



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 9 September 2025; 9:30am
Meeting Number: MIDAP/96
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/96 - 9 September 2025 - City of Melville - City of Stirling](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF MELVILLE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 182 (No. 13) Maddox Crescent, Melville - Proposed Four (4) Grouped Dwellings – DAP/25/02921
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF STIRLING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 11 (No.73) Wanneroo Road, Tuart Hill - Child Care Premises – DAP/25/02900
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Karen Hyde
Presiding Member, Metro Inner DAP



ATTENDANCE	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Karen Hyde (Presiding Member)	Kristen Parker
Eugene Koltasz (Deputy Presiding Member)	Ashlee Kelly
Heidi Herget	
<i>Part B – City of Melville</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Daniel Lim	Liam Johnson
Cr Matthew Woodall	Troy Cappellucci
<i>Part C – City of Stirling</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Michael Dudek	Sam Michie
Cr Suzanne Migdale	Dean Williams
	James Fletcher
	Giovanna Lumbaca

Karen Hyde
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Melville</i>
Anthony Lee (Tuscom Subdivision Consultants) James Teoh (Tuscom Subdivision Consultants)
<i>Part C – City of Stirling</i>
Alan Stewart (Lateral Planning)

Members of the Public / Media

Nil.

Observers via livestream

There were 6 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 9:38am on 9 September 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

Karen Hyde
Presiding Member, Metro Inner DAP



PART B – CITY OF MELVILLE

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, Heidi Herget, declared an impartiality interest in item 3.1. Undertaken consulting work for Tuscom Subdivision Consultants in the past but currently have no projects underway or pending.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 182 (No. 13) Maddox Crescent, Melville - Proposed Four (4) Grouped Dwellings – DAP/25/02921

Deputations

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

PRIMARY MOTION

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

It is recommended that the Metropolitan Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02921 is appropriate for consideration as a “Grouped Dwelling” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Melville Local Planning Scheme No. 6;
2. **Approve** DAP Application reference DAP/25/02921 and accompanying plans (Attachment 1) 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 Melville Local Planning Scheme No. 6, subject to the following conditions:

Karen Hyde
Presiding Member, Metro Inner DAP



Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City of Melville or the Development Assessment Panel.
4. All storm water generated from the development hereby approved shall be retained on site in accordance with the City's Stormwater guidelines.
5. Prior to the occupation of the development hereby approved, the subject site is to be served by a vehicle crossover.
6. Where a driveway meets the street at the vehicle egress point, walls or fencing within sight line areas are to be truncated or reduced to no higher than 0.75m in height within a 2.0m x 2.5m sightline truncation area. Any landscaping is to be maintained so as to not exceed a height of 0.75m in this area.
7. Prior to the initial occupation of the development, the boundary wall/s shall be finished to either the same finish as the rest of the dwelling walls or at a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the street and adjoining property/properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
9. Prior to the initial occupation of the development, the on-site tree/s (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
10. Prior to the initial occupation of the development, each habitable room is to be fitted with an openable external window in accordance with the provisions of clause C2.2.1 of the Residential Design Codes of Western Australia Part C, to the ongoing satisfaction of the City.
11. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.

Karen Hyde
Presiding Member, Metro Inner DAP



Advice Notes

1. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
2. In regard to the crossover condition, a Crossover Application shall be submitted to and approved in writing by the City. The crossover shall be designed to be:
 - a) a maximum width as shown on the development plans.
 - b) located a minimum of 2m away from the outside of the trunk of any street tree; and
 - c) minimum of 1m from any existing street infrastructure.

The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications, to the satisfaction of the City.

3. In regard to the drainage condition, please refer to the City of Melville drainage information and guidance, located here <https://www.melvillecity.com.au/planning-and-building/building-or-renovating/building-or-renovating-a-house>
4. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information – Rural and Urban Addressing. The applicant/owner is encouraged to liaise with the City for the provision of appropriate street numbers prior to the completion of the development.

The Primary Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered the development to be consistent with definition of grouped housing given the properties shared a driveway and the land use and design was consistent with objectives of the zone and R Code density of R40. Whilst acknowledging the proposal included some minor variations to the deemed to comply provisions, the variations individually and collectively did not impact adjoining sites or the amenity of future residents. Aspects such as overlooking of neighbouring properties was very limited and had been mitigated through careful window design. Tree planting was proposed in accordance with the R codes. Technical supporting information and conditions of approval were sufficient to guide the future implementation of the development. The panel was unanimous in support of the proposal and the City officer's recommendation without further amendment.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Karen Hyde
Presiding Member, Metro Inner DAP



Cr Daniel Lim and Cr Matthew Woodall (Local Government DAP Members, City of Melville) left the panel at 9:53am.

