



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 4 February 2025; 9:30am  
**Meeting Number:** MIDAP/58  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*  
[MIDAP/58 - 4 February 2025 - City of Canning](#)

### **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 CANNING**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 15 (268) High Road, Riverton – Redevelopment of Service Station – DAP/24/02763
  - 3.2 Lots 73-75 (2,4,6) Manus Place, Parkwood – Child Care Premise – DAP/24/02766
4. Form 2 DAP Applications
  - 4.1 No. 1 (Lot No. 110) Todtiana Close, Willetton
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

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

**Dale Page**  
Presiding Member, Metro Inner DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Laura Simmons
Eugene Koltasz (Deputy Presiding Member)	Ashlee Kelly
Andrew Howe (Specialist Member)	
<i>Part B – City of Canning</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Ben Kunze	Petronella Thandroyen
Mayor Patrick Hall	Austin Donaghey
	Troy Bozich
	Shaqeel Maqbool
	Kyle Wong

**Dale Page**  
Presiding Member, Metro Inner DAP



**Applicant and Submitters**

*Part B – City of Canning*

Lilian Yek (Altus Planning)

Joe Algeri (Altus Planning)

Josh Watson (Planning Solutions)

Craig Wallace (Lavan)

Paul Ghantous (Urbii)

Alexander Greig

Alessandro Stagno (Apex Planning)

Benham Bordbar (Transcore)

Peter Hobbs (Phab)

Paul Hadfield-Jia

**Members of the Public / Media**

There was 1 member of the public in attendance.

**Observers via livestream**

There were 5 persons observing the meeting via the livestream.

**Dale Page**  
Presiding Member, Metro Inner DAP



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32 am on 4 February 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 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](#).

**Dale Page**  
Presiding Member, Metro Inner DAP



## PART B – CITY OF CANNING

### 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 24 January 2025 was published in Part B of the Related Information.

The Presiding Member noted an addendum to the responsible authority report was published in Part B of the Related Information in relation to Item 3.1, received on 31 January 2025.

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

Mayor Patrick Hall and Cr Ben Kunze declared an impartiality interest at Item 3.1. Mayor Hall and Cr Kunze previously sat on a Council meeting in which the application at Item 3.1 was previously heard. Mayor Hall and Cr Kunze declared that they had been contacted by residents over the years regarding the application at Item 3.1.

Mayor Patrick Hall and Cr Ben Kunze declared an impartiality interest in Item 4.1. Mayor Hall and Cr Kunze attended a Council meeting and public discussions at the site in relation to the application at Item 4.1.

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

## PROCEDURAL MOTION

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That the application at Item 4.1 be heard prior to the application at Item 3.1.

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

**REASON:** To allow the less complex application at Item 4.1 to be heard before the application at Item 3.1.

**Dale Page**  
Presiding Member, Metro Inner DAP



### 3. Form 1 DAP Applications

#### 3.1 Lot 15 (268) High Road, Riverton – Redevelopment of Service Station – DAP/24/02763

##### Deputations and Presentations

Craig Wallace (Lavan) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Paul Ghantous (Urbii) responded to questions from the panel in relation to Item 3.1.

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

#### REPORT RECOMMENDATION

**Moved by:** Mayor Patrick Hall

**Seconded by:** Eugene Koltasz

*An administrative change was made to the numbering of the advice notes due to incorrect order.*

That the Metro Inner Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02763 and accompanying plans 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 Canning Local Planning Scheme No. 42, for the proposed Redevelopment of a Service Station at 268 High Road (Lot 15), Riverton, subject to the following conditions:

##### Conditions:

###### General

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 (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.

**Dale Page**  
Presiding Member, Metro Inner DAP



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:

List of Development Plans

Drawing Title	Sheet No.	Revision No.	Date	Drawn By
Site Plan	A100	A	11/12/2024	Solo Energy Australia Pty Ltd
Shop Floor Plan	A200	A	12/11/2024	Solo Energy Australia Pty Ltd
External Elevations	A010-1	A1	12/11/2024	Solo Energy Australia Pty Ltd
3D Views	A012	A1	12/11/2024	Solo Energy Australia Pty Ltd

Parking and Access

4. Prior to submission of a building permit, revised site plans (as per Attachments 9, 10 & 11) are to be submitted to and be approved by the City. The revised site plans shall include:

A. Vehicle Manoeuvring Plans

a. Vehicles other than Fuel Tanker/Large Service Vehicle

- i. Ingress and egress via the crossover on Leach Avenue and the eastern crossover on High Road.

b. Fuel Tanker/Large Service Vehicle

- i. Ingress only via the eastern crossover on High Road.  
ii. Egress only via the crossover on Leach Avenue or the western crossover on High Road.

B. Line Marking Plan

- a. Proposed parking bays (including disabled bay).  
b. Manoeuvring and circulation areas in accordance with the attached vehicle manoeuvring plans.  
c. No Entry line markings prohibiting access to the bowser area from the east.  
d. No Entry line markings prohibiting access to the rear of the site from Leach Avenue.  
e. No Entry line markings prohibiting access to the site via the western crossover on High Road.  
f. No Exit line markings prohibiting exit of vehicles, except for fuel tankers/large service vehicles, via the western crossover on High Road.



- C. Signage Plan
- a. No Entry and No Exit Signage to be erected at the western crossover on High Road.
  - b. Direction sign(s) to be erected immediately opposite the bowser service area.
5. Prior to the occupation of the development, the number and allocation of car parking spaces provided on-site shall be as follows:
- Two (2) Customer parking spaces;  
Two (2) Staff parking spaces; and  
One (1) ACROD parking space.
- Car parking spaces shall be maintained thereafter to the satisfaction of the City.
6. Prior to the occupation of the development, all parking bays, manoeuvring, and circulation areas are to be constructed and lined marked to comply with *Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking*. The ACROD car parking bay design and layout are to comply with *Australian Standards AS/NZS2890.6:2009 Off-street Parking for People with Disabilities* and once constructed, must be maintained for the duration of the development.
7. Fuel deliveries are only to be undertaken using a 19m fuel tanker (or smaller) in accordance with Restricted Access Vehicle Network.

