

Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 8 October 2026; 9:30am
Meeting Number: MIDAP/158
Meeting Venue: 140 William Street, Perth

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

[MIDAP/158 - 8 October 2026 - City of Stirling](#)

PART A – INTRODUCTION

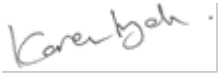
1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF STIRLING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 112 (No.752) Beaufort Street, Mount Lawley - Child Care Premises – DAP/26/03097
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
Presiding Member, Metro Inner DAP

DAP Members

Karen Hyde (Presiding Member)

Clayton Higham (Deputy Presiding Member)

Agata Cabanek

Cr Suzanne Migdale (Part B – City of Stirling)

Cr Rob Papparde (Part B – City of Stirling)

DAP Secretariat

Shanara Wijethunga

Ashlee Kelly

Karen Hyde 
Presiding Member, Metro Inner DAP

Part B – City of Stirling
Submitters
Tracey Monton
Applicant
Carlo Famiano (CF Town Planning and Development)
Officers/Technical Advisors in Attendance
Shaun Wheatland Nick Bertone

Members of the Public / Media

Nil

Observers via livestream

There were 8 persons observing the meeting via the livestream.

Karen Hyde 
Presiding Member, Metro Inner DAP

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.33am on 8 October 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 
Presiding Member, Metro Inner DAP

PART B – CITY OF STIRLING

1. Declaration of Due Consideration

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

2. Disclosure of Interests

DAP Member, Cr Suzanne Migdale, declared an impartiality interest in Item 3.1. Cr Migdale was contacted by neighbouring residents regarding the proposed development. However, Cr Migdale did not engage in any discussion about the matter.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

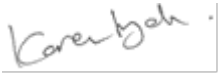
3.1 Lot 112 (No.752) Beaufort Street, Mount Lawley - Child Care Premises – DAP/26/03097

Deputations

Tracey Manton addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Carlo Famiano (CF Town Planning and Development) addressed the DAP in support of the application at Item 3.1 responded to questions from the panel.

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


Karen Hyde
Presiding Member, Metro Inner DAP

SUBSTANTIVE MOTION

Moved by: Clayton Higham

Seconded by: Karen Hyde

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03097 for a Child Care Premises at Lot 112 (No. 752) Beaufort Street, Mount Lawley 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:

- 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. 04 of 14	16 September 2026
Site Plan	Drawing No. 05 of 14	16 September 2026
Context Plan	Drawing No. 06 of 14	16 September 2026
Overlay	Drawing No. 07 of 14	16 September 2026
Ground Floor Plan	Drawing No. 08 of 14	16 September 2026
First Floor Plan	Drawing No. 09 of 14	16 September 2026
Elevations	Drawing No. 10 of 14	16 September 2026
Elevations	Drawing No. 11 of 14	16 September 2026
Roof Plan	Drawing No. 12 of 14	16 September 2026
Section & Solar Study	Drawing No. 13 of 14	16 September 2026
Breeze Path Plan	Drawing No. 14 of 14	16 September 2026
Planting Plan – Ground Floor	L-03	14 August 2026
Planting Plan – First Floor	L-04	14 August 2026
Irrigation Plan- Ground Floor and First Floor	L-05	14 August 2026

- This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being 8 October 2026. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Karen Hyde 
Presiding Member, Metro Inner DAP

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Building Design

3. Notwithstanding the requirements of Condition 1, amended plans shall be provided as part of the Building Permit application to the satisfaction of the City of Stirling that addresses the following;
 - a) The final location and height of the shade sail structures shall be demonstrated on the development plan.

Landscaping

4. Prior to lodgement of the Building Permit application, an amended Landscaping Plan shall be submitted to, and approved by, the City of Stirling incorporating the following modifications:
 - a) The five small trees located on-structure on the first floor of the Child Care Premises shall be provided with a minimum 9m² planting areas. The planting areas shall accommodate for the nominated species on the approved landscaping plan free of impermeable surfaces.
5. 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, to the satisfaction of the City of Stirling.

Parking and Access

6. Prior to occupation or use of the development, a minimum of 13 staff parking car bays and 9 visitor parking bays shall be provided on site in accordance with Australian Standard AS2890.1 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.
7. Prior to 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.
8. Prior to 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.
9. Prior to 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

10. Prior to lodgement of the Building Permit application, the landowner shall provide written confirmation from a qualified acoustic consultant confirming that the noise amelioration measures contained in Section 6 of the State Planning Policy 5.4 Noise Management Plan (prepared by Herring Storer Acoustics, received 4 August 2026, Version No.1) 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.

