Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 10 November 2026; 9:30am
Meeting Number: MIDAP/162
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
MIDAP/162 - 10 November 2026 - 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 Lots 10161 and 7413 (No.55) Alexander Drive, Menora - Additions to Retirement Complex (10 new Independent Living Dwellings) – DAP/26/03170

   3.2 Lot 689 (No.177) Edward Street, Osborne Park - Child Care Premises – DAP/26/03101
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

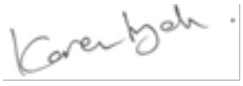
Karen Hyde

Karen Hyde
Presiding Member, Metro Inner DAP

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DAP Members
Karen Hyde (Presiding Member) Francesca Lefante (Deputy Presiding Member) Luigi D'Alessandro
Cr Suzanne Migdale (Part B – City of Stirling) Cr Rob Paparde (Part B – City of Stirling)

DAP Secretariat
Kristen Gray
Ashlee Kelly



Karen Hyde
Presiding Member, Metro Inner DAP

Part B – City of Stirling
Applicant
Item 3.1
Janine Marsh (Doepel Marsh Architects) Felicity Coombe
Item 3.2
Carlo Famiano (CF Town Planning and Development)
Submitters
Item 3.2
Dane Padley
Officers/Technical Advisors in Attendance
Item 3.1
Sam Jeleric Ryan Munyard
Item 3.2
Sam Michie Shaun Wheatland

Members of the Public / Media

Nil

Observers via livestream

There were 7 persons observing the meeting via the livestream.

Karen Hyde
Presiding Member, Metro Inner DAP

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PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 10 November 2026 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 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. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the DAP website.

Karen Hyde

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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 Lots 10161 and 7413 (No.55) Alexander Drive, Menora - Additions to Retirement Complex (10 new Independent Living Dwellings) – DAP/26/03170

Deputations

Janine Marsh (Doepel Marsh Architects) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

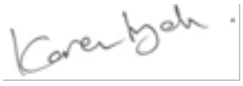
SUBSTANTIVE MOTION

Moved by: Cr Suzanne Migale **Seconded by:** Cr Rob Paparde

An administrative correct was made to condition no.2 to reflect the correct date of determination.

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03170 for the proposed Additions to Retirement Complex (10 Independent Living Dwellings) at Lot 10161 and 7413, House Number 55 Alexander Drive, Menora 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, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:



Karen Hyde
Presiding Member, Metro Inner DAP

Plan/ Document Name	Reference	Date
COVER PAGE	A001	5 August 2026
MACRO CONTEXT PLAN	A002	5 August 2026
PLANNING CONTEXT	A003	5 August 2026
AERIAL PLAN	A004	5 August 2026
SURVEY PLAN	A005	5 August 2026
SITE LOCATION PLAN	A006	5 August 2026
EXISTING SITE PHOTOS	A007	5 August 2026
10 DWELLING LOT LAYOUT	A008	5 August 2026
CARPARK LAYOUT	A009	5 August 2026
WASTE MANAGEMENT	A010	5 August 2026
STORMWATER MANAGAMENT PLAN	A011	5 August 2026
SITE ANALYIS PLAN – LIVING AREAS NORTH FACING	A012	5 August 2026
LANDSCAPING AND ROOF PLAN (Rev B)	A013	5 August 2026
OVERSHADOWING PLAN	A014	5 August 2026
UNIT TYPE PLAN	A015	5 August 2026
TYPE A PLAN (Rev B)	A016	5 August 2026
TYPE B PLAN (Rev B)	A017	5 August 2026
AERIAL VIEW	A018	5 August 2026
PEDESTRIAN VIEW TYPE B	A019	5 August 2026
PEDESTRIAN VEIW TYPE A	A020	5 August 2026
PEDESTRIAN VIEW TYPE A WITH GABLE	A021	5 August 2026
PEDETRIAN VIEW	A022	5 August 2026
SECTIONS	A200	5 August 2026
STREET ELEVATIONS (Rev B)	A300	5 August 2026
STREET ELEVATIONS (Rev B)	A301	5 August 2026
TYPE A - ELVATIONS (Rev B)	A302	5 August 2026
TYPE B - ELEVATIONS (Rev B)	A303	5 August 2026
MOODBOARD - COOL	A400	5 August 2026
MOODBOARD - WARM	A401	5 August 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being 10 November 2026. If the subject development is not substantially commenced within this specified period, the approval shall lapse and be of no further effect.