#### Fencing/Boundary Walls

8. Masonry walls with a minimum height of 1.8m are to be provided to the northern and eastern adjoining residential lot boundaries of the subject site. Where the height of the wall/s is less than 1.8m, the masonry wall/s shall be constructed at the applicant's/landowners cost prior to the occupation of the development and thereafter maintained to the satisfaction of the City.

#### Utilities, Facilities and External Fixtures

9. Prior to the occupation of the development, a suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided and thereafter to be maintained to the satisfaction of the City.
10. Prior to the submission of a building permit, a lighting plan for the overall site is to be submitted to and be approved by the City. Prior to the occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
11. External lighting shall be positioned in accordance with *Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



### Stormwater Management

12. Prior to the submission of a building permit, a certified stormwater management plan is to be submitted to and be approved by the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
13. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.

### Waste Management and Services

14. Prior to the submission of a building permit, a waste management plan is to be submitted to and be approved by the City. Once approved, the waste management plan is to be implemented at the time of the occupation of the development and thereafter maintained to the satisfaction of the City.

### Noise Management

15. Prior to the occupation of the development, all recommendations contained within the Environmental Noise Assessment – Service Station, dated 13 September 2024, prepared by Lloyd George Acoustics, shall be implemented in full and written certification shall be provided to the City confirming all recommendations have been implemented. All recommendations must be shown on the plans at building permit stage.
16. Within 90 days of the initial occupation or use of the development, a noise report (including ground truthing of noise emissions) is to be submitted by an accredited acoustic consultant, which confirms noise from the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City. This report shall be at the applicant's cost.
17. All waste collection vehicles are not to attend the property outside the hours of 7:00am to 7:00pm Monday to Saturday, and not at all on a Sunday or Public Holidays, unless otherwise approved by the City.

### Landscaping

18. Prior to submission of a building permit, a landscaping plan is to be submitted to and be approved by the City. The plan will be required to satisfy the requirements of the City Local Planning Scheme No.42 (LPS42).
19. Prior to occupation of the development, all landscaping will be provided on site in accordance with the approved landscape plan and thereafter maintained for the duration of the development to the satisfaction of the City.



### Construction Management Plan

20. Prior to the commencement of any site or construction works, a Construction Management Plan, in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to the satisfaction of the City. The approved plans are to be thereafter implemented for the duration of the construction of the development to the satisfaction of the City.

### **Advice Notes**

1. If the development is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the Development assessment Panel or the City of Canning (as applicable) having first being sought and obtained.
3. This approval does not authorize the demolition of the existing buildings on site.
  - a) A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings including any septic waste disposal system(s).
  - b) All water bores are to be decommissioned as per the guidelines:
  - c) Minimum Construction Requirements for Water Bores in Australia, Section 18, Edition 3, Feb 2012.
4. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
5. The new works and affected parts of the proposed building works must comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
6. The applicant/landowner is advised to contact the Water Corporation on 13 13 95 for information relating to discharging of sewer.
7. This Development Approval does not authorise any works within the road reserve, including but not limited to drainage works, crossover construction and crossover removal. Prior to any works within the road reserve an application must be made to the City of Canning on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed works, and an application fee. Please go to the City's website for more information or contact the City's Development Engineer.

**Dale Page**  
Presiding Member, Metro Inner DAP



8. A suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.
9. The applicant is advised that a development approval to develop on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbor's consent. Dividing fences are controlled through the Dividing Fences Act 1961. Accordingly, owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
10. Premises to be operated in compliance with the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004* and *Environmental Protection (Noise) Regulations 1997*. Please be advised that if in connection with a business or a commercial activity, a material listed in Schedule 1 of the *Environmental Protection (Unauthorised Discharges) Regulations 2004* is discharged into the environment, an offence is committed. Please see <https://www.legislation.wa.gov.au/> for further information.
11. Premises to be operated in compliance with *Food Act 2008*, the *Food Regulations 2009*, the *Australia New Zealand Food Standards Code* and the *Australian Standard AS4674:2004 Design, construction and fit-out of food premises*.
12. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings and finishes. Please contact the City's Environmental Health Services on 1300 422 664 or visit the City's website for a 'Food Business Notification and Registration Form'.
13. The exhaust canopy servicing the food business kitchen shall be specifically designed (e.g., fitted with an odour suppression device) to suit the subject site and minimise the emission of cooking odours from the premises. The details such as specifications, design, and layout of the mechanical ventilation system for the food business must be submitted to and approved by the City's Environmental Health Services prior to the submission for an Occupancy Permit for the building.
14. In relation to the Construction Management Plan required under condition 20, the applicant/landowner is to include information such as:
  - The route that construction vehicles will take to and from the site.
  - The temporary realignment of pedestrian access ways.
  - Vehicular access to the site during construction.
  - Unloading and loading areas.
  - Waste disposal.
  - The location on site of building materials to be stored.
  - Safety and security fencing.
  - Sanitary facilities.
  - Cranes; and
  - Any other details as required by the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



15. Please be advised that it is an offence under Part 4 of the City's Local Government Property and Public Places Local Law 2021 to damage, prune or remove a street tree without first obtaining a written permit. Any works or activities in the verge area during the construction phase of a development must not contravene the protection of a street tree.
16. An appropriate management plan should be prepared to address the risks associated with potential exposure of contaminated soil/groundwater during and post redevelopment of the site.

Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.

<https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

17. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
18. If the landowner wishes to amend or cancel the development application, they may lodge an application with the City of Canning, in accordance with clause 77 of the Deemed Provisions of the Planning and Development (*Local Planning Schemes Regulations 2015*).

#### **AMENDING MOTION 1**

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That Condition No. 5 be deleted, and the remaining conditions be renumbered accordingly.

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

**REASON:** The panel considered it would be beneficial to leave the bays unmarked and for the operator to manage staff travel arrangements to ensure there are as many bays available for customers as possible.

**Dale Page**  
Presiding Member, Metro Inner DAP



## AMENDING MOTION 2

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That Condition No. 8 (now Condition No.7) be amended to read as follows:

~~Masonry walls with a minimum height of 1.8m are to be provided to the northern and eastern adjoining residential lot boundaries of the subject site. Where the height of the wall/s is less than 1.8m, the masonry wall/s shall be constructed at the applicant's/landowners cost prior to the occupation of the development and thereafter maintained to the satisfaction of the City.~~

**A minimum 1.8m masonry wall/fence is to be provided to the northern and eastern lot boundaries of the subject site. The masonry wall/fence shall be constructed at the applicant's/landowners cost and thereafter maintained to the satisfaction of the City.**

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

**REASON:** The amendment does not change the intent of the condition. In line with revised wording provided by the City of Canning the amended wording improves the grammar and clarity of the condition.