11. Prior to the submission of a Building Permit application, an amended Environmental Acoustic Report (prepared by Herring Storer Acoustics, received 17 March 2026, Version No.1) 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.
12. Prior to commencement of use, 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 112 (No. 752) Beaufort Street, Mount Lawley 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."

Use of Premises

13. The operational details outlined in the Development Application Report (prepared by CF Town Planning & Development, received 14 August 2026, Rev. 2) forms part of this approval, and shall be implemented upon commencement of use, and thereafter operated accordingly 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 72 children and 13 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); and
 - c) Customer arrival and departure shall occur between 7am to 6.30pm Monday to Friday.

Waste Management and Stormwater

14. The development is to comply with the Waste Management Plan prepared CF Town Planning and Development dated 15 September 2026, for the duration of the development, to the satisfaction of the City.
15. 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 concern of the City of Stirling.

General

16. Prior to commencement of development, 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.
17. 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.

Colours and Materials

18. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Stirling.
19. 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.

Public Art

20. Prior to occupation of the development, a public art proposal for the subject development to the value of 1% of the construction value shall be submitted to, and approved by, the City of Stirling. 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.

Future Road and Laneway Widening

21. The portion of the awning and existing building shall be retained for a temporary basis only, on the basis that the applicant/landowner agrees to remove the structure(s) at the landowner/applicants, should the reserved land be required for road upgrading purposes in the future.

22. The right of way (Ingleton Lane) along the south-west boundary of the subject land to be widened by 0.97m and the required land ceded free of costs to the Crown, prior to occupation of development.

Development Contributions

23. The landowner/applicant must pay to the City a development contribution towards the cost of providing lighting infrastructure in the right of way (Ingleton Lane) 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

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.
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 \$30,000.

Future Road Widening, Rights of Way 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 costs 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.
10. A monetary contribution towards the ROW lighting infrastructure for Ingleton Lane 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 \$4,729.00. 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. The portion of the proposed awning that protrudes into the road reserve is to be constructed of material(s) that can easily be removed and to allow construction access to the road reserve.

Noise

12. In reference to condition 11, the State Planning Policy 5.4 Noise Management Plan identifies that the following noise amelioration is required:
- a) Activity 2 Skylight Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
 - b) Activity 3 (All) Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
 - c) Activity 4 (All) Upgrade to 6.38mm Laminate Glass (Minimum Rw+Ctr 30 dB)
 - d) Activity 5 (All) Upgrade to 10mm Laminate Glass (Minimum Rw+Ctr 32 dB)
 - e) Atelier Upgrade to 6.38mm Laminate Glass (Minimum Rw+Ctr 30 dB)
 - f) Piazza Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
 - g) All Other Windows Standard Construction
 - h) Atelier Walls Minimum Construction Rw+Ctr 50 dB
 - i) Activity 5 Walls Minimum Construction Rw+Ctr 50 dB
 - j) All Other Walls Minimum Construction Rw+Ctr 45 dB

13. 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

14. 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.
15. 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.
16. 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 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 Team. The following details will be required to support the application:
 - i. Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);
 - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - iii. Finishes of every wall, floor and ceiling;
 - iv. Indication of hot and cold water supply and waste water services;
 - v. Location of all sinks including hand washbasin; and
 - vi. Details of ventilation and exhaust system servicing the kitchen area.
 - 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: Clayton Higham

Seconded by: Karen Hyde

That a new Condition No. 13d be added 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 on-site parking, staff parking, customer parking, traffic arrangements, and loading activities and how the development will be managed generally in accordance with the recommendations of the approved Traffic Impact Assessment. The approved Plan shall be implemented for the life of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure the safe and effective management of access and egress arrangements for visitors, staff and service vehicles using the child care premises during operational hours, with particular regard to minimising congestion during peak periods.

AMENDING MOTION 2

Moved by: Clayton Higham

Seconded by: Karen Hyde

That Condition No. 21 be amended to read as follows:

The portion of the awning and existing building shall be retained for a temporary basis only, on the basis that the applicant/landowner agrees to remove the structure(s) at the landowner/applicants, should the reserved land be required for road upgrading purposes in the future to the satisfaction of the City on advice from the Department of Planning, Lands and Heritage.

