



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 17 December 2025; 9:30am
Meeting Number: MIDAP/110
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/110 - 17 December 2025 - City of Stirling](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF STIRLING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot No.42 (House Number 22) Brighton Road, Scarborough - 8 Grouped Dwellings – DAP/25/02936
 - 3.2 Lot 500 (House Number 43) Yirrigan Drive, Mirrabooka - Drivethrough Fast-food outlet – DAP/25/02948
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

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

Clayton Higham
Presiding Member, Metro Inner DAP



DAP Members
Clayton Higham (Presiding Member)
John Syme (Deputy Presiding Member)
Peter Lee
Cr Michael Dudek (Part B – City of Stirling)

DAP Secretariat
Kristen Gray
Ashlee Kelly

Clayton Higham
Presiding Member, Metro Inner DAP



Part B – City of Stirling
Applicant
<i>Item 3.1</i>
Michael Stocco (Developed) Daniel Paton (Developed) Tiffany Molloy (Hillam Architects) Kane Cross (Quantum)
<i>Item 3.2</i>
Jacqui Hall (Planning Solutions) Vladimir Baltic (Transcore) Paul Morgan (Fawkner Group)
Officers/Technical Advisors in Attendance
Meron Nga Joseph Rowe-Martin Allan Birech Ryan Munyard Shaun Wheatland

Members of the Public / Media

Nil.

Observers via livestream

There were 12 persons observing the meeting via the livestream.

Clayton Higham
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 17 December 2025 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 2025 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 Suzanne Migdale (Local Government DAP Member, City of Stirling)

3. Noting of Minutes

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

Clayton Higham
Presiding Member, Metro Inner DAP



PART B – CITY OF STIRLING

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot No.42 (House Number 22) Brighton Road, Scarborough - 8 Grouped Dwellings – DAP/25/02936

Deputations

Michael Stocco (Developed) addressed the DAP in support of the application at Item 3.1.

Daniel Paton (Developed) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Tiffany Molloy (Hillam Architects) addressed the DAP in support of the application at Item 3.1.

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

SUBSTANTIVE MOTION

Moved by: Cr Michael Dudek

Seconded by: Peter Lee

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/25/02936 and accompanying plans as listed in Condition 2 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 Grouped Dwelling on Lot 42, House Number 22, Brighton Road, Scarborough subject to the following conditions:

Clayton Higham
Presiding Member, Metro Inner DAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of four 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 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 Development Assessment Panel. The plans approved as part of this application and development approval are listed below:

DRAWING TITLE	Date	Drawing Number	Drawn By
Survey	8/7/2025	01 of 14	Developed Property
Survey / Lot Configuration	24/10/2025	02 of 14	Hillam Architects
Survey/Demolition Plan	24/10/2025	03 of 14	Hillam Architects
Proposed Site Plan	24/10/2025	04 of 14	Hillam Architects
Proposed Ground Floor Plan	24/10/2025	05 of 14	Hillam Architects
Proposed First Floor Plan	24/10/2025	06 of 14	Hillam Architects
Proposed Roof Plan	24/10/2025	07 of 14	Hillam Architects
Proposed Street Elevations	24/10/2025	08 of 14	Hillam Architects
Proposed Elevations	24/10/2025	09 of 14	Hillam Architects
Proposed Sections Plan	24/10/2025	10 of 14	Hillam Architects
Material Schedule	24/10/2025	11 of 14	Hillam Architects
Material Schedule	24/10/2025	12 of 14	Hillam Architects

Clayton Higham
Presiding Member, Metro Inner DAP



Landscape Concept Plan	15/04/2025	13 of 14	Plan / Kelsie Davies Landscape Architects
Landscaping Planting Palette	11/04/2025	14 of 14	Plan / Kelsie Davies Landscape Architects

3. 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.

Development Contributions

4. A development contribution payment, in accordance with the Scarborough Development Contribution Plan, is to be provided prior to issuing of building permit, to the satisfaction of the City of Stirling.

Parking and Access

5. The vehicle access way along the western boundary of the site is required to be protected through an easement(s) or other appropriate legal instrument confirming in perpetuity public access rights, generally consistent with the extent shown on annotated Attachment 9 – Easement Drawing. Details to be provided prior to the occupation of the development, to the satisfaction of the City of Stirling.
6. The designated vehicle access easement along the western boundary of the site shall remain clear and unobstructed at all times. No physical barriers, structures, or parking bays are permitted within this easement. The easement is to be maintained to facilitate public access and coordinated vehicle movement in accordance with the Scarborough Design Guidelines and the adopted Vehicle Access Plan, to the satisfaction of the City of Stirling.
7. Prior to occupation of the development, the existing light pole, within the Brighton Road reservation is to be relocated at the owner's expense to maintain consistent light spacings and lighting levels along Brighton Road. Lighting to comply with Australian Lighting Standards, to the satisfaction of the City of Stirling on the advice of Western Power.
8. The minimum number and allocation of car parking bays provided on-site is to be as follows:
- a. 15 residential permanent car parking bays; and
 - b. 1 residential visitor car parking bays.
9. All on-site car parking bays are to be compliant with the Australian Standards Australian Standard / New Zealand Standard 2890.1 and Australian Standard / New Zealand Standard 2890.6, to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



10. Prior to occupation of the development, vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
11. Unless otherwise approved by the City of Stirling, 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 triangular 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.
12. Prior to occupation of the development, all visitor bays are to be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
13. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.
14. 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.