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02763 and accompanying plans 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 Canning Local Planning Scheme No. 42, for the proposed Redevelopment of a Service Station at 268 High Road (Lot 15), Riverton, subject to the following conditions:

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**Dale Page**  
Presiding Member, Metro Inner DAP



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:

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External Elevations	A010-1	A1	12/11/2024	Solo Energy Australia Pty Ltd
3D Views	A012	A1	12/11/2024	Solo Energy Australia Pty Ltd

Parking and Access

4. Prior to submission of a building permit, revised site plans (as per Attachments 9, 10 & 11) are to be submitted to and be approved by the City. The revised site plans shall include:

A. Vehicle Manoeuvring Plans

a. Vehicles other than Fuel Tanker/Large Service Vehicle

- i. Ingress and egress via the crossover on Leach Avenue and the eastern crossover on High Road.

b. Fuel Tanker/Large Service Vehicle

- i. Ingress only via the eastern crossover on High Road.  
ii. Egress only via the crossover on Leach Avenue or the western crossover on High Road.

B. Line Marking Plan

- a. Proposed parking bays (including disabled bay).  
b. Manoeuvring and circulation areas in accordance with the attached vehicle manoeuvring plans.  
c. No Entry line markings prohibiting access to the bowser area from the east.  
d. No Entry line markings prohibiting access to the rear of the site from Leach Avenue.  
e. No Entry line markings prohibiting access to the site via the western crossover on High Road.  
f. No Exit line markings prohibiting exit of vehicles, except for fuel tankers/large service vehicles, via the western crossover on High Road.



- C. Signage Plan
- a. No Entry and No Exit Signage to be erected at the western crossover on High Road.
  - b. Direction sign(s) to be erected immediately opposite the bowser service area.
5. Prior to the occupation of the development, all parking bays, manoeuvring, and circulation areas are to be constructed and lined marked to comply with *Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking*. The ACROD car parking bay design and layout are to comply with *Australian Standards AS/NZS2890.6:2009 Off-street Parking for People with Disabilities* and once constructed, must be maintained for the duration of the development.
6. Fuel deliveries are only to be undertaken using a 19m fuel tanker (or smaller) in accordance with Restricted Access Vehicle Network.

#### Fencing/Boundary Walls

7. A minimum 1.8m masonry wall/fence is to be provided to the northern and eastern lot boundaries of the subject site. The masonry wall/fence shall be constructed at the applicant's/landowners cost and thereafter maintained to the satisfaction of the City.

#### Utilities, Facilities and External Fixtures

8. Prior to the occupation of the development, a suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided and thereafter to be maintained to the satisfaction of the City.
9. Prior to the submission of a building permit, a lighting plan for the overall site is to be submitted to and be approved by the City. Prior to the occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
10. External lighting shall be positioned in accordance with *Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City.

#### Stormwater Management

11. Prior to the submission of a building permit, a certified stormwater management plan is to be submitted to and be approved by the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
12. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.



### Waste Management and Services

13. Prior to the submission of a building permit, a waste management plan is to be submitted to and be approved by the City. Once approved, the waste management plan is to be implemented at the time of the occupation of the development and thereafter maintained to the satisfaction of the City.

### Noise Management

14. Prior to the occupation of the development, all recommendations contained within the Environmental Noise Assessment – Service Station, dated 13 September 2024, prepared by Lloyd George Acoustics, shall be implemented in full and written certification shall be provided to the City confirming all recommendations have been implemented. All recommendations must be shown on the plans at building permit stage.
15. Within 90 days of the initial occupation or use of the development, a noise report (including ground truthing of noise emissions) is to be submitted by an accredited acoustic consultant, which confirms noise from the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City. This report shall be at the applicant's cost.
16. All waste collection vehicles are not to attend the property outside the hours of 7:00am to 7:00pm Monday to Saturday, and not at all on a Sunday or Public Holidays, unless otherwise approved by the City.

### Landscaping

17. Prior to submission of a building permit, a landscaping plan is to be submitted to and be approved by the City. The plan will be required to satisfy the requirements of the City Local Planning Scheme No.42 (LPS42).
18. Prior to occupation of the development, all landscaping will be provided on site in accordance with the approved landscape plan and thereafter maintained for the duration of the development to the satisfaction of the City.

### Construction Management Plan

19. Prior to the commencement of any site or construction works, a Construction Management Plan, in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to the satisfaction of the City. The approved plans are to be thereafter implemented for the duration of the construction of the development to the satisfaction of the City.



### Advice Notes

1. If the development is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the Development assessment Panel or the City of Canning (as applicable) having first being sought and obtained.
3. This approval does not authorize the demolition of the existing buildings on site.
  - a) A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings including any septic waste disposal system(s).
  - b) All water bores are to be decommissioned as per the guidelines:
  - c) Minimum Construction Requirements for Water Bores in Australia, Section 18, Edition 3, Feb 2012.
4. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
5. The new works and affected parts of the proposed building works must comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
6. The applicant/landowner is advised to contact the Water Corporation on 13 13 95 for information relating to discharging of sewer.
7. This Development Approval does not authorise any works within the road reserve, including but not limited to drainage works, crossover construction and crossover removal. Prior to any works within the road reserve an application must be made to the City of Canning on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed works, and an application fee. Please go to the City's website for more information or contact the City's Development Engineer.
8. A suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.
9. The applicant is advised that a development approval to develop on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbor's consent. Dividing fences are controlled through the Dividing Fences Act 1961. Accordingly, owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.

