compromise safety and/or amenity. The development shall thereafter operate in accordance with the approved lighting plan to the satisfaction of the City.
26. Prior to the commencement of development, a way-finding strategy shall be submitted to and approved in writing by the City. The approved strategy shall be implemented prior to initial occupation.
27. Prior to the commencement of development, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details to the satisfaction of the City.
28. Prior to the commencement of development, a Road Safety Audit shall be submitted to and approved in writing by the City in accordance with the City's Road Safety Audit Policy. Recommendations of the Road Safety Audit are to be incorporated into the design to the satisfaction of the City.
29. Prior to the installation of signage or occupancy (whichever is sooner), a signage strategy shall be submitted to and approved in writing by the City. The strategy shall demonstrate how the future signage requirements, including the existing Fiona Stanley Hospital precinct signage, for all uses are to be accommodated as well as integrated into the built form. Once approved, the signage strategy will inform the future signage for the development with deviation from the signage strategy to require development approval.
30. Prior to the commencement of development a Green Star Registration Certificate must be submitted to the City to confirm the intention to achieve a 5 Star Green Star - Design & As Built certified rating (demonstrating 'Australian Excellence') from the Green Building Council of Australia (GBCA) or equivalent. This should be supported by a project plan or similar confirmation document. Within 24 months of practical completion, As Built certification must be achieved, as per the Green Star – Design & As Built requirements, and evidence of this provided and approved in writing by the City.
31. This approval does not relate to any works within the road reserves, with the exception of the proposed awnings. Any such works will be the subject of a separate agreement between the applicant/owner and the City.
32. In accordance with City of Melville Local Planning Policy *LPP 2.1 – Non-Residential Development*, the removal of, or permanent covering of shopfront windows and openings and the use of reflective or heavily tinted glazing at ground floor level is not permitted.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



33. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.
34. All external clothes drying areas shall be screened from public view to the satisfaction of the City.
35. 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.
36. 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.

#### **Advice Notes**

1. This decision constitutes planning approval only and is valid for a period of 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. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information – Rural and Urban Addressing. The applicant/owner is encouraged to liaise with the City for the provision of appropriate street numbers prior to the completion of works.
3. No pruning to the existing street trees should be undertaken without prior written consent from the City.
4. To enable the easy removal of graffiti, it is encouraged that the ground floor level of the building and walls are to be treated with a non-sacrificial anti-graffiti agent.
5. In regard to condition 4, the report shall demonstrate that at least 95% of the Conservation Area receives at least 50% of available sunlight at all times of the year, assuming that all undeveloped sites within the precinct are developed to their suggested maximums.
6. In regard to condition 5, the Construction Management Plan must include details on crane activities to ensure they are used safely and in accordance with the requirements of Jandakot Airport and the Civil Aviation Safety Authority.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



## AMENDING MOTION 1

**Moved by:** Cr Matthew Woodall

**Seconded by:** Cr Daniel Lim

That a new Condition No. 37 be added to read as follows:

***The applicant must demonstrate compliance with Local Planning Policy 4.4 Murdoch Health and Knowledge precinct to the satisfaction of the City.***

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

**For:** Cr Matthew Woodall  
Cr Daniel Lim

**Against:** Francesca Lefante  
Ian Birch  
John Syme

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

**For:** Francesca Lefante  
Ian Birch  
John Syme

**Against:** Cr Matthew Woodall  
Cr Daniel Lim

**REASON:** The proposal is high quality design and form is consistent with the planning framework and provides social and affordable housing in the precinct. The traffic implications associated with the proposed vehicle cross on Barry Marshall Parade were explored, include traffic modelling, intersection queuing, and road service level, and PTA comments regarding bus movement. The majority of members were satisfied that the proposed crossover and traffic movement would not negatively impact on the current and future operation of this section of the road, and accordingly this proposal was supported.

### 4. Form 2 DAP Applications

Nil.

### 5. Section 31 SAT Reconsiderations

Nil.