Waste Management

15. The development is to comply with the Waste Management Plan prepared by Developed Property received 3 November 2025 to the satisfaction of the City of Stirling.
16. The provision of a refuse storage enclosure being provided, of an adequate size to contain all bins used by the premises and be constructed with four walls, a graded and sealed floor, provided with a tap connected to an adequate supply of water and provided with a floor waste connected to the sewer.

Noise

17. Prior to the issue of a Building Permit, the applicant/owner is to provide details demonstrating that the development will be constructed in accordance with the requirements of State Planning Policy 5.4 – Road and Rail Noise, achieved through either implementation of 'Quiet House Package C' or the recommendations of a suitably qualified acoustic engineer, to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



18. Prior to occupation of the development, a Notification, pursuant to Section 70A of the Transfer of Lands Act 1893 is to be placed on the Certificate(s) of Title of the apartment(s) on the subject lot(s) prior to operation of the development. This Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:
- *'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'*

Lighting

19. Prior to the submission of Building Permit a Lighting Strategy, detailing lighting of the building exterior and common property access leg, is to be submitted and approved by the City of Stirling.
20. Any outside lighting shall comply with Australian Standard AS 4282-2023 - Control of the Obtrusive Effects of Outdoor Lighting (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent premises. Details of any outside lighting is to be submitted at the Building Permit application stage demonstrating compliance with Australian Standard AS 4282-2023 (as amended), to the satisfaction of the City of Stirling.

Landsaping

21. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by Kelsie Davies Landscape Architects dated 3 June 2025 and thereafter maintained to the satisfaction of the City of Stirling.
22. One new street tree shall be planted at the owner's expense in the next available planting season following completion of the development. The cost of planting the street tree(s) is to be paid by the owner prior to the commencement of development, to the satisfaction of the City of Stirling.

Sustainability

23. Prior to the lodgement of a Building Permit, the applicant is to provide written confirmation that all recommendations referred to in the Sustainable Design Assessment Report, as prepared by Cundal Johnstons & Partners Pty Ltd, received 5 November 2025, have been incorporated into the building design to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



Accessibility

24. Prior to issuing of a building permit, the applicant/landowner must provide Adaptable Housing in accordance with Scarborough Redevelopment Area - Development Policy 10 Adaptable Housing, with all details submitted to the satisfaction of the City of Stirling.

General

25. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the submission of a Building Permit. The Site Management Plan shall include but not be limited to measures relating to vibration, dust, noise, waste management, street tree protection zones, construction parking, traffic, storage of materials and site safety and security. The Site Management Plan is to be complied with for the duration of the construction of the development.
26. All signage is to be in accordance with Development Policy 6 - Signage, unless further development approval is obtained.
27. Stormwater from all roofed and paved areas is to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.
28. All external fixtures, building services 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 not visually obtrusive areas, to the satisfaction of the City of Stirling.
29. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Stirling.
30. The development is to be connected to the sewer.

Colours and Materials

31. 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.
32. The external finish of the boundary wall/s shall be to the same standard as the rest of the development, to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



Advice Notes

General

1. If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the Planning and Development Act 2005. Any appeal must be lodged within 28 days of the date of the determination with the State Administrative Tribunal.
2. This is a Development Approval under the City of Stirling Local Planning Scheme No.3 and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development of the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether it has been drawn to the attention of the decision maker.
4. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. Construction noise is to comply with the Environmental Protection (Noise) Regulations. Noisy Construction Work outside the period 7 am to 7 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan has been obtained from the City of Stirling.
6. In relation to condition 26, the applicant/landowner may wish to obtain a dilapidation report prior to the commencement of construction works.

Development Contributions

7. In relation to the development contribution in accordance with the City's Local Planning Scheme No. 3, Schedule 11B Scarborough Development Contribution Plan, this cost is estimated at being \$100,867.71.

Parking and Access

8. In relation to Condition 6, the proposed visitor parking bay must be relocated outside the designated vehicle access easement. The relocation should be to a position further east to ensure the easement remains clear and unobstructed.

Clayton Higham
Presiding Member, Metro Inner DAP



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.

Landscaping

10. Prior to the planting of street trees, the landowner is to contact the City of Stirling to discuss positioning of the proposed street trees within the road reserve. The number of street trees planted within the road reserve will depend on the available space and the location of service alignments to be determined at completion of building. Following planting works, the landowner is to advise the City of Stirling so they can be added to the City of Stirling register of street trees.

