

Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 9 September 2026; 9:30am
Meeting Number: MIDAP/152
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/152 - 9 September 2026 - City of Stirling - City of Subiaco](#)

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 1127, House Number 1, Windemere Crescent, Nollamara - Child Care Premises – DAP/26/03113
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF SUBIACO

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1a Lot 26. (No. 315) Hay Street, Subiaco - Change of Use from a Restaurant to a Bulky Goods Showroom and Two Offices with Additions and Alterations – DAP/26/03079
 - 3.1b Lot 26. (No. 315) Hay Street, Subiaco - Change of Use from a Restaurant to a Bulky Goods Showroom and Two Offices with Additions and Alterations – DAP/26/03079
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

DAP Members

Karen Hyde (Presiding Member)

Francesca Lefante (Deputy Presiding Member)

Peter Lee

Cr Suzanne Migdale (Part B – City of Stirling)

Cr Rob Papparde (Part B – City of Stirling)

Cr Penny O'Connor (Part C – City of Subiaco)

Cr Rosemarie de Vries (Part C – City of Subiaco)

DAP Secretariat

Kristen Gray

Ashlee Kelly



Karen Hyde
Presiding Member, Metro Inner DAP

Part B – City of Stirling
Applicant
Carlo Famiano (CF Town Planning and Development)
Officers/Technical Advisors in Attendance
Grace Stott Ryan Munyard Shaun Wheatland

Part C – City of Subiaco
Applicant
Ben Carter (Pinnacle Planning)
Officers/Technical Advisors in Attendance
<i>Item 3.1a</i>
Brendan Phillips Anthony Denholm Dion Hinge
<i>Item 3.1 b</i>
Lauren Marshall Ben Hesketh

Members of the Public / Media

There was 1 member of the public in attendance.

Observers via livestream

There were 9 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 9:39am on 9 September 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

Nil

3. Form 1 DAP Applications

3.1 Lot 1127, House Number 1, Windemere Crescent, Nollamara - Child Care Premises – DAP/26/03113

Deputations

Carlo Famiano (CF Town Planning and Development) 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.

Cr Rob Paparde (Local Government DAP Members, City of Stirling) joined the panel at 9:49am.

SUBSTANTIVE MOTION

Moved by: Francesca Lefante

Seconded by: Karen Hyde

The RAR recommendation was moved and seconded, inclusive of an administrative correction to ensure the Condition Numbers are in sequential order and an adjustment to Condition No.2 to reflect the date of the approval.

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03113 for the proposed Child Care Premises at Lot 1127, House Number 1 Windemere Crescent, Nollamara, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:

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



Karen Hyde
Presiding Member, Metro Inner DAP

Plan/ Document Name	Reference	Date
3D Perspectives	02	7 July 2026
3D Perspectives	03	7 July 2026
Existing Site Survey	04	7 July 2026
Site Plan	05	7 July 2026
Context Plan	06	7 July 2026
Overlay	07	7 July 2026
Ground Floor	08	7 July 2026
Elevations	09	7 July 2026
Elevations	10	7 July 2026
Roof Plan	11	7 July 2026
Sections & Solar Study	12	7 July 2026
Breeze Path Plan	13	7 July 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the 9 September 2026. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to lodgement of the Building Permit application, a detailed fencing plan shall be submitted to, and approved by, the City incorporating a 1.8m high masonry/modular fence abutting all outdoor play areas to minimise noise and vibration. Prior to occupation of the development, the approved fencing plan shall be implemented, and thereafter maintained by the landowner for the life of the development, to the satisfaction of the City of Stirling.

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:
 - i) Deep soil areas, contained within underground soil cells, for the 10 *Corymbia ficifolia* trees within the car parking area, of an appropriate volume (as certified by the soil cell manufacturer or suitable qualified person) to accommodate the nominated species throughout their expected lifespan; and
 - ii) One large tree shall be planted on-site with a minimum deep soil area of 36m².
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.
6. The three (3) existing on-site trees to be retained shall be protected during the demolition and construction phases of the development, to the satisfaction of the City of Stirling. The trees shall thereafter be maintained by the landowner for the life of the development, to the satisfaction of the City.

Karen Hyde

Karen Hyde
Presiding Member, Metro Inner DAP

7. Planting of one (1) new street tree at the landowner's expense will be scheduled to occur in the next available planting season after the completion of the development. The landowner shall pay the cost of planting of the new street tree prior to commencement of development as determined by the City in the City's Local Planning Policy 6.11 - Trees and Development (refer associated advice note).