The Amending Motion was put and CARRIED (4/1).

For: Karen Hyde
Clayton Higham
Agata Cabanek
Cr Rob Papparde

Against: Cr Suzanne Migdale

REASON: To clarify the trigger for the removal of the structures adjoining the Beaufort Street reserve and provide the necessary authority to clear the condition, having regard to advice from the relevant referral authorities.

Karen Hyde 
Presiding Member, Metro Inner DAP

AMENDING MOTION 3

Moved by: Clayton Higham

Seconded by: Cr Rob Paparde

That Advice Note Nos 14, 15 & 16 be amended to read as follows:

Miscellaneous The following items to be noted

- a) *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.*
- b) *The location, installation and operation of all fixed plant and equipment to shall ensure that noise emissions will comply with the assigned levels of the Environmental Protection (Noise) Regulations 1997.*
- c) *With respect to food premises and handing practices;*
 - i. *Compliance in all respects with the Food Act 2008, Australian Standard AS4674:2004 - Design, construction and fit-out of food premises, and the Food Standards Codes is required, including completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of use.*
 - ii. *The development shall operate in compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.*
 - iii. *The premises operator shall submit a Food Premises Notification-Registration form.*
 - iv. *Prior to the commencement of the use, details of the proposed kitchen fit out are to be submitted to and approved in writing by the City's Environmental Health Team. The following details will be required to support the application:*
 - i. *Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);*
 - ii. *Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;*
 - iii. *Finishes of every wall, floor and ceiling;*
 - iv. *Indication of hot and cold water supply and waste water services;*
 - v. *Location of all sinks including hand washbasin; and*
 - vi. *Details of ventilation and exhaust system servicing the kitchen area.*
- d) *The landowner shall contact the City of Stirling Environmental Health team to arrange a final inspection, prior to commencement of commercial food operations.*

Karen Hyde 
Presiding Member, Metro Inner DAP

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The Amending Motion was put and CARRIED (4/1).

For: Karen Hyde
Clayton Higham
Agata Cabanek
Cr Rob Papparde

Against: Cr Suzanne Migdale

REASON: To ensure that the advice notes are appropriately worded as information and advice, rather than as statutory or mandatory requirements.

AMENDING MOTION 4

Moved by: Clayton Higham

Seconded by: Karen Hyde

That Condition No. 16 be amended to read as follows:

*Prior to commencement of development, 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 **the construction implementation** of the development.*

The Amending Motion was put and CARRIED (4/1).

For: Karen Hyde
Clayton Higham
Agata Cabanek
Cr Rob Papparde

Against: Cr Suzanne Migdale

REASON: The condition relates to construction rather than the ongoing operation of the development. The amendment clarifies that the construction management requirements apply during the construction period, while other conditions address the occupation and operation of the facility.

AMENDING MOTION 5

Moved by: Agata Cabanek

Seconded by: Karen Hyde

That Condition No. 4a be amended to read as follows:

Prior to lodgement of the Building Permit application, an amended Landscaping Plan shall be submitted to, and approved by, the City of Stirling incorporating the following modifications:

- a) *The five small trees located on-structure on the first floor of the Child Care Premises shall be provided with a **suitable planting areas** ~~minimum 9m²~~ planting areas. The planting areas shall accommodate for the nominated species on the approved landscaping plan free of impermeable surfaces.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide flexibility in determining suitable growing conditions for the trees and shrubs located on the structure, which will be planted in pots and planter beds rather than in the ground.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03097 for a Child Care Premises at Lot 112 (No. 752) Beaufort Street, Mount Lawley 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. 04 of 14	16 September 2026
Site Plan	Drawing No. 05 of 14	16 September 2026
Context Plan	Drawing No. 06 of 14	16 September 2026
Overlay	Drawing No. 07 of 14	16 September 2026
Ground Floor Plan	Drawing No. 08 of 14	16 September 2026
First Floor Plan	Drawing No. 09 of 14	16 September 2026
Elevations	Drawing No. 10 of 14	16 September 2026

Karen Hyde 
Presiding Member, Metro Inner DAP

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Elevations	Drawing No. 11 of 14	16 September 2026
Roof Plan	Drawing No. 12 of 14	16 September 2026
Section & Solar Study	Drawing No. 13 of 14	16 September 2026
Breeze Path Plan	Drawing No. 14 of 14	16 September 2026
Planting Plan – Ground Floor	L-03	14 August 2026
Planting Plan – First Floor	L-04	14 August 2026
Irrigation Plan- Ground Floor and First Floor	L-05	14 August 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being 8 October 2026. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Building Design

3. Notwithstanding the requirements of Condition 1, amended plans shall be provided as part of the Building Permit application to the satisfaction of the City of Stirling that addresses the following;
 - a) The final location and height of the shade sail structures shall be demonstrated on the development plan.