Accessibility

11. In relation to Condition 25, an Accessibility Report should be provided demonstrating that a minimum 20% of the total number of dwellings conform to the Core Liveable Housing Design Elements outlined in Development Policy 10 – Adaptable Housing.

Miscellaneous

12. When planning the installation of mechanical equipment such as air conditioning units and compressors, consider the proximity to neighbouring properties to ensure compliance with the Environmental Protection (Noise) Regulations 1997. Engaging the services of a qualified noise consultant is recommended to assist with compliance and noise attenuation measures.
13. Any future subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.
14. On advice from Main Roads WA, the upgrading/widening of West Coast Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.
15. On advice from Water Corporation, it should be noted that access chamber is located inside the subject land boundary. Due consideration will be required when developing in this area.
 - An unconfined access way of at least 1.0 m wide must be maintained around the edge of sewer and drain maintenance structures at all times.
 - Headroom (clearance between finished ground level and the underside of an overhanging structure such as a roof) of at least 2.4 m must be maintained at all times.

Clayton Higham
Presiding Member, Metro Inner DAP



- Access way to the chamber required via gate or roller door. The developer is required to fund the full cost of protecting or modifying any of the existing infrastructure which may be affected by the proposed development. In accordance with Section 90 of the Water Services Act 2012 whenever development is proposed near Water Corporation assets the applicant/developer/owner needs approval prior to construction.

AMENDING MOTION 1

Moved by: John Syme

Seconded by: Nil

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

*The designated vehicle access easement along the western boundary of the site shall remain clear and unobstructed ~~at all times~~ **at any such time as the City of Stirling requires, as enacted via a legal instrument.** ~~No physical barriers, structures, or parking bays are permitted within this easement.~~ The easement is to be maintained to facilitate public access and coordinated vehicle movement ~~in accordance with the Scarborough Design Guidelines and the adopted Vehicle Access Plan,~~ to the satisfaction of the City of Stirling.*

The Amending Motion LAPSED for want of a seconder.

AMENDING MOTION 2

Moved by: Clayton Higham

Seconded by: John Syme

The following amendments were made en bloc:

- i) That Condition No.18 be amended to read as follows:

*~~Prior to occupation of the development, a Notification~~ **Prior to the commencement of use, the landowner shall provide consent to a Notification,** pursuant to Section 70A of the Transfer of Lands Act 1893 ~~is to be~~ **being** placed on the Certificate(s) of Title of **Lot No.42 (No 22) Brighton Road, Scarborough** ~~the apartment(s) on the subject lot(s) prior to operation of the development. This Notification is to be included on the diagram or plan of survey (Deposited Plan).~~ ~~The Notification is to state as follows~~ stating:*

- 'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

Clayton Higham
Presiding Member, Metro Inner DAP



- ii) That a new Advice Note No.16 be added to read as follows:

Condition No. 18 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under section 70A, the proponent's obligation is to give their consent to the Local Government's application and nothing more.

The Amending Motion was put and CARRIED (3/1).

For: Clayton Higham
John Syme
Peter Lee

Against: Cr Michael Dudek

REASON: Panel members were advised that in relation to another recent development application with an almost identical condition the legal advice from lawyers representing that applicant was that the obligation to lodge a Section 70A Notice on the title under the Transfer of Lands Act 1893 rests with the local government and not the applicant.

This can only be executed by the local government if the landowner has given consent for the notice to be lodged. The legal advice was confirmed as being correct. It was also noted that there is no obligation for the local government to lodge the notice even if the consent is given, however, should the local government proceed the associated costs rest with the local government.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/25/02936 and accompanying plans as listed in Condition 2 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 Grouped Dwelling on Lot 42, House Number 22, Brighton Road, Scarborough subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four 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.

Clayton Higham
Presiding Member, Metro Inner DAP



2. 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 Development Assessment Panel. The plans approved as part of this application and development approval are listed below:

DRAWING TITLE	Date	Drawing Number	Drawn By
Survey	8/7/2025	01 of 14	Developed Property
Survey / Lot Configuration	24/10/2025	02 of 14	Hillam Architects
Survey/Demolition Plan	24/10/2025	03 of 14	Hillam Architects
Proposed Site Plan	24/10/2025	04 of 14	Hillam Architects
Proposed Ground Floor Plan	24/10/2025	05 of 14	Hillam Architects
Proposed First Floor Plan	24/10/2025	06 of 14	Hillam Architects
Proposed Roof Plan	24/10/2025	07 of 14	Hillam Architects
Proposed Street Elevations	24/10/2025	08 of 14	Hillam Architects
Proposed Elevations	24/10/2025	09 of 14	Hillam Architects
Proposed Sections Plan	24/10/2025	10 of 14	Hillam Architects
Material Schedule	24/10/2025	11 of 14	Hillam Architects
Material Schedule	24/10/2025	12 of 14	Hillam Architects
Landscape Concept Plan	15/04/2025	13 of 14	Plan / Kelsie Davies Landscape Architects
Landscaping Planting Palette	11/04/2025	14 of 14	Plan / Kelsie Davies Landscape Architects

Clayton Higham
Presiding Member, Metro Inner DAP



3. 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.