Parking and Access

8. Prior to occupation of the development;
 - a) The redundant crossover shall be removed and the verge, footpath and kerb reinstated at the landowner's cost; and
 - b) The new crossover shown on the approved plans shall be constructed 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, 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 accessible parking bay shown on the approved plans shall comply with *Australian Standard 2890.6:2022 - Off-street Parking for People with Disabilities*. 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.
10. Prior to occupation of the development, a minimum of four (4) 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.
11. 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.
12. Prior to occupation of the development, the landowner shall liaise with the City to implement appropriate line marking and signage for the embayed area (as shown on the approved plans) abutting the northern side of the site fronting Windemere Crescent, at the landowner's cost, to the satisfaction of the City of Stirling.

Acoustics and Operational Management

13. Prior to lodgement of the Building Permit application, the landowner shall provide written confirmation from a qualified acoustic consultant 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 6 April 2026, Rev. 2) have been incorporated into the working drawings of the Building Permit application, to the satisfaction of the City of Stirling, specifically:



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- a) Activity Room 1: All Windows – Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
- b) Cot Room: All Windows – Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
- c) All Other Windows: Standard Construction
- d) West Facing Walls: Minimum Construction Rw+Ctr 45 dB

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

14. Prior to lodgement of the Building Permit application, an amended Environmental Acoustic Assessment shall be submitted to, and approved by, the City of Stirling incorporating the following modifications:

- a) An updated acoustic assessment, based on selected mechanical plant technical details; and
- b) Measures to address noise from the assumed mechanical plant location within the staff/drying court area.

15. Prior to commencement of use, the amended Environmental Acoustic Assessment shall be implemented (including a restriction on using car bay 20 to parking vehicles after 7pm on weekdays) and thereafter complied with by the landowner for the life of the development, to the satisfaction of the City of Stirling.

16. 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 1127 (No. 1) Windemere Crescent Nollamara 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.”

17. The operational details outlined in the Development Application Report (prepared by CF Town Planning & Development, received 22 July 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 11 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.



Karen Hyde
Presiding Member, Metro Inner DAP

Waste Management and Stormwater

18. Prior to commencement of use, the approved Waste Management Plan (prepared by CF Town Planning & Development and received 6 April 2026, Rev. 1) shall be implemented and thereafter complied with by the landowner for the life of the development, to the satisfaction of the City of Stirling.
19. Stormwater from all roofed and paved areas shall be collected and contained on-site. Stormwater shall not affect or be allowed to flow onto or into any other property or road reserve. There shall be no connection to the City's drainage infrastructure without separate written consent from the City of Stirling.

General

20. 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.
21. 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

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.
23. 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

24. 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.

Advice Notes

General

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the Development Assessment Panel or City of Stirling.



Karen Hyde
Presiding Member, Metro Inner DAP

2. If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the *Planning and Development Act 2005*. Any appeal must be lodged within 28 days of the date of the determination with the State Administrative Tribunal.
3. This is a Development Approval under the City of Stirling Local Planning Scheme No.3 and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. This approval is not an authority to ignore any constraint to development of the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether it has been drawn to the attention of the City of Stirling or the Development Assessment Panel.
5. The applicant is responsible for ensuring all lot boundaries as shown on the approved plans are correct.
6. Development shall comply in all respects with the attached approved plans and any requisite amended plans required by a condition of this approval which have been stamped accordingly.
7. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval requires significant modifications to the approved plans, a Form 2 application shall be required for consideration in accordance with Clause 17 or 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Landscaping

8. In relation to Condition 7, the current cost for the planting of one new verge tree is \$715.00 (excluding GST) in accordance with the City of Stirling's current adopted Fees and Charges. This cost accounts for 2 years of watering and provision that the City will replace the tree should it be damaged or die during that period. This cost could change depending on the adopted Fees and Charges at time of payment. The verge tree species will be selected by the City.

Parking and Access

9. The proposed crossover is subject to separate approval from the City of Stirling Verge Control Business Unit. A "Crossover Installation Application" shall be submitted to, and approved by the City, prior to commencement of the crossover installation.



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Public Art

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

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

Miscellaneous

11. 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.
12. 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.
13. 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*.
14. 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.



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Presiding Member, Metro Inner DAP

15. The landowner is advised of underground Water Corporation assets located within the south-east corner of the subject site. Any works undertaken in proximity to Water Corporation Assets will require prior approval via an [Asset Protection Risk Assessment](#) (APRA). Guidance on prescribed proximities and relevant legislation are available in our [guidelines](#).