**Dale Page**  
Presiding Member, Metro Inner DAP



10. Premises to be operated in compliance with the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004* and *Environmental Protection (Noise) Regulations 1997*. Please be advised that if in connection with a business or a commercial activity, a material listed in Schedule 1 of the *Environmental Protection (Unauthorised Discharges) Regulations 2004* is discharged into the environment, an offence is committed. Please see <https://www.legislation.wa.gov.au/> for further information.
11. Premises to be operated in compliance with *Food Act 2008*, the *Food Regulations 2009*, the *Australia New Zealand Food Standards Code* and the *Australian Standard AS4674:2004 Design, construction and fit-out of food premises*.
12. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings and finishes. Please contact the City's Environmental Health Services on 1300 422 664 or visit the City's website for a 'Food Business Notification and Registration Form'.
13. The exhaust canopy servicing the food business kitchen shall be specifically designed (e.g., fitted with an odour suppression device) to suit the subject site and minimise the emission of cooking odours from the premises. The details such as specifications, design, and layout of the mechanical ventilation system for the food business must be submitted to and approved by the City's Environmental Health Services prior to the submission for an Occupancy Permit for the building.
14. In relation to the Construction Management Plan required under condition 20, the applicant/landowner is to include information such as:
  - The route that construction vehicles will take to and from the site.
  - The temporary realignment of pedestrian access ways.
  - Vehicular access to the site during construction.
  - Unloading and loading areas.
  - Waste disposal.
  - The location on site of building materials to be stored.
  - Safety and security fencing.
  - Sanitary facilities.
  - Cranes; and
  - Any other details as required by the City.
15. Please be advised that it is an offence under Part 4 of the City's Local Government Property and Public Places Local Law 2021 to damage, prune or remove a street tree without first obtaining a written permit. Any works or activities in the verge area during the construction phase of a development must not contravene the protection of a street tree.

**Dale Page**  
Presiding Member, Metro Inner DAP



16. An appropriate management plan should be prepared to address the risks associated with potential exposure of contaminated soil/groundwater during and post redevelopment of the site.

Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.

<https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

17. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
18. If the landowner wishes to amend or cancel the development application, they may lodge an application with the City of Canning, in accordance with clause 77 of the Deemed Provisions of the Planning and Development (*Local Planning Schemes Regulations 2015*).

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

**REASON:** The use is not a new one as it has been in existence for many years. The site would benefit from the upgrade proposed and the approval is conditioned to improve the traffic issues that existed with the previous service station and to enhance the current visual amenity of the site.

### **3.2 Lots 73-75 (2,4,6) Manus Place, Parkwood – Child Care Premise – DAP/24/02766**

#### **Deputations and Presentations**

Alexander Greig addressed the DAP against the recommendation for the application at Item 3.2 and responded to questions from the panel.

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Benham Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

**Dale Page**  
Presiding Member, Metro Inner DAP



The panel noted a written submission against the recommendation for the application at Item 3.2. was received from Pau Hadfield-Jia.

The City of Canning responded to questions relation to the application at Item 3.2.

**REPORT RECOMMENDATION**

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That the Metro Inner Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02766 and accompanying plans 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 Canning’s Local Planning Scheme No. 42, for the proposed Child Care Premises at 2,4 & 6 Manus Place (Lots 75, 74 & 73) subject to the following conditions:

**Conditions:**

General

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 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, 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:

List of Development Plans

Drawing Title	Sheet No.	Revision No.	Date	Drawn By
Site Feature survey	DA1.0 1	C	13/09/202 4	PHA
Site Plan	DA1.0 0	D	15/11/202 4	PHA
Ground Floor Plan	DA2.0 0	F	15/11/202 4	PHA
First Floor Plan	DA2.0 1	E	15/11/202 4	PHA

**Dale Page**  
Presiding Member, Metro Inner DAP



Elevations	DA3.0 0	C	13/09/202 4	PHA
Elevations Fencing	DA3.0 1	C	13/09/202 4	PHA
Sections	DA4.0 0	C	13/09/202 4	PHA
Overshadow Diagram	DA7.0 0	A	08/01/202 5	PHA
3D Views	DA6.0 0	B	13/09/202 4	PHA
Roof Plan	DA2.0 2	B	13/09/202 4	PHA
Landscape Plans	101 & 102	B & C	15/08/202 4	KDLA

#### Administrative and Legal

4. Prior to the occupation of the development, the subject lots (Lots 75 (2), 74 (4) and 73 (6) Manus Place, Parkwood) shall be amalgamated into a single lot on the Certificate of Title, to the satisfaction of the City.

#### Operational

5. The Child Care Premises shall accommodate a maximum of one hundred and eleven (111) children at any one time.
6. No more than twenty (20) staff are permitted to be present on site at any one time.
7. The Child Care Premises is permitted to operate between 6.30am and 6.30pm, Monday to Friday only. The Child Care Premises is not permitted to operate on Public Holidays.
8. Outdoor play areas are not to be utilised prior to 7am Monday to Friday.

#### Parking and Access

9. Prior to the occupation of the development, the number and allocation of car parking spaces provided on-site shall be as follows:

11 Visitor parking spaces;  
20 Staff parking spaces; and  
One (1) ACROD parking space.

Car parking spaces shall be maintained thereafter to the satisfaction of the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



10. Prior to the occupation of the development, all parking bays, maneuvering, and circulation areas are to be constructed to comply with *Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking*. The ACROD car parking bay design and layout are to comply with *Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities)* and once constructed, must be maintained for the duration of the development.
11. 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 Canning.
12. Prior to the occupation of the development, a minimum of eight (8) bicycle parking bays and lockers 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*. Once installed, the bicycle parking bays and lockers are to be maintained for the duration of the development and to the satisfaction of the City.
13. Redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications of the City.
14. Prior to the occupation of the development, all 'Visitor' car parking spaces shall be signed posted and marked in accordance with Australian Standards AS 1742.11 and maintained thereafter to the satisfaction of the City. The signage is to be installed prior to the occupation of the development and must be maintained for the life of the development and for use exclusively by visitors to the property, to the satisfaction of the City.
15. The entry and exit points to the site are to be marked with directional signage identifying the one-way system shown on the site plan. The signage is to be installed prior to the occupation of the development and must be maintained for the duration of the development.