A handwritten signature in blue ink that reads "Karen Hyde".

Karen Hyde
Presiding Member, Metro Inner DAP



PART C – CITY OF STIRLING

Cr Michael Dudek and Cr Suzanne Migdale (Local Government DAP Members, City of Stirling) joined the panel at 9:54am.

1. Declaration of Due Consideration

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

2. Disclosure of Interests

DAP Member, Cr Michael Dudek, declared an impartiality interest in item 3.1. The builder (Macri Builders) has previously done business with a family member in the past.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who has disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 11 (No.73) Wanneroo Road, Tuart Hill - Child Care Premises – DAP/25/02900

Deputations

Alan Stewart (Lateral Planning) 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.

Karen Hyde
Presiding Member, Metro Inner DAP



PRIMARY MOTION

Moved by: Cr Suzanne Migdale

Seconded by: Michael Dudek

The RAR recommendation was moved and seconded inclusive of an administrative correction to the preamble to refer to the correct condition.

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/25/02900 and accompanying plans as listed in Condition 2 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the proposed Child Care Premises on Lot 11, House Number 73, Wanneroo Road, Tuart Hill subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or modifications required as detailed thereon by the Metro Inner Development Assessment Panel. The plans approved as part of this application form part of the development approval issued are listed below:

DRAWING TITLE	Date	Drawing Number	Drawn By
Proposed Site / Survey / Location Plan & Aerial	25/07/2025 & 28/11/2024	03 of 10	Macri Builders & Ross McLoughlin Consulting Surveyor
Proposed Undercroft Plan	25/07/2025	04 of 10	Macri Builders
Proposed Ground Floor Plan	25/07/2025	05 of 10	Macri Builders
Proposed First Floor Plan	25/07/2025	06 of 10	Macri Builders
Proposed Roof Plan	25/07/2025	07 of 10	Macri Builders
Proposed Elevations	25/07/2025	08 of 10	Macri Builders
Proposed Sections Plan	25/07/2025	09 of 10	Macri Builders

Karen Hyde
Presiding Member, Metro Inner DAP



Perspective Views	25/07/2025	10 of 10	Macri Builders
Undercroft Landscape Plan	15/04/2025	C1.102	Plan / E Landscape Architects
Ground Floor Landscape Plan	15/04/2025	C1.103	Plan / E Landscape Architects
Level One Landscape Plan	15/04/2025	C1.104	Plan / E Landscape Architects
Landscape Concept Imagery	15/04/2025	C1.105	Plan / E Landscape Architects
Deep Soil Landscape Plan	15/04/2025	C1.106	Plan / E Landscape Architects
Planting Palette 1 of 2	15/04/2025	C1.107	Plan / E Landscape Architects
Planting Palette 2 of 2	15/04/2025	C1.108	Plan / E Landscape Architects

Landscaping

3. The palm tree indicated on the approved plans for retention must be retained on site in accordance with the approved landscaping plan prepared by Plan E Landscape Architects dated 15 April 2025. The tree must be protected during the demolition and construction phase of the development and thereafter maintained to the satisfaction of the City. Should the tree die or be removed, it shall be replaced by a Medium sized tree to the satisfaction of the City of Stirling
4. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by Plan E Landscape Architects dated 15 April 2025 and thereafter maintained to the satisfaction of the City of Stirling.

Parking and Access

5. 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.
6. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1:2004 Amendment 1 and AS2890.2:2018. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5), to the satisfaction of the City of Stirling.

Karen Hyde
Presiding Member, Metro Inner DAP



7. Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.3-2009 (Design for access and mobility – General requirements for access – New building work), to the satisfaction of the City of Stirling.
8. Prior to the occupation of the development, the car parking areas as shown on the approved plans shall be line-marked and made available for use. The car parking shall thereafter be retained and available for the life of the development, to the satisfaction of the City of Stirling.
9. Prior to the occupation of the development, staff car parking bays numbered 8 to 13 shall be signposted and demarcated as 'Staff' car parking bays and customer / general bays 1 to 6 shall be signposted and demarcated as 'Visitor' car parking bays to the satisfaction of the City of Stirling.
10. Prior to the occupation of the development, a minimum of two bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City of Stirling.
11. Prior to the occupation of the development, a vehicle safety barrier is to be constructed along the façade facing Wanneroo Road at the landowner's expense, to the satisfaction of the City on advice from Main Roads WA.