*Cr Matthew Woodall and Cr Daniel Lim (Local Government DAP Member, City of Melville) left the panel at 11.37am.*

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



## PART C – CITY OF STIRLING

*Cr Suzanne Migdale and Cr Michael Dudek (Local Government DAP Member, City of Stirling) joined the panel at 11.42am.*

### 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.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lots 950 (1&2) No. 104,106A & 106B Main Street Osborne Park – Child Care Centre – DAP/22/02355

##### Deputations and Presentations

Ben Carter (Pinnacle Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Michael Italiano (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:** Ct Suzanne Migdale

**Seconded by:** Cr Michael Dudek

That the Metro Inner-North Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02355 and accompanying plans (as listed in Condition 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the proposed Child Care Premises at Lots 950 House Numbers 104,106A and 106B Main Street Osborne Park, 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



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:

DRAWING TITLE	Revision	Date	Drawn By
3D Render	SK002	May 2024	Meyer Shircore Architects
Existing Site Survey	SK002	May 2024	Meyer Shircore Architects
Ground Floor	SK002	May 2024	Meyer Shircore Architects
First Floor Plan	SK002	May 2024	Meyer Shircore Architects
Roof Plan	SK002	May 2024	Meyer Shircore Architects
Elevations	SK002	May 2024	Meyer Shircore Architects
Section 1	SK002	May 2024	Meyer Shircore Architects

Landscaping

4. Prior to occupation of the development, two (2) Advanced Trees must be planted on-site and maintained thereafter, to the satisfaction of the City of Stirling.
5. 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.
6. 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 Propagule dated 16 May 2024 and thereafter maintained to the satisfaction of the City of Stirling.
7. Prior to occupation of the development, the significant tree 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 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

8. 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.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



9. 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.
10. 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.
11. Prior to the occupation of the development, the turning bay shall be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
12. 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.
13. Prior to the occupation of the development, 18 car parking bays and one ACROD bay in the areas marked on the development plans shall be constructed.
14. Prior to the occupation of the development, a minimum of six (6) 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.
15. Prior to the occupation of the development, six short stay bays shall be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
16. Prior to the submission of a Building Permit, the column located on the eastern side of the crossover shall not be greater than 350mm x 350mm or located outside of the 2m x 2.5m sightline truncation area, to the satisfaction of the City.

#### Acoustics and Operation

17. The operational details outlined in the Transport Impact Statement Report prepared by Transcore dated May 2024 Revision 2 (Attachment 7b) which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
  - a. The Child Care Premises shall be limited to a maximum number of 93 children and 17 staff on-site at any one time.
  - b. The Child Care Premises shall not operate outside of the hours of 6.30am and 6.30pm, Monday to Friday.
  - c. The Child Care Premises shall not operate on Saturdays, Sundays or public holidays.
  - d. The external play areas shall not be made available for use prior to 7.00am during operation of the Child Care Premises.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP





18. 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 listed in the Noise Management Plan received December 2023 (Attachment 7c), prepared by Herring Storer Acoustics has been implemented, to the satisfaction of the City of Stirling.
19. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received December 2023 (Attachment 7d), are to be implemented and compliance with the Environmental Protection (Noise) Regulations 1997.

#### General

20. 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.
21. Any future vehicle safety barriers must be installed at the landowner's cost, to the satisfaction of the City.
22. Air conditioning units, ducts and other services shall be screened from view and are to be located away from the street frontages, to the satisfaction of the City of Stirling.
23. External lighting shall be positioned in accordance with Australian Standard AS/NZS 4282:2019, to the satisfaction of the City of Stirling.

#### Colours and Materials

24. 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.

#### Visual Privacy

25. Prior to the occupation of the development, all upper floor infill panels fronting the northern and eastern residential properties, shall be visually impermeable, to the satisfaction of the City.