Development Contributions

4. A development contribution payment, in accordance with the Scarborough Development Contribution Plan, is to be provided prior to issuing of building permit, to the satisfaction of the City of Stirling.

Parking and Access

5. The vehicle access way along the western boundary of the site is required to be protected through an easement(s) or other appropriate legal instrument confirming in perpetuity public access rights, generally consistent with the extent shown on annotated Attachment 9 – Easement Drawing. Details to be provided prior to the occupation of the development, to the satisfaction of the City of Stirling.
6. The designated vehicle access easement along the western boundary of the site shall remain clear and unobstructed at all times. No physical barriers, structures, or parking bays are permitted within this easement. The easement is to be maintained to facilitate public access and coordinated vehicle movement in accordance with the Scarborough Design Guidelines and the adopted Vehicle Access Plan, to the satisfaction of the City of Stirling.
7. Prior to occupation of the development, the existing light pole, within the Brighton Road reservation is to be relocated at the owner's expense to maintain consistent light spacings and lighting levels along Brighton Road. Lighting to comply with Australian Lighting Standards, to the satisfaction of the City of Stirling on the advice of Western Power.
8. The minimum number and allocation of car parking bays provided on-site is to be as follows:
 - a. 15 residential permanent car parking bays; and
 - b. 1 residential visitor car parking bays.
9. All on-site car parking bays are to be compliant with the Australian Standards Australian Standard / New Zealand Standard 2890.1 and Australian Standard / New Zealand Standard 2890.6, to the satisfaction of the City of Stirling.
10. Prior to occupation of the development, vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.

Clayton Higham
Presiding Member, Metro Inner DAP



11. Unless otherwise approved by the City of Stirling, 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 triangular 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.
12. Prior to occupation of the development, all visitor bays are to be permanently marked, drained and clearly sign posted, to the satisfaction of the City of Stirling.
13. All crossovers shall be designed and installed prior to occupation of the development, to the satisfaction of the City of Stirling.
14. 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.

Waste Management

15. The development is to comply with the Waste Management Plan prepared by Developed Property received 3 November 2025 to the satisfaction of the City of Stirling.
16. The provision of a refuse storage enclosure being provided, of an adequate size to contain all bins used by the premises and be constructed with four walls, a graded and sealed floor, provided with a tap connected to an adequate supply of water and provided with a floor waste connected to the sewer.

Noise

17. Prior to the issue of a Building Permit, the applicant/owner is to provide details demonstrating that the development will be constructed in accordance with the requirements of State Planning Policy 5.4 – Road and Rail Noise, achieved through either implementation of 'Quiet House Package C' or the recommendations of a suitably qualified acoustic engineer, to the satisfaction of the City of Stirling.
18. Prior to the commencement of use, the landowner shall provide consent to a Notification, pursuant to Section 70A of the Transfer of Lands Act 1893 being placed on the Certificate(s) of Title of *Lot No.42 (No 22) Brighton Road, Scarborough* stating:
 - *'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'*

Clayton Higham
Presiding Member, Metro Inner DAP



Lighting

19. Prior to the submission of Building Permit a Lighting Strategy, detailing lighting of the building exterior and common property access leg, is to be submitted and approved by the City of Stirling.
20. Any outside lighting shall comply with Australian Standard AS 4282-2023 - Control of the Obtrusive Effects of Outdoor Lighting (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent premises. Details of any outside lighting is to be submitted at the Building Permit application stage demonstrating compliance with Australian Standard AS 4282-2023 (as amended), to the satisfaction of the City of Stirling.

Landsaping

21. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by Kelsie Davies Landscape Architects dated 3 June 2025 and thereafter maintained to the satisfaction of the City of Stirling.
22. One new street tree shall be planted at the owner's expense in the next available planting season following completion of the development. The cost of planting the street tree(s) is to be paid by the owner prior to the commencement of development, to the satisfaction of the City of Stirling.

Sustainability

23. Prior to the lodgement of a Building Permit, the applicant is to provide written confirmation that all recommendations referred to in the Sustainable Design Assessment Report, as prepared by Cundal Johnstons & Partners Pty Ltd, received 5 November 2025, have been incorporated into the building design to the satisfaction of the City of Stirling.

Accessibility

24. Prior to issuing of a building permit, the applicant/landowner must provide Adaptable Housing in accordance with Scarborough Redevelopment Area - Development Policy 10 Adaptable Housing, with all details submitted to the satisfaction of the City of Stirling.