#### Works within the road reserve

16. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including:
  - a) the construction of a new vehicular crossover;
  - b) the construction of the proposed footpath;
  - c) the upgrade of the existing footpath; and
  - d) the construction of the new crossovers

Prior to the occupation or use of the development, the approved works within the road reserve are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



### Fencing/Boundary Walls

17. Prior to the submission of a building permit, details certified by a structural engineer are to be provided for a crash barrier to be installed and incorporated into the new street fence, to the satisfaction of the City. Prior to the occupation of the development, the approved crash barrier is to be constructed and maintained thereafter to the satisfaction of the City.
18. A 2.1m masonry wall/fence is to be provided to the southern lot boundary of the subject site. The masonry wall/fence shall be constructed at the applicant's/landowners cost and thereafter maintained to the satisfaction of the City.
19. The external finish of the boundary walls on the southern boundary shall be consistent with the remainder of the building, unless otherwise agreed to by the City. The external finish of the boundary walls shall have either face-brick or rendered clean finish and thereafter maintained to the satisfaction of the City.

### Utilities, Facilities and External Fixtures

20. Prior to the occupation of the development, a suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided and thereafter to be maintained to the satisfaction of the City.
21. Prior to the submission of a building permit, a lighting plan indicating lighting to the pathways, communal open space, pedestrian and vehicle entry points, and car parking areas is to be submitted to and be approved by the City. Prior to the occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
22. External lighting shall be positioned in accordance with *Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City.
23. All services and service-related hardware, including antennae, and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
24. Prior to the submission of a building permit, revised plans are to be submitted to demonstrate the emergency gate along the western boundary, is to be designed and provided such that the gate opens outwards but still within the property boundary.
25. The development is to be connected to the Sewer.
26. Prior to the commencement of any site works or construction, a report is to be provided outlining the intended environmentally sustainable design approach for the detailed design of the development. The approach is to be in accordance with Principle 5 - Sustainability of State Planning Policy 7.0 - Design of the Built Environment, to the satisfaction of the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



27. Prior to the submission of a building permit, a schedule of the external materials, finishes, and colours shall be submitted to and be approved by the City. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the initial occupation of the building and maintained for the duration of the development.

#### Stormwater Management

28. Prior to the submission of a building permit, a certified stormwater management plan is to be submitted to and be approved by the City. Once approved, the stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
29. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.

#### Waste Management and Services

30. All provisions and recommendations identified in the Waste Management Plan received 15 November 2024, shall be implemented for the duration of the development, to the satisfaction of the City.

#### Noise Management

31. Recommendations contained within the Acoustic Report, titled 'Environmental Noise Assessment - Child Care Centre, dated 26 August 2024, prepared by Lloyd George Acoustics shall be implemented in full, to the satisfaction of the City.
32. Within 90 days of the initial occupation or use of the development, a noise report (including ground truthing of noise emissions) is to be submitted by an accredited acoustic consultant, which confirms noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City. This report shall be at the applicant's cost.
33. Service vehicles, including delivery and waste collection vehicles, are only permitted to access the property on Monday to Friday between the hours of 9am to 4pm and 6pm – 7pm, and not at all on weekends and/or public holidays, unless otherwise approved by the City.

#### Landscaping

34. 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 dated 15 August 2024, and thereafter maintained to the satisfaction of the City. Landscaping is to be protected by curbing or similar barrier.

**Dale Page**  
Presiding Member, Metro Inner DAP



35. Prior to the commencement of any site or construction work, the landowner shall pay for the planting of 10 street trees. Planting by the City of Canning will be scheduled to occur in the next available planting season after the completion of the development.

#### Signage

36. A separate application including plans or description of all signs for the proposed development (including any signs painted on a building) which are not compliant with the City's Local Planning Policy LP.05 – Advertising Signs, shall be submitted to and be approved by the City.

#### Construction Management Plan

37. Prior to the commencement of any site or construction works, a Construction Management Plan in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to and be approved by the City. The approved plan is to be thereafter implemented for the duration of the construction of the development to the satisfaction of the City.

#### **Advice Notes**

1. If the development is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the Development assessment Panel or the City of Canning (as applicable) having first being sought and obtained.
3. This approval does not authorize the demolition of the existing buildings on site.
  - a) A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings including any septic waste disposal system(s).
  - b) All water bores are to be decommissioned as per the guidelines:
  - c) *Minimum Construction Requirements for Water Bores in Australia, Section 18, Edition 3, Feb 2012.*
4. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
5. The filling of the existing swimming pools is to be carried out under the supervision of a qualified Soils Engineer. A copy of the engineer's certification to be forwarded to the City on completion of the works.



6. The new works and affected parts of the proposed building works must comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
7. Please be advised that the exhaust canopy servicing the Food Business kitchen, shall be specifically designed (i.e., fitted with an odour suppression device) to suit the subject site to minimize the emission of cooking odours from the premises to the satisfaction of the City.
8. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings, and finishes. Please contact the City's Environmental Health Services or visit the City's website for a 'Food Business Notification and Registration Form'.
9. With respect to Condition 26, the required report shall demonstrate what sustainable outcomes will be received from this proposal. The report can include:
  - a) What material selections have been chosen to consider environmental impacts;
  - b) The use of solar panels as one mechanism to address sustainable outcomes,
  - c) Natural ventilation;
  - d) The use of native or water wise plants in an amended landscaping plan, and/or;
  - e) Any outcomes identified by the Design Review Panel and the City, in consultation with the City and prior to the issue of a Building Permit.
10. With respect to Condition 30, the applicant/landowner is advised that the Waste Management Plan may need to be amended from time to time to ensure the use operates without impacting on the residential amenity of the area. Amendments must be with the approval of the City's Officers.
11. With respect to Condition 32, the required noise report shall contain the design of the mechanical ventilation/exhaust system, the specifications, layout, and the design of the exhaust outlet.
12. In relation to the Construction Management Plan required under Condition 36, the owner/developer is to include information such as:
  - the route that construction vehicles will take to and from the site,
  - the temporary realignment of pedestrian access ways,
  - vehicular access to the site during construction,
  - unloading and loading areas,
  - waste disposal,
  - the location on site of building materials to be stored,
  - safety and security fencing,
  - sanitary facilities,
  - Cranes; and
  - Any other details as required by the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