Acoustics and Operation

12. The operational details outlined in the Operational Management Plan prepared by Lateral Planning dated 31 July 2025 forms part of this approval, and shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The Child Care Premises shall be limited to a maximum number of 94 children and 20 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 6.30am and 7.00pm, Monday to Friday, or on Public Holidays.
 - c. Customer arrival and departure is limited between 7.00am to 6.30pm, Monday to Friday.
13. The operational measures identified in the Environmental Assessment prepared by ND Engineering Consulting Engineers received 15 April 2025, which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Stirling confirming that the noise amelioration recommendations listed in the State Planning Policy 5.4 Noise Management Plan, prepared by ND Engineering Consulting Engineers have been implemented, to the satisfaction of the City of Stirling.

Karen Hyde
Presiding Member, Metro Inner DAP



14. All construction recommendations provided in the Environmental Assessment prepared by ND Engineering Consulting Engineers received 23 August 2024, are to be implemented and comply with the Environmental Protection (Noise) Regulations 1997.
15. 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.

General

16. Prior to the commencement of any works, a Construction Management Plan shall be submitted to and approved by the City of Stirling. The Construction Management Plan shall include specific details on the management of aspects including, but not limited to, dust, noise, vibration, tree protection zones, waste management, storage of materials, traffic, contractor parking, and site safety/security. The Construction Management Plan shall be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.
17. Air conditioning units, ducts and other services shall be screened from view where visible from Cape Street or Wanneroo Road to the satisfaction of the City of Stirling.
18. Prior to the occupation of the development, the applicant must provide a lighting plan that addresses light spill to neighbouring residential properties to the satisfaction of the City.
19. Prior to the occupation of the development, the right of way (Acorn Lane) along the western boundary of the subject site is to be widened by 2.43m and the required land ceded free of costs to the Crown, to the satisfaction of the City of Stirling.
20. All stormwater discharge shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

Colours and Materials

21. 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.

Waste Management and Services

22. Waste Services are to operate in accordance with the approved Operational Management Plan for the duration of the development to the satisfaction of the City of Stirling.

Karen Hyde
Presiding Member, Metro Inner DAP



Public Art

23. Prior to the occupation of the development, a public art proposal to the value of 1.0% of the construction value shall be submitted to and approved in writing by the City of Stirling.
24. Prior to the occupation of the development, the approved public art proposal shall be completed and installed by the developer and be maintained thereafter by the landowner for the life of the development, to the satisfaction of the City of Stirling.

Advice Notes

General

1. If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the Planning and Development Act 2005. Any appeal must be lodged within 28 days of the date of the determination with the State Administrative Tribunal.
2. This is a Development Approval under the City of Stirling Local Planning Scheme No.3 and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development of the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether it has been drawn to the attention of the decision maker.
4. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

Parking and Access

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

Karen Hyde
Presiding Member, Metro Inner DAP



Landscaping

6. In relation to the tree retention condition requirement, a medium tree is defined in the City's Local Planning Policy 6.6 - Trees and Landscaping - Non-Residential as: means a tree which requires planting in at least a 90-litre container or greater size, and which is at least 8 metres in height at maturity and at least 2 years of age. For further information please refer to the City's Local Planning Policy 6.6 – Trees and Landscaping – Non-Residential.

Public Art

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

Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$30,000.

Lighting

8. In relation to the lighting condition requirement, external lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282:2023, to the satisfaction of the City of Stirling.

Miscellaneous

9. The premises shall operate in compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.
10. Compliance of all mechanical services to the Australian Standard AS1668.2 including a certificate of compliance for all installations. This is also to include the undercroft carpark ventilation.
11. The development shall operate in general compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.
12. Compliance in all respects with the Food Act 2008 and Food Standards Codes. Completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of business.
13. The applicant must submit a Food Premises Notification-Registration form to the City of Stirling. The applicant is to 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



14. The premises shall have compliancy with Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises. 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.
15. Any future subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.
16. On advice from Main Roads WA, no works are permitted within the Wanneroo Road Reservation unless Main Roads has issued a Working on Roads Permit.
17. On advice from the Water Corporation, the applicant is required to submit a Commercial Application by using the online portal BuilderNet: login-builder.net.watercorporation.com.au.