#### Waste Management and Services

26. The development is to comply with the Waste Management Plan prepared by Pinnacle Planning and Development received 16 May 2024 (Attachment 7f), unless otherwise approved by the City of Stirling.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



27. 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.
28. The development is required to be connected to sewer.
29. 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.
30. Bulk bins are not permitted to be collected from the road reserve. The City will service 240 litre and 360 litre mobile garbage bins from the road reserve. Mobile garbage bins will be presented and collected from Main Street, unless otherwise agreed by the City's Waste Services, to the satisfaction of the City.

#### Development Contributions

31. Prior to occupation of the development, a public art proposal for the subject development 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 must be submitted to, and approved by, the City of Stirling.
32. 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, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

#### Road Widening

33. All structures located within the 2.5m road widening shall be removed, at the expense of the land owner, at such a future time when Main Street undergoes widening works. The construction of the development will need to ensure that footings located along the future lot boundary will be installed taking into account future Main Street verge levels. The buildings footings must be fully located within the lot and cannot be located within the future Main Street road widening area, 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 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.

**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 or not it has been drawn to the City of Stirling's attention.
4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

#### Operation

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.

#### Landscaping

6. In reference to the Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 - Trees and Development as: a tree which requires planting in at least a 100 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

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

#### Visual Privacy

8. The infill panels fronting the northern and eastern properties shall be visually impermeable. Visually impermeable screening consists of;

*Screening devices such as obscured glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.'*

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



### Public Art

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 \$32,000. The public art is to be located on the Main Street and Hector Street corner truncation, to the satisfaction of the City.

### Miscellaneous

10. General compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons will be applicable. A Food Safety Plan must be submitted to the City of Stirling and have 'Verification' approval prior to starting food service.
11. 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.
12. The applicant must submit a Food Premises Notification-Registration form.
13. The applicant is to contact the City of Stirling Environmental Health Team to arrange a final inspection, prior to commencement of commercial food operations.
14. Plans are to be submitted to Environmental Health Team for assessment of the kitchen fit out. 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. Provide details of ventilation and exhaust system servicing the premises.

### Signage

15. All signage is to be in strict accordance with the City of Stirling Local Planning Policy - 6.1 Advertising Signs unless further development approval is obtained.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



**AMENDING MOTION 1**

**Moved by:** Cr John Syme

**Seconded by:** Cr Suzanne Migdale

That Condition No. 15 be amended to read as follows:

*Prior to the occupation of the development, six **five** short stay bays shall be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.*

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

**REASON:** To align with the proposed plans short stay bays (visitor bays) number.

**REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner-North Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02355 and accompanying plans (as listed in Condition 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the proposed Child Care Premises at Lots 950 House Numbers 104,106A and 106B Main Street Osborne Park, subject to the following conditions:

**Conditions**

1. Pursuant to Clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under Clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued are listed below:

<b>DRAWING TITLE</b>	<b>Revision</b>	<b>Date</b>	<b>Drawn By</b>
3D Render	SK002	May 2024	Meyer Shircore Architects
Existing Site Survey	SK002	May 2024	Meyer Shircore Architects
Ground Floor	SK002	May 2024	Meyer Shircore Architects
First Floor Plan	SK002	May 2024	Meyer Shircore Architects
Roof Plan	SK002	May 2024	Meyer Shircore Architects
Elevations	SK002	May 2024	Meyer Shircore Architects
Section 1	SK002	May 2024	Meyer Shircore Architects

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



### Landscaping

4. Prior to occupation of the development, two (2) Advanced Trees must be planted on-site and maintained thereafter, to the satisfaction of the City of Stirling.
5. 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.
6. 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 Propagule dated 16 May 2024 and thereafter maintained to the satisfaction of the City of Stirling.
7. Prior to occupation of the development, the significant tree 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 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

8. 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.
9. 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.
10. 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.
11. Prior to the occupation of the development, the turning bay shall be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
12. 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.
13. Prior to the occupation of the development, 18 car parking bays and one ACROD bay in the areas marked on the development plans shall be constructed.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



14. Prior to the occupation of the development, a minimum of six (6) 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.
15. Prior to the occupation of the development, five short stay bays shall be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
16. Prior to the submission of a Building Permit, the column located on the eastern side of the crossover shall not be greater than 350mm x 350mm or located outside of the 2m x 2.5m sightline truncation area, to the satisfaction of the City.