13. With respect to Condition 35, the applicant / owner is advised that the proposed street tree planting is not approved as part of this application and that street tree planting alignments must conform with the Utility Providers' Code of Practice (WA). A request for approval to plant street trees is to be submitted to the City's Urban Greening team by phone on 1300 422 664 or via this link [Tree Planning Request](#).
14. Please note that this development must achieve compliance with *Food Act 2008*, *the Food Regulations 2009*, *the Australia New Zealand Food Standards Code* and the *Australian Standard AS4674: 2004 Design, construction and fit-out of food premises*.
15. This Development Approval does not authorise any works within the road reserve, including but not limited to drainage works, crossover construction and crossover removal. Prior to any works within the road reserve an application must be made to the City of Canning on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed works, and an application fee. Please go to the City's website for more information or contact the City's Development Engineer.
16. Please note that the premises must operate in compliance with the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004*, and the *Environmental Protection (Noise) Regulations 1997*. Please be advised that if in connection with a business or a commercial activity, a material listed in Schedule 1 of the *Environmental Protection (Unauthorised Discharges) Regulations 2004* is discharged into the environment, an offence is committed. Please see <https://www.legislation.wa.gov.au/> for further information.
17. The applicant is advised that a development approval to develop on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbor's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly, owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
18. Please be advised that it is the obligation of the builder to review the Water Corporation's Working Near Assets and any/all applicable Western Power requirements. It is recommended to liaise with these authorities prior to the lodgment of a Building Permit.
19. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
20. If the landowner wishes to amend or cancel the development application, they may lodge an application with the City of Canning, in accordance with clause 77 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Dale Page**  
Presiding Member, Metro Inner DAP



### AMENDING MOTION 1

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That Condition No. 13 be amended to read as follows:

*Redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications of the City **prior to occupation.***

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

**REASON:** Additional wording was added to clarify when the action needed to occur.

### AMENDING MOTION 2

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That Condition No. 24 be amended to read as follows:

*Prior to the submission of a building permit, revised plans are to be submitted to demonstrate the emergency gate along the western boundary, is to be designed and provided such that the gate **on the western boundary opens outwards inwards** but still within the property boundary.*

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

**REASON:** The panel shared the applicant's concern about creating spaces which could conceal children and noted that an inward opening gate would still meet relevant regulations.

### AMENDING MOTION 3

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That Condition No. 27 be amended to read as follows:

*Prior to the submission of a building permit, a schedule of the external materials, finishes, and colours shall be submitted to and be approved by the City. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the initial occupation of the building and maintained for the duration of the development **unless otherwise approved by the city.***

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

**REASON:** The amended condition allows for minor changes to the palette in future (maintenance and upgrades) without having to seek further development approval.

**Dale Page**  
Presiding Member, Metro Inner DAP



#### AMENDING MOTION 4

**Moved by:** Dale Page

**Seconded by:** Eugene Koltasz

That Advice Note No. 1 be deleted, and the remaining advice notes be renumbered accordingly.

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

**REASON:** Advice Note 1 is unnecessary as it duplicates Condition 2.

#### AMENDING MOTION 5

**Moved by:** Mayor Patrick Hall

**Seconded by:** Cr Ben Kunze

That Condition No. 7 be amended to read as follows:

*The Child Care Premises is permitted to operate between ~~6.30am~~ 7am and 6.30pm, Monday to Friday only. The Child Care Premises is not permitted to operate on Public Holidays.*

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

**For:** Mayor Patrick Hall  
Cr Ben Kunze

**Against:** Dale Page  
Eugene Koltasz  
Andrew Howe

**REASON:** It was considered reasonable to allow the centre to open at 6.30am, to allow for staff set up and to cater for parents who needed to drop children off earlier. this aligns with many other centres in the metropolitan area.

#### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02766 and accompanying plans 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 Canning's Local Planning Scheme No. 42, for the proposed Child Care Premises at 2,4 & 6 Manus Place (Lots 75, 74 & 73) subject to the following conditions:

**Dale Page**  
Presiding Member, Metro Inner DAP



## Conditions:

### General

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 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, 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:

### List of Development Plans

Drawing Title	Sheet No.	Revision No.	Date	Drawn By
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Site Plan	DA1.00	D	15/11/2024	PHA
Ground Floor Plan	DA2.00	F	15/11/2024	PHA
First Floor Plan	DA2.01	E	15/11/2024	PHA
Elevations	DA3.00	C	13/09/2024	PHA
Elevations Fencing	DA3.01	C	13/09/2024	PHA
Sections	DA4.00	C	13/09/2024	PHA
Overshadow Diagram	DA7.00	A	08/01/2025	PHA
3D Views	DA6.00	B	13/09/2024	PHA
Roof Plan	DA2.02	B	13/09/2024	PHA
Landscape Plans	101 & 102	B & C	15/08/2024	KDLA

### Administrative and Legal

4. Prior to the occupation of the development, the subject lots (Lots 75 (2), 74 (4) and 73 (6) Manus Place, Parkwood) shall be amalgamated into a single lot on the Certificate of Title, to the satisfaction of the City.

### Operational

5. The Child Care Premises shall accommodate a maximum of one hundred and eleven (111) children at any one time.
6. No more than twenty (20) staff are permitted to be present on site at any one time.
7. The Child Care Premises is permitted to operate between 6.30am and 6.30pm, Monday to Friday only. The Child Care Premises is not permitted to operate on Public Holidays.

**Dale Page**  
Presiding Member, Metro Inner DAP



8. Outdoor play areas are not to be utilised prior to 7am Monday to Friday.

#### Parking and Access

9. Prior to the occupation of the development, the number and allocation of car parking spaces provided on-site shall be as follows:

11 Visitor parking spaces;  
20 Staff parking spaces; and  
One (1) ACROD parking space.

Car parking spaces shall be maintained thereafter to the satisfaction of the City.

10. Prior to the occupation of the development, all parking bays, maneuvering, and circulation areas are to be constructed to comply with *Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking*. The ACROD car parking bay design and layout are to comply with *Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities)* and once constructed, must be maintained for the duration of the development.
11. 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 Canning.
12. Prior to the occupation of the development, a minimum of eight (8) bicycle parking bays and lockers 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*. Once installed, the bicycle parking bays and lockers are to be maintained for the duration of the development and to the satisfaction of the City.
13. Redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications of the City prior to occupation.
14. Prior to the occupation of the development, all 'Visitor' car parking spaces shall be signed posted and marked in accordance with Australian Standards AS 1742.11 and maintained thereafter to the satisfaction of the City. The signage is to be installed prior to the occupation of the development and must be maintained for the life of the development and for use exclusively by visitors to the property, to the satisfaction of the City.
15. The entry and exit points to the site are to be marked with directional signage identifying the one-way system shown on the site plan. The signage is to be installed prior to the occupation of the development and must be maintained for the duration of the development.