General

25. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the submission of a Building Permit. The Site Management Plan shall include but not be limited to measures relating to vibration, dust, noise, waste management, street tree protection zones, construction parking, traffic, storage of materials and site safety and security. The Site Management Plan is to be complied with for the duration of the construction of the development.

Clayton Higham
Presiding Member, Metro Inner DAP



26. All signage is to be in accordance with Development Policy 6 - Signage, unless further development approval is obtained.
27. Stormwater from all roofed and paved areas is to be collected and contained on site. There shall be no connection to the City's drainage infrastructure without the written approval of the City of Stirling.
28. All external fixtures, building services 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 not visually obtrusive areas, to the satisfaction of the City of Stirling.
29. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Stirling.
30. The development is to be connected to the sewer.

Colours and Materials

31. 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.
32. The external finish of the boundary wall/s shall be to the same standard as the rest 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.
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.

Clayton Higham
Presiding Member, Metro Inner DAP



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. Construction noise is to comply with the Environmental Protection (Noise) Regulations. Noisy Construction Work outside the period 7 am to 7 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan has been obtained from the City of Stirling.
6. In relation to condition 26, the applicant/landowner may wish to obtain a dilapidation report prior to the commencement of construction works.

Development Contributions

7. In relation to the development contribution in accordance with the City's Local Planning Scheme No. 3, Schedule 11B Scarborough Development Contribution Plan, this cost is estimated at being \$100,867.71.

Parking and Access

8. In relation to Condition 6, the proposed visitor parking bay must be relocated outside the designated vehicle access easement. The relocation should be to a position further east to ensure the easement remains clear and unobstructed.
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.

Landscaping

10. Prior to the planting of street trees, the landowner is to contact the City of Stirling to discuss positioning of the proposed street trees within the road reserve. The number of street trees planted within the road reserve will depend on the available space and the location of service alignments to be determined at completion of building. Following planting works, the landowner is to advise the City of Stirling so they can be added to the City of Stirling register of street trees.

Clayton Higham
Presiding Member, Metro Inner DAP



Accessibility

11. In relation to Condition 25, an Accessibility Report should be provided demonstrating that a minimum 20% of the total number of dwellings conform to the Core Liveable Housing Design Elements outlined in Development Policy 10 – Adaptable Housing.

Miscellaneous

12. When planning the installation of mechanical equipment such as air conditioning units and compressors, consider the proximity to neighbouring properties to ensure compliance with the Environmental Protection (Noise) Regulations 1997. Engaging the services of a qualified noise consultant is recommended to assist with compliance and noise attenuation measures.
13. Any future subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.
14. On advice from Main Roads WA, the upgrading/widening of West Coast Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.
15. On advice from Water Corporation, it should be noted that access chamber is located inside the subject land boundary. Due consideration will be required when developing in this area.
 - An unconfined access way of at least 1.0 m wide must be maintained around the edge of sewer and drain maintenance structures at all times.
 - Headroom (clearance between finished ground level and the underside of an overhanging structure such as a roof) of at least 2.4 m must be maintained at all times.
 - Access way to the chamber required via gate or roller door. The developer is required to fund the full cost of protecting or modifying any of the existing infrastructure which may be affected by the proposed development. In accordance with Section 90 of the Water Services Act 2012 whenever development is proposed near Water Corporation assets the applicant/developer/owner needs approval prior to construction.
16. Condition No. 18 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under section 70A, the proponent's obligation is to give their consent to the Local Government's application and nothing more.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

Clayton Higham
Presiding Member, Metro Inner DAP



REASON: The panel members noted that while this development may not have been envisaged for this location it is well designed and considered to satisfy the planning framework for the broader area. The reasons for the easement were noted and supported as well as the discretion required for the variations to the setbacks and visitor parking. The development will provide much needed housing.

3.2 Lot 500 (House Number 43) Yirrigan Drive, Mirrabooka - Drivethrough Fast-food outlet – DAP/25/02948

Deputations

Jacqui Hall (Planning Solutions) addressed the DAP in support of the application at Item 3.2.

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

SUBSTANTIVE MOTION

Moved by: John Syme

Seconded by: Cr Michael Dudek

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/25/02948 and accompanying plans as listed in Condition 2 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 Drive Though Fast-Food Outlet on Lot 500, House Number 43, Yirrigan Drive, MIRRABOOKA subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. 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).