Landscaping

3. Prior to lodgement of the Building Permit application, an amended Landscaping Plan generally in accordance with the Arboricultural Impact Assessment shall be submitted to, and approved by, the City of Stirling incorporating the following modifications:

   i) The soil level around the existing tree (Agonis flexuosa) is not to be modified.
   ii) The raised garden beds are to be located adjacent to the pedestrian path and incorporate include solar access for productive gardens.

iii) Confirmation of the specific trees on the south side of the development are to be retained and protected during construction.

4. Prior to occupation of the development, all landscaped areas shall be planted, reticulated and mulched in accordance with the amended Landscaping Plan and thereafter maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

5. Prior to occupation of the development, 13 small trees shall be planted on-site in the areas indicated on the approved plans and shall thereafter be maintained for the life of the development to the satisfaction of the City of Stirling. The trees shall be provided with a minimum 9m^2 of soil space and a minimum dimension of 2m at ground level free of intrusions.

6. The existing on-site tree located in community garden to be retained shall be protected during the demolition and construction phases of the development, to the satisfaction of the City of Stirling. The tree shall thereafter be maintained by the landowner for the life of the development, to the satisfaction of the City.

Parking and Access

7. Prior to occupation of the development, all parking bays, manoeuvring and circulation areas shall be sealed/paved, line marked and drained in accordance with *Australian Standard 2890.1:2004 - Off-street car parking*. The parking bays and manoeuvring/circulation areas shall thereafter be maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

8. Details of the dwellings meeting the minimum design requirements of the Silver Level universal design in accordance with *Clause 2.7 Universal design* of the R-Codes Volume 1, Part C are to be provided at the time a building permit application is lodged, to the satisfaction of the City of Stirling.

9. Prior to occupation of the development, pedestrian pathways providing wheelchair accessibility from all entries to buildings to public footpaths and car parking areas shall comply with *Australian Standard 1428.1:2021 - Design for access and mobility, Part 1: General requirements for access – New building work,* to the satisfaction of the City of Stirling.

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Acoustics and Operational Management

10. Prior to lodgement of the Building Permit application, the landowner shall provide written confirmation from a qualified acoustic consultant that 'Quiet House Package B' measures as set out in Table 3 of the *State Planning Policy 5.4 Road and Rail Noise Guidelines* have been incorporated into the working drawings of the Building Permit application, to the satisfaction of the City of Stirling. Prior to occupation of the development, these measures shall be implemented and thereafter maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

Waste Management and Stormwater

11. Prior to commencement of use, the approved Waste Management Plan (prepared by Doepel Marsh Architects received 5 August 2026) shall be implemented and thereafter complied with by the landowner for the life of the development, to the satisfaction of the City of Stirling.

12. Stormwater from all roofed and paved areas shall be collected and contained on-site for the life of the development, to the satisfaction of the City of Stirling. Stormwater shall 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 separate written consent from the City of Stirling.

Lighting

13. All lighting to the new community garden and communal street shall comply with *Australian/New Zealand Standard 4282:2023 - Control of the obtrusive effects of outdoor lighting* and must not spill into any adjacent residential premises.

General

14. Prior to occupation of the development, 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.

15. The infill panels forming part of the front fencing shall be visually permeable as defined by the Residential Design Codes, 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.

Karen Hyde
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2. 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.

3. 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.

4. 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 City of Stirling or the Development Assessment Panel.

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

6. Development shall comply in all respects with the attached approved plans and any requisite amended plans required by a condition of this approval which have been stamped accordingly.

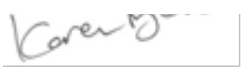
7. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval requires significant modifications to the approved plans, a Form 2 application shall be required for consideration in accordance with Clause 17 or 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Landscaping

8. The specifications of a ‘Small Tree’ are provided in Table 1.2b of Clause 1.2 – Trees and Landscaping of the R-Codes Volume 1, Part C. Photographic evidence of tree planting is to be provided to the City upon occupation of the dwelling/s. Trees must be planted in-ground to allow for proper rootball establishment and long-term growth and be of species that will contribute to canopy cover, such as 'Crepe Myrtle', 'Snow Pear' or 'Pin Cushion Hakea'. For assistance on selecting suitable species please refer to the City's Trees and Development Guidelines.