### Works within the road reserve

16. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including:
- the construction of a new vehicular crossover;
  - the construction of the proposed footpath;
  - the upgrade of the existing footpath; and
  - the construction of the new crossovers

Prior to the occupation or use of the development, the approved works within the road reserve are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.

### Fencing/Boundary Walls

17. Prior to the submission of a building permit, details certified by a structural engineer are to be provided for a crash barrier to be installed and incorporated into the new street fence, to the satisfaction of the City. Prior to the occupation of the development, the approved crash barrier is to be constructed and maintained thereafter to the satisfaction of the City.
18. A 2.1m masonry wall/fence is to be provided to the southern lot boundary of the subject site. The masonry wall/fence shall be constructed at the applicant's/landowners cost and thereafter maintained to the satisfaction of the City.
19. The external finish of the boundary walls on the southern boundary shall be consistent with the remainder of the building, unless otherwise agreed to by the City. The external finish of the boundary walls shall have either face-brick or rendered clean finish and thereafter maintained to the satisfaction of the City.

### Utilities, Facilities and External Fixtures

20. Prior to the occupation of the development, a suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided and thereafter to be maintained to the satisfaction of the City.
21. Prior to the submission of a building permit, a lighting plan indicating lighting to the pathways, communal open space, pedestrian and vehicle entry points, and car parking areas is to be submitted to and be approved by the City. Prior to the occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
22. External lighting shall be positioned in accordance with *Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



23. All services and service-related hardware, including antennae, and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
24. Prior to the submission of a building permit, revised plans are to be submitted to demonstrate the emergency gate along the western boundary, is to be designed and provided such that the gate on the western boundary opens inwards but still within the property boundary.
25. The development is to be connected to the Sewer.
26. Prior to the commencement of any site works or construction, a report is to be provided outlining the intended environmentally sustainable design approach for the detailed design of the development. The approach is to be in accordance with Principle 5 - Sustainability of State Planning Policy 7.0 - Design of the Built Environment, to the satisfaction of the City.
27. Prior to the submission of a building permit, a schedule of the external materials, finishes, and colours shall be submitted to and be approved by the City. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the initial occupation of the building and maintained for the duration of the development unless otherwise approved by they City.

#### Stormwater Management

28. Prior to the submission of a building permit, a certified stormwater management plan is to be submitted to and be approved by the City. Once approved, the stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
29. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.

#### Waste Management and Services

30. All provisions and recommendations identified in the Waste Management Plan received 15 November 2024, shall be implemented for the duration of the development, to the satisfaction of the City.

#### Noise Management

31. Recommendations contained within the Acoustic Report, titled 'Environmental Noise Assessment - Child Care Centre, dated 26 August 2024, prepared by Lloyd George Acoustics shall be implemented in full, to the satisfaction of the City.

**Dale Page**  
Presiding Member, Metro Inner DAP



32. Within 90 days of the initial occupation or use of the development, a noise report (including ground truthing of noise emissions) is to be submitted by an accredited acoustic consultant, which confirms noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City. This report shall be at the applicant's cost.
33. Service vehicles, including delivery and waste collection vehicles, are only permitted to access the property on Monday to Friday between the hours of 9am to 4pm and 6pm – 7pm, and not at all on weekends and/or public holidays, unless otherwise approved by the City.

#### Landscaping

34. 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 dated 15 August 2024, and thereafter maintained to the satisfaction of the City. Landscaping is to be protected by curbing or similar barrier.
35. Prior to the commencement of any site or construction work, the landowner shall pay for the planting of 10 street trees. Planting by the City of Canning will be scheduled to occur in the next available planting season after the completion of the development.

#### Signage

36. A separate application including plans or description of all signs for the proposed development (including any signs painted on a building) which are not compliant with the City's Local Planning Policy LP.05 – Advertising Signs, shall be submitted to and be approved by the City.

#### Construction Management Plan

37. Prior to the commencement of any site or construction works, a Construction Management Plan in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to and be approved by the City. The approved plan is to be thereafter implemented for the duration of the construction of the development to the satisfaction of the City.

#### **Advice Notes**

1. Where an approval has so lapsed, no development must be carried out without the further approval of the Development assessment Panel or the City of Canning (as applicable) having first being sought and obtained.

**Dale Page**  
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2. This approval does not authorize the demolition of the existing buildings on site.
  - a) A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings including any septic waste disposal system(s).
  - b) All water bores are to be decommissioned as per the guidelines:
  - c) *Minimum Construction Requirements for Water Bores in Australia, Section 18, Edition 3, Feb 2012.*
3. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
4. The filling of the existing swimming pools is to be carried out under the supervision of a qualified Soils Engineer. A copy of the engineer's certification to be forwarded to the City on completion of the works.
5. The new works and affected parts of the proposed building works must comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
6. Please be advised that the exhaust canopy servicing the Food Business kitchen, shall be specifically designed (i.e., fitted with an odour suppression device) to suit the subject site to minimize the emission of cooking odours from the premises to the satisfaction of the City.
7. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings, and finishes. Please contact the City's Environmental Health Services or visit the City's website for a 'Food Business Notification and Registration Form'.
8. With respect to Condition 26, the required report shall demonstrate what sustainable outcomes will be received from this proposal. The report can include:
  - a) What material selections have been chosen to consider environmental impacts;
  - b) The use of solar panels as one mechanism to address sustainable outcomes,
  - c) Natural ventilation;
  - d) The use of native or water wise plants in an amended landscaping plan, and/or;
  - e) Any outcomes identified by the Design Review Panel and the City, in consultation with the City and prior to the issue of a Building Permit.
9. With respect to Condition 30, the applicant/landowner is advised that the Waste Management Plan may need to be amended from time to time to ensure the use operates without impacting on the residential amenity of the area. Amendments must be with the approval of the City's Officers.