Clayton Higham
Presiding Member, Metro Inner DAP



PLAN TITLE	DATE	REVISION	DRAWING No.
Location Plan	7/11/2025	B	TP001
Feature Survey	7/11/2025	0	8054/40
Site Plan: Existing	7/11/2025	D	TP002
Site Plan: Proposed	7/11/2025	M	TP003
Site Plan: Pedestrian Access & Streetscape	7/11/2025	D	TP005
Site Plan: Sign Location and Schedule	7/11/2025	H	TP020
Signage Details: Pylon Sign, Building Signs Directional Signs, Menu Board & Speaker Post	7/11/2025	D	TP021
Signage Details: Clearance Bar, Directional Signs & Graphic	7/11/2025	D	TP022
Signage Details: Canopy & Traffic Signs	7/11/2025	D	TP023
Floor Plan: Proposed	7/11/2025	H	TP101
Roof Plan	7/11/2025	C	TP120
Building Elevations: Elevations: North & East	7/11/2025	E	TP200
Building Elevations: Elevations: South & West	7/11/2025	D	TP201
Landscape Plan	7/11/2025	G	LCD_601
Landscape Notes: General Notes	7/11/2025	G	LCD_002
Landscape Details	7/11/2025	G	LCD_901

3. Notwithstanding the requirements of Condition 2, amended plans shall be provided as part of the Building Permit application to the satisfaction of the City of Stirling, addressing the following:
- a. The proposed pedestrian paths along the drive-through lane shall be connected to the existing footpaths for continuous pedestrian access.

Clayton Higham
Presiding Member, Metro Inner DAP



Construction Management

4. 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.

Development Contributions

5. Prior to occupation of the development, a public art proposal for the subject development to the value of 1% of the construction value shall be submitted to, and approved by, the City of Stirling. The approved public art shall be installed on the east- and south-facing elevations of the storage wall, to the satisfaction of the City of Stirling.
6. 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.

Noise

7. Prior to submission of the Building Permit application, the landowner is to provide written confirmation that all recommendations in the Environmental Noise Assessment have been incorporated into the building design (as shown within the certified Building Permit application), to the satisfaction of the City of Stirling.
8. Prior to occupation of the development, all recommendations provided in the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 9 May 2025, Reference: 250310070-01), shall be implemented to the satisfaction of the City of Stirling.

Sustainability

9. Prior to the submission of a Building Permit application, a Sustainable Design Statement is to be submitted to the City of Stirling confirming the development meets a minimum of 4 star "best practice" under the Green Building Council of Australia rating system, or an equivalent, to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



Landscaping

10. Prior to occupation of the development, all trees provided in the approved detailed Landscaping Plan must be planted on site in the area indicated on the approved plan to the satisfaction of the City of Stirling and be thereafter maintained for the duration of the development. The trees must be provided with the approved deep soil area at ground level free of intrusions, to the satisfaction of the City of Stirling. The landscaping areas shall include:
 - a) A minimum mulch depth of **100mm** within all deep soil areas; and
 - b) Installation of **waterwise reticulation systems**.
11. Prior to 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.

Building Design

12. 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.

Lighting and Security

13. Lighting shall be provided to awnings, parking areas, service areas, footpaths and entry and exit points, to the satisfaction of the City of Stirling.
14. All outdoor lighting shall comply with *Australian Standard AS 4282-2023 - Control of the Obtrusive Effects of Outdoor Lighting* (AS4282) to prevent light spill into adjoining lots. Outdoor lighting details shall be submitted with the Building Permit application demonstrating compliance with AS4282.

Parking and Vehicle Access

15. Prior to occupation of the development, all driveways, parking and manoeuvring areas shall be sealed, drained and maintained to the satisfaction of the City of Stirling.
16. Prior to the occupation of the development, a minimum of 2 bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with *Australian Standard 2890.3:2015 - Bicycle Parking*.

Clayton Higham
Presiding Member, Metro Inner DAP



17. All parking bays, manoeuvring and circulation areas shall comply with *Australian Standard 2890.1-2004 - Off-street car parking* and *Australian Standard 2890.2-2018 - Off-street commercial vehicle facilities*. One (1) ACROD-compliant car parking bay shall be provided. The design and layout of this bay must comply with Australian Standard AS 2890.6:2022 – Off-street parking for people with disabilities and Section D3.5 of Volume 1 of the Building Code of Australia, to the satisfaction of the City of Stirling.
18. The designated delivery bay shall be permanently marked, maintained and remain accessible at all times for the exclusive use of food delivery services associated with the approved development.
19. Unless otherwise approved by the City of Stirling, no walls, fences 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.

Utilities, Facilities and External Fixtures

20. All external fixtures, building services, roof equipment and utilities of the development are to be integrated into the building, landscape and/or fencing and screened to the satisfaction of the City of Stirling.

Waste Management and Stormwater

21. The development is to comply with the Waste Management Plan prepared by Fawkner Property Ltd (dated 19 May 2025, Reference: WGA250659), to the satisfaction of the City of Stirling.
22. All waste collection and delivery activities associated with the development shall be scheduled and undertaken outside of the peak traffic and operational hours, unless otherwise agreed in writing by the City of Stirling.
23. 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 written consent of the City of Stirling.