9. The amended Landscaping Plan is to address and incorporate the following:

   a. Building a raised garden bed around the retained Agonis flexuosa will have a negative impact on the tree. The soil level around the existing tree should not be modified.



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b. The raised garden beds should be located adjacent to the path to allow suitable access.
c. Solar access to the raised beds should be considered if intended to be productive gardens.
d. The provision of a gathering space which promotes social interaction is recommended. The current arrangement appears to be a public access way.
e. Some of the trees to be retained on the south side of the development appear to be hard up against driveways and paths. Confirm if these trees are to be retained and if so, how they will be protected during construction.

Miscellaneous

10. The location, installation and operation of all fixed plant and equipment shall ensure that noise emissions will comply with the assigned levels of the *Environmental Protection (Noise) Regulations 1997*.

AMENDING MOTION 1

Moved by: Karen Hyde **Seconded by:** Cr Suzanne Migdale

That Condition No.3 iii be amended to read as follows:

*Confirmation of the specific trees on the south side of the development **that** are to be retained and protected during construction.*

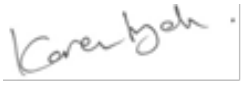
The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Through the design development process, further detail and information will be added to the Landscaping Plan. This amendment therefore allows minor modifications to occur without changing the intent of the overall condition.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03170 for the proposed Additions to Retirement Complex (10 Independent Living Dwellings) at Lot 10161 and 7413, House Number 55 Alexander Drive, Menora 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, subject to the following conditions:

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Advice Notes

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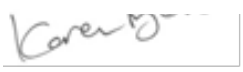
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b. The raised garden beds should be located adjacent to the path to allow suitable access.
c. Solar access to the raised beds should be considered if intended to be productive gardens.
d. The provision of a gathering space which promotes social interaction is recommended. The current arrangement appears to be a public access way.
e. Some of the trees to be retained on the south side of the development appear to be hard up against driveways and paths. Confirm if these trees are to be retained and if so, how they will be protected during construction.

Miscellaneous

10. The location, installation and operation of all fixed plant and equipment shall ensure that noise emissions will comply with the assigned levels of the *Environmental Protection (Noise) Regulations 1997*.

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

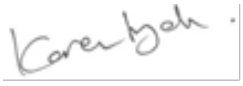
REASON: The proposal involves a minor expansion of the existing complex into a vacant area within the site and is consistent with the planning framework and the site's Private Institution zoning. Within the current zone, a retirement complex is a P use, and the proposal meets the objectives of the zone. The Panel also gave due regard to the future scheme and found that the proposed classification as an Independent Living Complex remains consistent with the context.

The site and surrounding lots are occupied by established retirement villages of varied designs, developed progressively over many years. Centrally located within the complex, the redevelopment uses existing vehicle access points, incorporates common landscaped areas and dedicated private courtyards, and retains the surrounding street interface.

Members supported the proposal, noting that the lot layout and dwelling design, form and scale are consistent with the existing complex. The homes adopt a traditional small-lot suburban layout, with individual frontages and parking along internal communal streets. Minor variations in garage door widths and lot frontages are confined to these internal streets. The development satisfies the relevant acceptable development provisions of LPP 4.5 Private Institutions, including those relating to built form, site planning and the interface with adjoining development.

The Panel noted that there were no community objections and that one supporting submission was received during public advertising. The Panel also noted DPLH's support for the access arrangements.

The Panel was of the opinion that, given the scale, location and stage of the development, it was not appropriate to apply the City's Public Art Policy.



Karen Hyde
Presiding Member, Metro Inner DAP

3.2 Lot 689 (No.177) Edward Street, Osborne Park - Child Care Premises – DAP/26/03101

Deputations

Dane Padley addressed the DAP against the application at Item 3.2 and responded to questions from the panel.

Carlo Famiano (CF Town Planning and Development) addressed the DAP in support of the application at Item 3 and responded to questions from the panel.

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

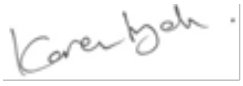
Moved by: Francesca Lefante **Seconded by:** Luigi D'Alessandro

An administrative correction was made to condition no.17 to reflect the correct spelling of the word consent.