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Presiding Member, Metro Inner DAP



10. With respect to Condition 32, the required noise report shall contain the design of the mechanical ventilation/exhaust system, the specifications, layout, and the design of the exhaust outlet.
11. In relation to the Construction Management Plan required under Condition 36, the owner/developer is to include information such as:
  - the route that construction vehicles will take to and from the site,
  - the temporary realignment of pedestrian access ways,
  - vehicular access to the site during construction,
  - unloading and loading areas,
  - waste disposal,
  - the location on site of building materials to be stored,
  - safety and security fencing,
  - sanitary facilities,
  - Cranes; and
  - Any other details as required by the City.
12. With respect to Condition 35, the applicant / owner is advised that the proposed street tree planting is not approved as part of this application and that street tree planting alignments must conform with the Utility Providers' Code of Practice (WA). A request for approval to plant street trees is to be submitted to the City's Urban Greening team by phone on 1300 422 664 or via this link [Tree Planning Request](#).
13. Please note that this development must achieve compliance with *Food Act 2008*, *the Food Regulations 2009*, *the Australia New Zealand Food Standards Code* and the *Australian Standard AS4674: 2004 Design, construction and fit-out of food premises*.
14. This Development Approval does not authorise any works within the road reserve, including but not limited to drainage works, crossover construction and crossover removal. Prior to any works within the road reserve an application must be made to the City of Canning on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed works, and an application fee. Please go to the City's website for more information or contact the City's Development Engineer.
15. Please note that the premises must operate in compliance with the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004*, and the *Environmental Protection (Noise) Regulations 1997*. Please be advised that if in connection with a business or a commercial activity, a material listed in Schedule 1 of the *Environmental Protection (Unauthorised Discharges) Regulations 2004* is discharged into the environment, an offence is committed. Please see <https://www.legislation.wa.gov.au/> for further information.
16. The applicant is advised that a development approval to develop on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbor's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly, owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.

**Dale Page**  
Presiding Member, Metro Inner DAP



17. Please be advised that it is the obligation of the builder to review the Water Corporation's Working Near Assets and any/all applicable Western Power requirements. It is recommended to liaise with these authorities prior to the lodgment of a Building Permit.
18. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
19. If the landowner wishes to amend or cancel the development application, they may lodge an application with the City of Canning, in accordance with clause 77 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**The Report Recommendation (as amended) was put and CARRIED (3/2).**

For: Dale Page  
Eugene Koltasz  
Andrew Howe

Against: Mayor Patrick Hall  
Cr Ben Kunze

**REASON:** The proposal aligns with the relevant objectives of the Residential zone and the provisions of the City's Local Planning Policy. There is already an approval in place for a childcare centre, which can be acted on, so the suitability of the use for the site and its context is not an issue. The concerns raised by surrounding residents were acknowledged but it was considered that because the site is bounded by three roads, any direct impact on adjoining neighbours is limited. The facility has been designed thoughtfully to minimise shadow on adjoining outdoor spaces and to locate outdoor play areas away from adjoining residents as far as possible. There is adequate carparking and the carparking arrangement is an improvement on the previously approved proposal. Anticipated vehicle movements are well within acceptable levels and any noise generated by the facility can be managed to fall within the Noise Regulations.

**Dale Page**  
Presiding Member, Metro Inner DAP



#### 4. Form 2 DAP Applications

##### 4.1 No. 1 (Lot No. 110) Todtiana Close, Willetton

###### Deputations and Presentations

Joe Algeri (Altus Planning) and Lilian Yek (Altus Planning) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

The City of Canning addressed the DAP in relation to the application at Item 4.1

###### REPORT RECOMMENDATION

**Moved by:** Eugene Koltasz

**Seconded by:** Andrew Howe

That the Metro Inner DAP resolves to:

1. **Approve** the DAP Application reference DAP/15/00906 and accompanying plans (Attachment 2) in accordance with the provisions of the Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Canning Local Planning Scheme No. 42, for the proposed amendment to the approved Place of Worship at 1 Todtiana Close (Lot 110) Willetton, subject to the following conditions:

###### Amended Conditions

1. The operation of the Place of Worship use shall be limited to the following with each period restricted to either one event at maximum capacity or multiple events with the combined number of attendees not exceeding the maximum capacity:
  - a. Monday to Friday:
    - i. 9:30am to 2:00pm – Maximum 600 attendees.
    - ii. 7:00pm to 10:00pm – Maximum 300 attendees.
  - b. Saturday:
    - i. 9:00am to 5:00pm – Maximum 1,400 attendees.
    - ii. 6:00pm to 9:00pm – Maximum 600 attendees.
  - c. Sunday and Public Holidays:
    - i. 8:00am to 1:00pm – Maximum 1,400 attendees for Sunday, Good Friday and Christmas with a maximum of two services per day.
    - ii. 2:00pm to 6:00pm – Maximum 300 attendees.
  - d. All other times not listed above:
    - i. 9:00am to 7:00pm – Maximum 50 attendees at any one time.

All other conditions, footnotes and advice notes remain as per the DAP's original decisions dated 19 April 2016 & 22 September 2020 unless altered by this application.

**Dale Page**  
Presiding Member, Metro Inner DAP



**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposal represents a minor modification to allow more attendees to community events during the day on Thursdays and Fridays and more flexibility in operating times. It will not necessarily make the facility bigger or busier. It will allow for more community events in a purpose-built facility.

**5. Section 31 SAT Reconsiderations**

Nil.

A handwritten signature in cursive script, appearing to read 'Dale Page'.

**Dale Page**  
Presiding Member, Metro Inner DAP



## PART D – OTHER BUSINESS

### 1. State Administrative Tribunal Applications and Supreme Court Appeals

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

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/22/02372 DR44/2024	City of Perth	Lot 20 (No.141) Wellington Street, East Perth	Proposed Convenient Store	28/03/2024
DAP/24/02688 DR 191/2024	City of South Perth	No 44 (Lot 15) Park Street, Como	Proposed Childcare Premises	16/12/2024
DAP/20/01911 DR/192/2024	Town of Cambridge	Lot 800 (29-33) Northwood Street, West Leederville	Three storey care premises and associated office	16/12/2024

### 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:44 am.

**Dale Page**  
Presiding Member, Metro Inner DAP