Attachments required for approval will include:

- Final construction site & architectural floor plans
- Engineer certified piling detail plans (if required)
- Hydraulic Plans - Water & Wastewater
- Trade Waste Application Form - Application forms (watercorporation.com.au)
- Trade Waste Supplement Form

Karen Hyde
Presiding Member, Metro Inner DAP



AMENDING MOTION 1

Moved by: Heidi Herget

Seconded by: Cr Michael Dudek

That a new Condition No. 21 be added and remaining conditions be renumbered. Condition No. 21 to read as follows:

A detailed Traffic Safety Operations assessment be undertaken prior to issue of building permit to address the following issues, to the satisfaction of the City of Stirling;

- a. The impacts of vehicle queuing along Cape Street between Wanneroo Road and Acorn Lane***
- b. A weave assessment for vehicles exiting Acorn Lane wishing to turn south bound on Wanneroo Road***
- c. A detailed review of the crash history along Cape Street and Acorn Lane***
- d. A detailed site line assessment for vehicles exiting Acorn Lane onto Cape Street and identification of any mitigation to enhance safety at the location***

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

For: Heidi Herget
Cr Michael Dudek
Cr Suzanne Migdale
Eugene Koltasz

Against: Karen Hyde

REASON: The technical traffic analysis was found to be lacking in a number of key aspects concerning data analysis. Given the sensitivity of the Child Care centre land use, the intensification of use in this location and the proximity to Wanneroo Road and adjoining intersections the majority of the panel were of the opinion that additional information should be provided prior to lodgement of a building permit and that any recommendations emerging from this additional analysis should be considered as part of the development proposal to the satisfaction of the City. However, the panel did note that there needed to be a clear need and nexus between the proposal and any additional lane way, intersection or road treatments and that the current issues associated with car movements including on Wanneroo Road were not the responsibility of the applicant.

Karen Hyde
Presiding Member, Metro Inner DAP



AMENDING MOTION 2

Moved by: Heidi Herget

Seconded by: Karen Hyde

That Condition No.12 be amended to read as follows:

*The operational details outlined in the **revised** Operational Management Plan prepared by Lateral Planning dated 31 July 2025 forms part of this approval, and shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:*

- a. *The Child Care Premises shall be limited to a maximum number of 94 children and 20 staff on-site at any one time.*
- b. *The Child Care Premises shall not operate outside of the hours of 6.30am and 7.00pm, Monday to Friday, or on Public Holidays.*
- c. *Customer arrival and departure is limited between 7.00am to 6.30pm, Monday to Friday.*
- d. **Delivery and service vehicle management be inclusive of vehicles larger than B99**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The only point of access to the property under the development application is from Acorn Lane which is a shared public accessway. Whilst the panel noted the additional land being ceded by the application to increase the width of the laneway and also that public parking was nearby, the panel considered that augmentation of the Operational Management Plan was appropriate to ensure that the delivery and service vehicles were managed appropriately for this land use in a relatively constrained location so as to ensure there were no unforeseen impacts on the shared use of the laneway and available parking.

PRIMARY MOTION (AS AMENDED)

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/25/02900 and accompanying plans as listed in Condition 2 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the proposed Child Care Premises on Lot 11, House Number 73, Wanneroo Road, Tuart Hill subject to the following conditions:

Karen Hyde
Presiding Member, Metro Inner DAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements or modifications required as detailed thereon by the Metro Inner Development Assessment Panel. The plans approved as part of this application form part of the development approval issued are listed below:

DRAWING TITLE	Date	Drawing Number	Drawn By
Proposed Site / Survey / Location Plan & Aerial	25/07/2025 & 28/11/2024	03 of 10	Macri Builders & Ross McLoughlin Consulting Surveyor
Proposed Undercroft Plan	25/07/2025	04 of 10	Macri Builders
Proposed Ground Floor Plan	25/07/2025	05 of 10	Macri Builders
Proposed First Floor Plan	25/07/2025	06 of 10	Macri Builders
Proposed Roof Plan	25/07/2025	07 of 10	Macri Builders
Proposed Elevations	25/07/2025	08 of 10	Macri Builders
Proposed Sections Plan	25/07/2025	09 of 10	Macri Builders
Perspective Views	25/07/2025	10 of 10	Macri Builders
Undercroft Landscape Plan	15/04/2025	C1.102	Plan / E Landscape Architects
Ground Floor Landscape Plan	15/04/2025	C1.103	Plan / E Landscape Architects
Level One Landscape Plan	15/04/2025	C1.104	Plan / E Landscape Architects
Landscape Concept Imagery	15/04/2025	C1.105	Plan / E Landscape Architects
Deep Soil Landscape Plan	15/04/2025	C1.106	Plan / E Landscape Architects

Karen Hyde
Presiding Member, Metro Inner DAP



Planting Palette 1 of 2	15/04/2025	C1.107	Plan / E Landscape Architects
Planting Palette 2 of 2	15/04/2025	C1.108	Plan / E Landscape Architects

Landscaping

- The palm tree indicated on the approved plans for retention must be retained on site in accordance with the approved landscaping plan prepared by Plan E Landscape Architects dated 15 April 2025. The tree must be protected during the demolition and construction phase of the development and thereafter maintained to the satisfaction of the City. Should the tree die or be removed, it shall be replaced by a Medium sized tree to the satisfaction of the City of Stirling
- Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscaping plan prepared by Plan E Landscape Architects dated 15 April 2025 and thereafter maintained to the satisfaction of the City of Stirling.

Parking and Access

- 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.
- All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1:2004 Amendment 1 and AS2890.2:2018. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5), to the satisfaction of the City of Stirling.
- Pedestrian pathways providing wheelchair accessibility to all entries to buildings to public footpath and car parking areas are to comply with Australian Standards AS/NZS1428.3-2009 (Design for access and mobility – General requirements for access – New building work), to the satisfaction of the City of Stirling.
- Prior to the occupation of the development, the car parking areas as shown on the approved plans shall be line-marked and made available for use. The car parking shall thereafter be retained and available for the life of the development, to the satisfaction of the City of Stirling.
- Prior to the occupation of the development, staff car parking bays numbered 8 to 13 shall be signposted and demarcated as 'Staff' car parking bays and customer / general bays 1 to 6 shall be signposted and demarcated as 'Visitor' car parking bays to the satisfaction of the City of Stirling.

Karen Hyde
Presiding Member, Metro Inner DAP



10. Prior to the occupation of the development, a minimum of two bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City of Stirling.
11. Prior to the occupation of the development, a vehicle safety barrier is to be constructed along the façade facing Wanneroo Road at the landowner's expense, to the satisfaction of the City on advice from Main Roads WA.

Acoustics and Operation

12. The operational details outlined in the revised Operational Management Plan prepared by Lateral Planning dated 31 July 2025 forms part of this approval, and shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The Child Care Premises shall be limited to a maximum number of 94 children and 20 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 6.30am and 7.00pm, Monday to Friday, or on Public Holidays.
 - c. Customer arrival and departure is limited between 7.00am to 6.30pm, Monday to Friday.
 - d. Delivery and service vehicle management be inclusive of vehicles larger than B99
13. The operational measures identified in the Environmental Assessment prepared by ND Engineering Consulting Engineers received 15 April 2025, which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Stirling confirming that the noise amelioration recommendations listed in the State Planning Policy 5.4 Noise Management Plan, prepared by ND Engineering Consulting Engineers have been implemented, to the satisfaction of the City of Stirling.
14. All construction recommendations provided in the Environmental Assessment prepared by ND Engineering Consulting Engineers received 23 August 2024, are to be implemented and comply with the Environmental Protection (Noise) Regulations 1997.
15. 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.