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03101 for a proposed Child Care Premises at Lot 689, House Number 177 Edward Street, Osborne Park 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, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Existing Site Survey	Drawing No. 03 of 13	31 August 2026
Site Plan	Drawing No. 04 of 13	31 August 2026
Ground Floor Plan	Drawing No. 07 of 13	31 August 2026
First Floor Plan	Drawing No. 08 of 13	31 August 2026
Roof Plan	Drawing No. 09 of 13	31 August 2026
Elevations	Drawing No. 10 of 13	31 August 2026
Elevations	Drawing No. 11 of 13	31 August 2026
Section & Solar Study	Drawing No. 12 of 13	31 August 2026
Breeze Path Plan	Drawing No. 13 of 13	31 August 2026
Planting Plan – Carpark	L-09	31 August 2026
Planting Plan – Ground Floor	L-05	31 August 2026
Planting Plan – First Floor	L-06	31 August 2026
Irrigation Plan – Ground Floor	L-10	31 August 2026
Irrigation Plan – First Floor	L-8	31 August 2026



Karen Hyde
Presiding Member, Metro Inner DAP

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being **10 November 2026**. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

3. Where outdoor play areas abut residential properties, boundary fencing is to be of masonry construction or modular fencing to a height of 1.8m (above the FFL) to minimise noise and vibration. Details of the proposed fencing construction shall be provided as part of the Building Permit submission, to the satisfaction of the City of Stirling.

Landscaping

4. Prior to the occupation of the development, all landscaped areas shall be planted, reticulated and mulched in accordance with the Landscaping Plan and thereafter maintained by the landowner, to the satisfaction of the City of Stirling.

5. Prior to the occupation of the development, the area identified for the future widening of Hutton Street shall be landscaped and maintained with low-level planting only. Such landscaping shall be maintained so as not to obstruct vehicle or pedestrian sightlines. No buildings, structures, retaining walls, fences, or other permanent improvements shall be constructed within this area, to the satisfaction of the City.

Parking and Access

6. 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.

7. Prior to the occupation of the development, a minimum of 15 staff car parking bays and 11 visitor parking bays shall be provided on site in accordance with Australian Standard AS2890.1:2004 and shall be clearly marked. The accessible parking bay shown on the approved plans shall comply with Australian Standard 2890.6:2022 - Off-street Parking for People with Disabilities.

8. Prior to the occupation of the development, all parking bays, manoeuvring and circulation areas shall be sealed/paved and drained in accordance with Australian Standard 2890.1:2004 - Off-street car parking. The parking bays and manoeuvring areas shall thereafter be maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

9. Prior to the occupation of the development, a minimum of four bicycle parking spaces shall be provided on-site in accordance with Australian Standard 2890.3:2015 - Bicycle Parking, and thereafter maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

Karen Hyde

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10. Prior to the occupation of the development, pedestrian pathways providing wheelchair accessibility from all entries to buildings to public footpath and car parking areas shall comply with Australian Standard 1428.1:2021 - Design for access and mobility, Part 1: General requirements for access – New building work, to the satisfaction of the City of Stirling.

Acoustics and Operational Management

11. Prior to the submission of an application for a building permit, the landowner shall provide written confirmation from a qualified acoustic consultant that the noise amelioration measures contained in Section 7 of the State Planning Policy 5.4 Noise Management Plan (prepared by Herring Storer Acoustics, received 25 March 2026) have been incorporated into the working drawings of the Building Permit application, to the satisfaction of the City of Stirling.

    The noise amelioration measures shall be implemented and thereafter maintained by the landowner, to the satisfaction of the City of Stirling.

12. Prior to the submission of a Building Permit application, an amended Environmental Acoustic Report (prepared by Herring Storer Acoustics, received 25 March 2026) shall be provided and approved by the City, demonstrating that the placement and type of mechanical plant complies with the requirements of the Environmental Protection (Noise) Regulations 1997. All recommended measures of the report shall be implemented.

13. Within three months of the commencement of the Child Care Premises use, a Noise Report prepared by an accredited noise consultant shall be submitted to and approved in writing by the City of Stirling. The Noise Report is to confirm noise from the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City of Stirling.

14. Prior to the occupation of the development, the landowner shall provide consent to a Notification, pursuant to Section 70A of the Transfer of Land Act 1893, being placed on the certificate of title of Lot 689 (House Number 177) Edward Street, Osborne Park stating:

    "This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction."