Signage

24. Signage shall not contain fluorescent, reflective or retro reflective colours or materials and shall not flash, pulsate or chase and shall not exceed 350cd/m², to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



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 *Metropolitan Region Scheme* and the City of Stirling *Local Planning Scheme No. 3*. 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. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

Public Art

6. 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 on the estimated cost of development identified on the development application forms, the 1% public art contribution will equate to \$21,000.
7. 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*.

Clayton Higham
Presiding Member, Metro Inner DAP



8. 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.
9. The premise shall operate in compliance with the Environmental Protection Act 1986 and *Environmental Protection (Noise) Regulations 1997*.

Waste Management

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

Miscellaneous

11. All food premises activities are to comply with the Food Act 2008, Australian New Zealand Food Standards Code and City of Stirling Food Business Guide Design Construction Operation.
12. A Food Business Notification form is to be submitted for the premise with supporting plans and specifications of the food handling facilities for approval at the Building Permit Application stage or prior to installation and operation.
13. Construction noise is to comply with the Environmental Protection (Noise) Regulations. Noisy Construction work outside the period 7am to 7pm 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 by the City of Stirling.

AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: John Syme

That a new Advice Note No.14 be added to read as follows:

In relation to Condition No. 22 the following are presently considered as the peak operating periods;

- ***Waste collection twice weekly (one general, one recycling) between 7:00am and 7:00pm, Monday to Saturday;***
- ***Deliveries 4-5 time per day outside peak periods (not within 8:00-9:30am, 12:00-1:30pm, or 3:00-4:00pm);***
- ***Milk deliveries are made at 4:00am daily***

Clayton Higham
Presiding Member, Metro Inner DAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify what is meant by “peak traffic and operational hours” in condition 22.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/25/02948 and accompanying plans as listed in Condition 2 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 Drive Though Fast-Food Outlet on Lot 500, House Number 43, Yirrigan Drive, MIRRABOOKA subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. 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.
Location Plan	7/11/2025	B	TP001
Feature Survey	7/11/2025	0	8054/40
Site Plan: Existing	7/11/2025	D	TP002
Site Plan: Proposed	7/11/2025	M	TP003
Site Plan: Pedestrian Access & Streetscape	7/11/2025	D	TP005
Site Plan: Sign Location and Schedule	7/11/2025	H	TP020
Signage Details: Pylon Sign, Building Signs Directional Signs, Menu Board & Speaker Post	7/11/2025	D	TP021

Clayton Higham
Presiding Member, Metro Inner DAP



PLAN TITLE	DATE	REVISION	DRAWING No.
Signage Details: Clearance Bar, Directional Signs & Graphic	7/11/2025	D	TP022
Signage Details: Canopy & Traffic Signs	7/11/2025	D	TP023
Floor Plan: Proposed	7/11/2025	H	TP101
Roof Plan	7/11/2025	C	TP120
Building Elevations: Elevations: North & East	7/11/2025	E	TP200
Building Elevations: Elevations: South & West	7/11/2025	D	TP201
Landscape Plan	7/11/2025	G	LCD_601
Landscape Notes: General Notes	7/11/2025	G	LCD_002
Landscape Details	7/11/2025	G	LCD_901

3. Notwithstanding the requirements of Condition 2, amended plans shall be provided as part of the Building Permit application to the satisfaction of the City of Stirling, addressing the following:
 - a. The proposed pedestrian paths along the drive-through lane shall be connected to the existing footpaths for continuous pedestrian access.

Construction Management

4. 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.

Development Contributions

5. Prior to occupation of the development, a public art proposal for the subject development to the value of 1% of the construction value shall be submitted to, and approved by, the City of Stirling. The approved public art shall be installed on the east- and south-facing elevations of the storage wall, to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



6. 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.

Noise

7. Prior to submission of the Building Permit application, the landowner is to provide written confirmation that all recommendations in the Environmental Noise Assessment have been incorporated into the building design (as shown within the certified Building Permit application), to the satisfaction of the City of Stirling.
8. Prior to occupation of the development, all recommendations provided in the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 9 May 2025, Reference: 250310070-01), shall be implemented to the satisfaction of the City of Stirling.

Sustainability

9. Prior to the submission of a Building Permit application, a Sustainable Design Statement is to be submitted to the City of Stirling confirming the development meets a minimum of 4 star "best practice" under the Green Building Council of Australia rating system, or an equivalent, to the satisfaction of the City of Stirling.

Landscaping

10. Prior to occupation of the development, all trees provided in the approved detailed Landscaping Plan must be planted on site in the area indicated on the approved plan to the satisfaction of the City of Stirling and be thereafter maintained for the duration of the development. The trees must be provided with the approved deep soil area at ground level free of intrusions, to the satisfaction of the City of Stirling. The landscaping areas shall include:
 - a) A minimum mulch depth of **100mm** within all deep soil areas; and
 - b) Installation of **waterwise reticulation systems**.
11. Prior to 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.

Building Design

12. 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.