#### Acoustics and Operation

17. The operational details outlined in the Transport Impact Statement Report prepared by Transcore dated May 2024 Revision 2 (Attachment 7b) which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
  - a. The Child Care Premises shall be limited to a maximum number of 93 children and 17 staff on-site at any one time.
  - b. The Child Care Premises shall not operate outside of the hours of 6.30am and 6.30pm, Monday to Friday.
  - c. The Child Care Premises shall not operate on Saturdays, Sundays or public holidays.
  - d. The external play areas shall not be made available for use prior to 7.00am during operation of the Child Care Premises.
18. 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 listed in the Noise Management Plan received December 2023 (Attachment 7c), prepared by Herring Storer Acoustics has been implemented, to the satisfaction of the City of Stirling.
19. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received December 2023 (Attachment 7d), are to be implemented and compliance with the Environmental Protection (Noise) Regulations 1997.

#### General

20. 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.

**Francesca Lefante**  
Presiding Member, Metro Inner DAP



21. Any future vehicle safety barriers must be installed at the landowner's cost, to the satisfaction of the City.
22. Air conditioning units, ducts and other services shall be screened from view and are to be located away from the street frontages, to the satisfaction of the City of Stirling.
23. External lighting shall be positioned in accordance with Australian Standard AS/NZS 4282:2019, to the satisfaction of the City of Stirling.

#### Colours and Materials

24. 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.

#### Visual Privacy

25. Prior to the occupation of the development, all upper floor infill panels fronting the northern and eastern residential properties, shall be visually impermeable, to the satisfaction of the City.

#### Waste Management and Services

26. The development is to comply with the Waste Management Plan prepared by Pinnacle Planning and Development received 16 May 2024 (Attachment 7f), unless otherwise approved by the City of Stirling.
27. 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.
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29. 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.
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31. Prior to occupation of the development, a public art proposal for the subject development 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 must be submitted to, and approved by, the City of Stirling.

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32. 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, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

#### Road Widening

33. All structures located within the 2.5m road widening shall be removed, at the expense of the land owner, at such a future time when Main Street undergoes widening works. The construction of the development will need to ensure that footings located along the future lot boundary will be installed taking into account future Main Street verge levels. The buildings footings must be fully located within the lot and cannot be located within the future Main Street road widening area, 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 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.
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##### Operation

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### Landscaping

6. In reference to the Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 - Trees and Development as: a tree which requires planting in at least a 100 litre container or greater size and which is at least two (2) metres in height and at least two (2) years of age.

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

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Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$32,000. The public art is to be located on the Main Street and Hector Street corner truncation, to the satisfaction of the City.

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11. 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.
12. The applicant must submit a Food Premises Notification-Registration form.
13. The applicant is to contact the City of Stirling Environmental Health Team to arrange a final inspection, prior to commencement of commercial food operations.

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Presiding Member, Metro Inner DAP



14. Plans are to be submitted to Environmental Health Team for assessment of the kitchen fit out. 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. Provide details of ventilation and exhaust system servicing the premises.

#### Signage

15. All signage is to be in strict accordance with the City of Stirling Local Planning Policy - 6.1 Advertising Signs unless further development approval is obtained.

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

**REASON** The proposal is consistent with the planning framework. The building design, form, bulk and scale responds to the site characteristics and locational context. The proposal has been assessed as satisfying development standards for the site. The JDAP supported the proposal.

#### **4. Form 2 DAP Applications**

Nil.

#### **5. Section 31 SAT Reconsiderations**

Nil.

**Francesca Lefante**  
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/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02317 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	
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023
DAP/23/02550 DR196/2023	City of Belmont	Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale	Warehouse (Self Storage Facility)	21/12/2023

### 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 11.52am.

Francesca Lefante  
Presiding Member, Metro Inner DAP