15. The operational details outlined in the Development Application Report (prepared by CF Town Planning & Development, received 30 August 2026, Rev. 2) form part of this approval and shall be implemented upon commencement of the use, and thereafter operated in accordance with the approved details for the life of the development, to the satisfaction of the City of Stirling, specifically:

    a) The Child Care Premises shall be limited to a maximum of 90 children and 17 staff on-site at any one time;

b) The Child Care Premises shall be limited to operate between 6.30am and 7pm, Monday to Friday (no operation shall occur on Saturdays, Sundays or Public Holidays);
c) Use of the outdoor play areas shall not occur prior to 7:00am;
d) Deliveries shall be undertaken by passenger vehicles and light commercial vehicles outside peak drop-off and pick-up periods; and
e) Prior to the commencement of the approved use, an Operational Management Plan shall be submitted to and approved by the City of Stirling. The Plan shall demonstrate how on-site parking, staff parking, customer parking, traffic arrangements, loading activities, and the development generally will be managed in accordance with the recommendations of the approved Traffic Impact Assessment. The approved Plan shall be implemented for the life of the development, to the satisfaction of the City of Stirling.

Waste Management and Stormwater

16. The development is to comply with the Waste Management Plan prepared by CF Town Planning and Development dated 31 August 2026, for the duration of the development, to the satisfaction of the City.

17. 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 reservation. There shall be no connection to the City's drainage infrastructure without the written consent of the City of Stirling.

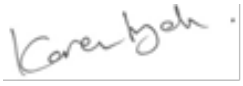
General

18. Prior to the submission of a Building Permit application, a Construction Management Plan (CMP) shall be submitted to the City of Stirling for its approval. The CMP shall address dust, noise, waste management, parking, storage of materials, traffic, site safety/security, staging of the development and any other relevant matters to the satisfaction of the City. The CMP as approved by the City shall be complied with for the duration of implementation of the development.

19. Where located along a public street frontage, air conditioning units, ducts and other services shall be screened from view to the satisfaction of the City of Stirling.

20. 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.

21. Prior to the occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 3.10 (Part C) of the Residential Design Codes (Visual Privacy) deemed to comply provisions.



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Colours and Materials

22. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which form part of this approval, to the satisfaction of the City of Stirling.

23. Prior to the occupation of the development, 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.

Public Art

24. Prior to the 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. Prior to commencement of use, the approved public art shall be completed and installed and thereafter maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

Development Contributions

25. The owner must pay to the City a development contribution towards the cost of constructing the right of way abutting the land in accordance with the City's Local Planning Scheme No. 3. The contribution must be made to the City at or before the time an application is made for a building permit or within 60 days from the commencement of the development, whichever occurs first.

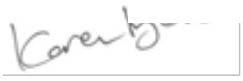
26. The owner must pay to the City a development contribution towards the cost of providing lighting infrastructure in the right-of-way abutting the land in accordance with the City's Local Planning Scheme No. 3. The contribution must be made to the City at or before the time an application is made for a building permit or within 60 days from the commencement of the development, whichever occurs first.

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.

2. 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.



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3. 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.

4. 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 City of Stirling or the Development Assessment Panel.

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

6. Development shall comply in all respects with the attached approved plans and any requisite amended plans required by a condition of this approval which have been stamped accordingly.

7. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval requires significant modifications to the approved plans, a Form 2 application shall be required for consideration in accordance with Clause 17 or 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

Public Art

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

   Based upon the estimated cost of development specified on the development application forms, the 1.0% public art contribution will equate to $25,000.

Future Road Widening and Development Contribution

9. The applicant is required to construct the 0.97m road widening for Ingleton Lane abutting the development site at their cost to the City's satisfaction. A performance bond equivalent to the estimated cost of the works as determined by the City is required to be deposited with the City prior to an application being made for a building permit.

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10. In relation to the right of way condition, a monetary contribution towards the construction of the abutting ROW will need to be paid by the applicant/landowner in order to satisfy this condition of approval. The required contribution amount is currently estimated to be $47,562.55 (being 51.88m x $916.78/m). Please note this is only an estimate which is subject to change and the amount payable will need to be confirmed with the City prior to payment.