Clayton Higham
Presiding Member, Metro Inner DAP



Lighting and Security

13. Lighting shall be provided to awnings, parking areas, service areas, footpaths and entry and exit points, to the satisfaction of the City of Stirling.
14. All outdoor lighting shall comply with *Australian Standard AS 4282-2023 - Control of the Obtrusive Effects of Outdoor Lighting* (AS4282) to prevent light spill into adjoining lots. Outdoor lighting details shall be submitted with the Building Permit application demonstrating compliance with AS4282.

Parking and Vehicle Access

15. Prior to occupation of the development, all driveways, parking and manoeuvring areas shall be sealed, drained and maintained to the satisfaction of the City of Stirling.
16. Prior to the occupation of the development, a minimum of 2 bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with *Australian Standard 2890.3:2015 - Bicycle Parking*.
17. All parking bays, manoeuvring and circulation areas shall comply with *Australian Standard 2890.1-2004 - Off-street car parking* and *Australian Standard 2890.2-2018 - Off-street commercial vehicle facilities*. One (1) ACROD-compliant car parking bay shall be provided. The design and layout of this bay must comply with Australian Standard AS 2890.6:2022 – Off-street parking for people with disabilities and Section D3.5 of Volume 1 of the Building Code of Australia, to the satisfaction of the City of Stirling.
18. The designated delivery bay shall be permanently marked, maintained and remain accessible at all times for the exclusive use of food delivery services associated with the approved development.
19. Unless otherwise approved by the City of Stirling, no walls, fences 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.

Utilities, Facilities and External Fixtures

20. All external fixtures, building services, roof equipment and utilities of the development are to be integrated into the building, landscape and/or fencing and screened to the satisfaction of the City of Stirling.

Clayton Higham
Presiding Member, Metro Inner DAP



Waste Management and Stormwater

21. The development is to comply with the Waste Management Plan prepared by Fawkner Property Ltd (dated 19 May 2025, Reference: WGA250659), to the satisfaction of the City of Stirling.
22. All waste collection and delivery activities associated with the development shall be scheduled and undertaken outside of the peak traffic and operational hours, unless otherwise agreed in writing by the City of Stirling.
23. 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 written consent of the City of Stirling.

Signage

24. Signage shall not contain fluorescent, reflective or retro reflective colours or materials and shall not flash, pulsate or chase and shall not exceed 350cd/m², to the satisfaction of the City of Stirling.

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 *Metropolitan Region Scheme* and the City of Stirling *Local Planning Scheme No. 3*. 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.

Clayton Higham
Presiding Member, Metro Inner DAP



5. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

Public Art

6. 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 on the estimated cost of development identified on the development application forms, the 1% public art contribution will equate to \$21,000.
7. 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*.
8. 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.
9. The premise shall operate in compliance with the Environmental Protection Act 1986 and *Environmental Protection (Noise) Regulations 1997*.

Waste Management

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

Miscellaneous

11. All food premises activities are to comply with the Food Act 2008, Australian New Zealand Food Standards Code and City of Stirling Food Business Guide Design Construction Operation.
12. A Food Business Notification form is to be submitted for the premise with supporting plans and specifications of the food handling facilities for approval at the Building Permit Application stage or prior to installation and operation.

Clayton Higham
Presiding Member, Metro Inner DAP



13. Construction noise is to comply with the Environmental Protection (Noise) Regulations. Noisy Construction work outside the period 7am to 7pm 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 by the City of Stirling.
14. In relation to Condition No.22 the following are presently considered as the peak operating periods;
 - Waste collection twice weekly (one general, one recycling) between 7:00am and 7:00pm, Monday to Saturday;
 - Deliveries 4-5 time per day outside peak periods (not within 8:00-9:30am, 12:00-1:30pm, or 3:00-4:00pm);
 - Milk deliveries are made at 4:00am daily

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel noted that the proposal is appropriate for the location within the Mirrabooka shopping centre. Panel members were satisfied with the reasons given in the RAR for the variations in parking and those required under the Local Development Plan and prepared to exercise discretion to support the proposal. Given the width of Yirrigan Drive the panel was satisfied that there would not be any amenity impacts on the residential opposite beyond what could be expected from the shopping centre. This is considered to be a good development offering a meeting place for the local community.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Clayton Higham
Presiding Member, Metro Inner DAP



PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/20/01911 DR192/2024	Town of Cambridge	Lot 800 (29-33) Northwood Street, West Leederville	Three storey care premises and associated office	16/12/2024
DAP/24/02820 DR69/2025	City of Nedlands	Lot 381 (No.6) Alexander Road, Dalkeith	5 Multiple Dwellings	03/06/2025
DAP/25/02866 DR 105/2025	City of South Perth	Lot 46 (No.142) Coode Street, South Perth	proposed three-storey medical centre (dental practice)	15/07/2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:09am.

Clayton Higham
Presiding Member, Metro Inner DAP