Karen Hyde
Presiding Member, Metro Inner DAP



General

16. Prior to the commencement of any works, a Construction Management Plan shall be submitted to and approved by the City of Stirling. The Construction Management Plan shall include specific details on the management of aspects including, but not limited to, dust, noise, vibration, tree protection zones, waste management, storage of materials, traffic, contractor parking, and site safety/security. The Construction Management Plan shall be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.
17. Air conditioning units, ducts and other services shall be screened from view where visible from Cape Street or Wanneroo Road to the satisfaction of the City of Stirling.
18. Prior to the occupation of the development, the applicant must provide a lighting plan that addresses light spill to neighbouring residential properties to the satisfaction of the City.
19. Prior to the occupation of the development, the right of way (Acorn Lane) along the western boundary of the subject site is to be widened by 2.43m and the required land ceded free of costs to the Crown, to the satisfaction of the City of Stirling.
20. All stormwater discharge shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.
21. A detailed Traffic Safety Operations assessment be undertaken prior to issue of building permit to address the following issues, to the satisfaction of the City of Stirling;
 - a. The impacts of vehicle queuing along Cape Street between Wanneroo Road and Acorn Lane
 - b. A weave assessment for vehicles exiting Acorn Lane wishing to turn south bound on Wanneroo Road
 - c. A detailed review of the crash history along Cape Street and Acorn Lane
 - d. A detailed site line assessment for vehicles exiting Acorn Lane onto Cape Street and identification of any mitigation to enhance safety at the at location

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 forms part of this approval, to the satisfaction of the City of Stirling.

Waste Management and Services

23. Waste Services are to operate in accordance with the approved Operational Management Plan for the duration of the development to the satisfaction of the City of Stirling.

Karen Hyde
Presiding Member, Metro Inner DAP



Public Art

24. Prior to the occupation of the development, a public art proposal to the value of 1.0% of the construction value shall be submitted to and approved in writing by the City of Stirling.
25. Prior to the occupation of the development, the approved public art proposal shall be completed and installed by the developer and be maintained thereafter by the landowner for the life of the development, to the satisfaction of the City of Stirling.

Advice Notes

General

1. If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the Planning and Development Act 2005. Any appeal must be lodged within 28 days of the date of the determination with the State Administrative Tribunal.
2. This is a Development Approval under the City of Stirling Local Planning Scheme No.3 and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development of the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether it has been drawn to the attention of the decision maker.
4. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

Parking and Access

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

Karen Hyde
Presiding Member, Metro Inner DAP



Landscaping

6. In relation to the tree retention condition requirement, a medium tree is defined in the City's Local Planning Policy 6.6 - Trees and Landscaping - Non-Residential as: means a tree which requires planting in at least a 90-litre container or greater size, and which is at least 8 metres in height at maturity and at least 2 years of age. For further information please refer to the City's Local Planning Policy 6.6 – Trees and Landscaping – Non-Residential.

Public Art

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

Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$30,000.

Lighting

8. In relation to the lighting condition requirement, external lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282:2023, to the satisfaction of the City of Stirling.

Miscellaneous

9. The premises shall operate in compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.
10. Compliance of all mechanical services to the Australian Standard AS1668.2 including a certificate of compliance for all installations. This is also to include the undercroft carpark ventilation.
11. The development shall operate in general compliance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons.
12. Compliance in all respects with the Food Act 2008 and Food Standards Codes. Completion and submission of the City of Stirling Food Premises Notification Form prior to commencement of business.
13. The applicant must submit a Food Premises Notification-Registration form to the City of Stirling. The applicant is to 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



14. The premises shall have compliancy with Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises. 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.
15. Any future subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.
16. On advice from Main Roads WA, no works are permitted within the Wanneroo Road Reservation unless Main Roads has issued a Working on Roads Permit.
17. On advice from the Water Corporation, the applicant is required to submit a Commercial Application by using the online portal BuilderNet: login-builder.net.watercorporation.com.au.

Attachments required for approval will include:

- Final construction site & architectural floor plans
- Engineer certified piling detail plans (if required)
- Hydraulic Plans - Water & Wastewater
- Trade Waste Application Form - Application forms (watercorporation.com.au)
- Trade Waste Supplement Form

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

REASON: The panel considered the proposal to be consistent with the objectives of the zone, the Local Development Plan and the Local Planning Policy 6.4. The design had been reviewed and guided through a local design review panel exercise and under an assessment against State Planning Policy 7.0. The design therefore was regarded as meeting the requirements of the landmark location and had taken into account the potential for noise from Wanneroo Road, and also the requirement to provide a traffic barrier within the front, external landscaping area. The panel were therefore in support of the proposal which will provide a needed service to the local community and assist in updating the amenity of the Tuart Hill centre. The City officer's recommendation to approve, with minor amendments, was supported unanimously.

Karen Hyde
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

A handwritten signature in cursive script that reads "Karen Hyde".

Karen Hyde
Presiding Member, Metro Inner DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

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

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:55am.

Karen Hyde
Presiding Member, Metro Inner DAP