11. In relation to the right of way condition, a monetary contribution towards the ROW lighting infrastructure will need to be paid by the applicant/landowner in order to satisfy this condition of approval. The required contribution amount is currently estimated to be $5,932.48 (being 51.88m x $114.35/m). Please note this is only an estimate which is subject to change and the amount payable will need to be confirmed with the City prior to payment.

Noise

12. The condition in relation to the Section 70A 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.

Miscellaneous

13. External lighting shall be positioned so as not to unduly affect the amenity of the locality in accordance with Australian Standard 4282:2023 - Control of the obtrusive effects of outdoor lighting, to the satisfaction of the City of Stirling.

14. The location, installation and operation of all fixed plant and equipment shall ensure that noise emissions will comply with the assigned levels of the Environmental Protection (Noise) Regulations 1997.

15. With respect to food premises and handling practices;

    a) Compliance in all respects with the Food Act 2008, Australian Standard AS4674:2004 - Design, construction and fit-out of food premises, and the Australian New Zealand Food Standards Codes is required, including completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of use.
    b) The development shall operate in compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.
    c) The premises operator shall submit a Food Premises Notification-Registration form.
    d) Prior to the commencement of the use, details of the proposed kitchen fit out are to be submitted to and approved in writing by the City's Environmental Health Service Unit. The following details will be required to support the application:
        i) Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);
        ii) Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;

iii) Finishes of every wall, floor and ceiling;
iv) Indication of hot and cold water supply and wastewater services;
v) Location of all sinks including hand washbasin; and
vi) Details of ventilation and exhaust system servicing the kitchen area.

e) The landowner shall contact the City of Stirling Environmental Health team to arrange a final inspection, prior to commencement of commercial food operations.

AMENDING MOTION 1

Moved by: Francesca Lefante **Seconded by:** Kraen Hyde

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

Prior to the commencement of the approved use, an Operational Management Plan shall be submitted to and approved by the City of Stirling. The Plan shall demonstrate how:

i) on-site parking, staff parking, customer parking, traffic arrangements, loading activities, and the development generally will be managed in accordance with the recommendations of the approved Traffic Impact Assessment. The approved Plan shall be implemented for the life of the development, to the satisfaction of the City of Stirling.

ii) ***Outdoor play areas and staggering of outdoor play activities are to be managed in accordance with the approved Acoustic Repot and Environmental Noise Regulations and shall be implemented for the life of the development, to the satisfaction of the City of Stirling.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel recognised the potential for noise to impact the amenity of immediate neighbours. While the Environmental Noise Regulations sufficiently address noise levels retrospectively, an Operational Management Plan provides an additional, proactive tool that can be applied through the planning framework.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03101 for a proposed Child Care Premises at Lot 689, House Number 177 Edward Street, Osborne Park 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, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Existing Site Survey	Drawing No. 03 of 13	31 August 2026
Site Plan	Drawing No. 04 of 13	31 August 2026
Ground Floor Plan	Drawing No. 07 of 13	31 August 2026
First Floor Plan	Drawing No. 08 of 13	31 August 2026
Roof Plan	Drawing No. 09 of 13	31 August 2026
Elevations	Drawing No. 10 of 13	31 August 2026
Elevations	Drawing No. 11 of 13	31 August 2026
Section & Solar Study	Drawing No. 12 of 13	31 August 2026
Breeze Path Plan	Drawing No. 13 of 13	31 August 2026
Planting Plan – Carpark	L-09	31 August 2026
Planting Plan – Ground Floor	L-05	31 August 2026
Planting Plan – First Floor	L-06	31 August 2026
Irrigation Plan – Ground Floor	L-10	31 August 2026
Irrigation Plan – First Floor	L-8	31 August 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being **10 November 2026**. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

3. Where outdoor play areas abut residential properties, boundary fencing is to be of masonry construction or modular fencing to a height of 1.8m (above the FFL) to minimise noise and vibration. Details of the proposed fencing construction shall be provided as part of the Building Permit submission, to the satisfaction of the City of Stirling.

Landscaping

4. Prior to the occupation of the development, all landscaped areas shall be planted, reticulated and mulched in accordance with the Landscaping Plan and thereafter maintained by the landowner, to the satisfaction of the City of Stirling.

5. Prior to the occupation of the development, the area identified for the future widening of Hutton Street shall be landscaped and maintained with low-level planting only. Such landscaping shall be maintained so as not to obstruct vehicle or pedestrian sightlines. No buildings, structures, retaining walls, fences, or other permanent improvements shall be constructed within this area, to the satisfaction of the City.