Landscaping

4. Prior to lodgement of the Building Permit application, an amended Landscaping Plan shall be submitted to, and approved by, the City of Stirling incorporating the following modifications:
 - a) The five small trees located on-structure on the first floor of the Child Care Premises shall be provided with a minimum 9m² planting areas. The planting areas shall accommodate for the nominated species on the approved landscaping plan free of impermeable surfaces.
5. 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, to the satisfaction of the City of Stirling.

Parking and Access

6. Prior to occupation or use of the development, a minimum of 13 staff parking car bays and 9 visitor parking bays shall be provided on site in accordance with Australian Standard AS2890.1 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.


Karen Hyde
Presiding Member, Metro Inner DAP

7. Prior to 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.
8. Prior to 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.
9. Prior to 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

10. Prior to lodgement of the Building Permit application, the landowner shall provide written confirmation from a qualified acoustic consultant confirming that the noise amelioration measures contained in Section 6 of the State Planning Policy 5.4 Noise Management Plan (prepared by Herring Storer Acoustics, received 4 August 2026, Version No.1) 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.

11. Prior to the submission of a Building Permit application, an amended Environmental Acoustic Report (prepared by Herring Storer Acoustics, received 17 March 2026, Version No.1) 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.
12. Prior to commencement of use, 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 112 (No. 752) Beaufort Street, Mount Lawley 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.”

Use of Premises

13. The operational details outlined in the Development Application Report (prepared by CF Town Planning & Development, received 14 August 2026, Rev. 2) forms part of this approval, and shall be implemented upon commencement of use, and thereafter operated accordingly 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 72 children and 13 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); and
 - c) Customer arrival and departure shall occur between 7am to 6.30pm Monday to Friday.
 - d) 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, and loading activities and how the development will be managed generally in accordance with the recommendations of the approved Traffic Impact Assessment. The approved Plan shall be implemented for the life of the development.

Waste Management and Stormwater

14. The development is to comply with the Waste Management Plan prepared CF Town Planning and Development dated 15 September 2026, for the duration of the development, to the satisfaction of the City.
15. 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 concern of the City of Stirling.

General

16. Prior to commencement of development, 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 the construction of the development.
17. 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.

Colours and Materials

18. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Stirling.
19. 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.

Public Art

20. Prior to occupation of the development, a public art proposal for the subject development to the value of 1% of the construction value shall be submitted to, and approved by, the City of Stirling. 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.

Future Road and Laneway Widening

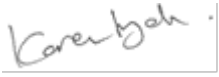
21. The portion of the awning and existing building shall be retained for a temporary basis only, on the basis that the applicant/landowner agrees to remove the structure(s) at the landowner/applicants, should the reserved land be required for road upgrading purposes in the future to the satisfaction of the City on advice from the Department of Planning, Lands and Heritage.
22. The right of way (Ingleton Lane) along the south-west boundary of the subject land to be widened by 0.97m and the required land ceded free of costs to the Crown, prior to occupation of development.

Development Contributions

23. The landowner/applicant must pay to the City a development contribution towards the cost of providing lighting infrastructure in the right of way (Ingleton Lane) 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

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 \$30,000.

Future Road Widening, Rights of Way 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 costs 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. A monetary contribution towards the ROW lighting infrastructure for Ingleton Lane 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 \$4,729.00. 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. The portion of the proposed awning that protrudes into the road reserve is to be constructed of material(s) that can easily be removed and to allow construction access to the road reserve.