Parking and Access

6. 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.

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7. Prior to the occupation of the development, a minimum of 15 staff car parking bays and 11 visitor parking bays shall be provided on site in accordance with Australian Standard AS2890.1:2004 and shall be clearly marked. The accessible parking bay shown on the approved plans shall comply with Australian Standard 2890.6:2022 - Off-street Parking for People with Disabilities.

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<u>Waste Management and Stormwater</u>

16. The development is to comply with the Waste Management Plan prepared by CF Town Planning and Development dated 31 August 2026, for the duration of the development, to the satisfaction of the City.

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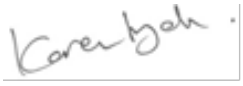
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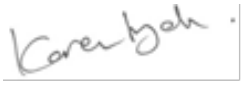
Noise

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Miscellaneous

13. External lighting shall be positioned so as not to unduly affect the amenity of the locality in accordance with Australian Standard 4282:2023 - Control of the obtrusive effects of outdoor lighting, to the satisfaction of the City of Stirling.

14. The location, installation and operation of all fixed plant and equipment shall ensure that noise emissions will comply with the assigned levels of the Environmental Protection (Noise) Regulations 1997.



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15. With respect to food premises and handling practices;

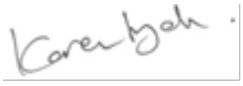
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    b) The development shall operate in compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.
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        iv) Indication of hot and cold water supply and wastewater services;
        v) Location of all sinks including hand washbasin; and
        vi) Details of ventilation and exhaust system servicing the kitchen area.
    e) The landowner shall contact the City of Stirling Environmental Health team to arrange a final inspection, prior to commencement of commercial food operations.

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

REASON: The proposal replaces an existing childcare facility and is consistent with Stirling LPS 3 objectives, the Residential zoning and the childcare policy's location requirements. Members noted that the proposed LPS4 retains the zoning provisions and that the site remains suitable for childcare, being close to Main Street commercial activities. The Panel also noted that the proposal had been assessed as a child care centre, as well as in the context of the R-Codes and R40 density provisions.

The Panel considered that minor variations to the built form, including minor increases in roof and wall heights, would not adversely affect privacy or overshadowing and were in response to the site levels and technical noise assessments. The Design Review Panel and City officers were satisfied with the design elements.

The Panel considered traffic on Hutton Street and the proposed parking and access arrangements, noting that surrounding land uses have different peak parking periods. The City's technical officer reviewed the Traffic Impact Assessment (TIA) findings on traffic volumes, peak periods and dedicated on-site staff parking, concurred with the findings and supported the proposed access arrangements. The Panel was therefore satisfied that the development would not adversely affect vehicle movements or traffic safety.



Karen Hyde
Presiding Member, Metro Inner DAP

Members considered submissions concerning height, setbacks, overlooking and traffic, together with the Design Review Panel (DRP) comments and amended plans. Changes to window placement, screening and boundary treatments improve the interface with the adjoining residential site and reduce impacts on amenity. Members were satisfied that the additional height would not adversely affect the streetscape or adjoining residential amenity. Members also considered noise controls and boundary treatments and required the Operational Management Plan to address outdoor play areas and staggered activities.

On-site parking, secondary egress via the ROW and private contractor servicing from the ROW will accommodate peak operating periods. The City's technical staff reviewed the report and responded to the TIS findings. Members supported the proposal with minor changes to conditions, in accordance with the RAR recommendations.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Karen Hyde
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/25/02994 DR41/2026	City of Fremantle	Lot 21 (242) Marine Terrace, South Fremantle	5 (5) Storey Multiple Dwelling	24/03/2026
DAP/25/03019 DR/91/2026	Town of Cambridge	Lot 101 (No.95-99) Cambridge Street and Lot 4, (No. 17) Kerr Street, West Leederville	Additions and Alterations to Existing Tavern	18/06/2026
DAP/23/02575 DR 165/2026	City of Bayswater	Lots 130 - 131 (No 321) Guildford Road, Bayswater	Proposed Service Station, car wash and drive thru coffee (fast food)	23/10/2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:56am.

Karen Hyde

Karen Hyde
Presiding Member, Metro Inner DAP