Noise

12. In reference to condition 11, the State Planning Policy 5.4 Noise Management Plan identifies that the following noise amelioration is required:
 - a) Activity 2 Skylight Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
 - b) Activity 3 (All) Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
 - c) Activity 4 (All) Upgrade to 6.38mm Laminate Glass (Minimum Rw+Ctr 30 dB)
 - d) Activity 5 (All) Upgrade to 10mm Laminate Glass (Minimum Rw+Ctr 32 dB)
 - e) Atelier Upgrade to 6.38mm Laminate Glass (Minimum Rw+Ctr 30 dB)
 - f) Piazza Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
 - g) All Other Windows Standard Construction
 - h) Atelier Walls Minimum Construction Rw+Ctr 50 dB
 - i) Activity 5 Walls Minimum Construction Rw+Ctr 50 dB
 - j) All Other Walls Minimum Construction Rw+Ctr 45 dB
13. 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.

The following items to be noted

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

- c) With respect to food premises and handling practices;
- i. Compliance in all respects with the Food Act 2008, Australian Standard AS4674:2004 - Design, construction and fit-out of food premises, and the Food Standards Codes is required, including completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of use.
 - ii. The development shall operate in compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.
 - iii. The premises operator shall submit a Food Premises Notification-Registration form.
 - iv. Prior to the commencement of the use, details of the proposed kitchen fit out are to be submitted to and approved in writing by the City's Environmental Health Team. The following details will be required to support the application:
 - i. Two copies of scaled floor plans showing the position of all fixtures and equipment (scale 1:50);
 - ii. Two copies of scaled sectional elevation plans showing the position of all fixtures and equipment;
 - iii. Finishes of every wall, floor and ceiling;
 - iv. Indication of hot and cold water supply and waste water services;
 - v. Location of all sinks including hand washbasin; and
 - vi. Details of ventilation and exhaust system servicing the kitchen area.
- d) 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 (4/1).

For: Karen Hyde
Clayton Higham
Agata Cabanek
Cr Rob Papparde

Against: Cr Suzanne Migdale

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REASON: The Panel acknowledged that the proposal is situated on a partially vacant lot, with a former shop and restaurant occupying part of the site. The lot is zoned Mixed Use, and a child care premises is an 'A' use. The proposal was advertised and received several submissions, including objections. The majority of the Panel considered that the proposed land use supports the objectives of the zone under Local Planning Scheme No. 3. Due regard was also given to draft Local Planning Scheme No. 4, and the proposal was considered consistent with the future planning framework.

The Panel noted the community's concerns regarding vehicle access and egress via Ingleton Lane. However, the proposed arrangement is consistent with Local Planning Policy 6.5 – Developments and Subdivisions, under which developments adjoining a Category 1 right of way are required to use the laneway for access and contribute to creating a safe, legible and attractive streetscape environment along Beaufort Street.

The Panel also had regard to the referral advice from the Department of Planning, Lands and Heritage and noted that access from the laneway is consistent with Western Australian Planning Commission Development Control Policy 5.1, which seeks to minimise the number of crossovers onto regional roads. The site is constrained and cannot achieve safe access from Beaufort Street because of the applicable planning framework and the modifications made to Beaufort Street to improve pedestrian and cyclist comfort.

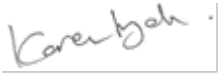
As a condition of approval, the applicant is required to upgrade the section of the laneway adjoining the development. The Panel considered that there was sufficient justification for this requirement and noted the City's advice that the upgrade would make the adjoining section of the right of way wider than required by the relevant Australian Standard, thereby supporting safe vehicle manoeuvring.

The Panel also noted that the Traffic Impact Statement had been reviewed by the City's engineers, who supported the proposed access arrangement. Access arrangements for mixed-use developments along this corridor had also been considered as part of the City's preparation of the relevant planning schemes and policies.

The proposal includes the welcome retention of the former shopfront. Although the shopfront has been modified over time, it continues to reflect the rhythm and character of the heritage area. The Panel therefore considered that the proposed development appropriately addresses the requirements of the Heritage Protection Area Special Control Area.

Discretion was sought in relation to the setbacks and deep-soil area. These matters had been considered by the Design Review Panel and the City's officers. The majority of the Panel agreed with those assessments and considered that the variations would have limited, if any, impact. The majority was therefore satisfied that discretion should be exercised.

On balance, the majority of the Panel supported the proposal, subject to the conditions recommended in the responsible authority report and the minor amendments made at the meeting.


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4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

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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

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10.47am.

Karen Hyde 
Presiding Member, Metro Inner DAP

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