Building Approval Application

Prior to construction the land owner is required to submit a commercial building application by using our online portal [BuilderNet](#). Attachments required for approval will include:

- Final construction site & architectural floor plans
- Hydraulics for both water & wastewater
- Trade Waste Application form with Supplement forms (Food Preparation)

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Cr Rob Paparde

That Condition No.18 be deleted and reworded as follows:

Prior to lodgement of the Building Permit application, an amended Waste Management Plan shall be submitted to, and approved by, demonstrating the amended Bin Location consistent with the approved plans to the satisfaction of the City of Stirling, the following modifications shall be implemented and thereafter complied with by the landowner for the life of the development, to the satisfaction of the City of Stirling.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: An updated Waste Management Plan to be provided which aligns with the location of the bin store as shown on the approved plans.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03113 for the proposed Child Care Premises at Lot 1127, House Number 1 Windemere Crescent, Nollamara, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:

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 - ii) One large tree shall be planted on-site with a minimum deep soil area of 36m².
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.
6. The three (3) existing on-site trees to be retained shall be protected during the demolition and construction phases of the development, to the satisfaction of the City of Stirling. The trees shall thereafter be maintained by the landowner for the life of the development, to the satisfaction of the City.

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7. Planting of one (1) new street tree at the landowner's expense will be scheduled to occur in the next available planting season after the completion of the development. The landowner shall pay the cost of planting of the new street tree prior to commencement of development as determined by the City in the City's Local Planning Policy 6.11 - Trees and Development (refer associated advice note).

Parking and Access

8. Prior to occupation of the development;
 - a) The redundant crossover shall be removed and the verge, footpath and kerb reinstated at the landowner's cost; and
 - b) The new crossover shown on the approved plans shall be constructed 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, 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 accessible parking bay shown on the approved plans shall comply with *Australian Standard 2890.6:2022 - Off-street Parking for People with Disabilities*. 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.
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Acoustics and Operational Management

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- a) Activity Room 1: All Windows – Upgrade to 6mm Glass (Minimum Rw+Ctr 27 dB)
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Prior to occupation of the development, the noise amelioration measures shall be implemented and thereafter maintained by the landowner, to the satisfaction of the City of Stirling.

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15. Prior to commencement of use, the amended Environmental Acoustic Assessment shall be implemented (including a restriction on using car bay 20 to parking vehicles after 7pm on weekdays) and thereafter complied with by the landowner for the life of the development, to the satisfaction of the City of Stirling.

16. 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 1127 (No. 1) Windemere Crescent Nollamara 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.”

17. The operational details outlined in the Development Application Report (prepared by CF Town Planning & Development, received 22 July 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 11 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.



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Waste Management and Stormwater

18. Prior to lodgement of the Building Permit application, an amended Waste Management Plan shall be submitted to, and approved by, demonstrating the amended Bin Location consistent with the approved plans to the satisfaction of the City of Stirling, the following modifications shall be implemented and thereafter complied with by the landowner for the life of the development, to the satisfaction of the City of Stirling.
19. Stormwater from all roofed and paved areas shall be collected and contained on-site. Stormwater shall not affect or be allowed to flow onto or into any other property or road reserve. There shall be no connection to the City's drainage infrastructure without separate written consent from the City of Stirling.

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20. 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.
21. 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

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.
23. 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

24. 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.



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Advice Notes

General

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the Development Assessment Panel or City of Stirling.
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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.
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6. Development shall comply in all respects with the attached approved plans and any requisite amended plans required by a condition of this approval which have been stamped accordingly.
7. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval requires significant modifications to the approved plans, a Form 2 application shall be required for consideration in accordance with Clause 17 or 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Landscaping

8. In relation to Condition 7, the current cost for the planting of one new verge tree is \$715.00 (excluding GST) in accordance with the City of Stirling's current adopted Fees and Charges. This cost accounts for 2 years of watering and provision that the City will replace the tree should it be damaged or die during that period. This cost could change depending on the adopted Fees and Charges at time of payment. The verge tree species will be selected by the City.



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Parking and Access

9. The proposed crossover is subject to separate approval from the City of Stirling Verge Control Business Unit. A "Crossover Installation Application" shall be submitted to, and approved by the City, prior to commencement of the crossover installation.

Public Art

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

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

Miscellaneous

11. 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.
12. 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.
13. 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*.
14. 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);



Karen Hyde
Presiding Member, Metro Inner DAP

- 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.
15. The landowner is advised of underground Water Corporation assets located within the south-east corner of the subject site. Any works undertaken in proximity to Water Corporation Assets will require prior approval via an [Asset Protection Risk Assessment](#) (APRA). Guidance on prescribed proximities and relevant legislation are available in our [guidelines](#).

Building Approval Application

Prior to construction the land owner is required to submit a commercial building application by using our online portal [BuilderNet](#). Attachments required for approval will include:

- Final construction site & architectural floor plans
- Hydraulics for both water & wastewater
- Trade Waste Application form with Supplement forms (Food Preparation)

The Substantive Motion (as amended) was put and CARRIED (4/1).

For: Francesca Lefante
Karen Hyde
Peter Lee
Cr Rob Papparde

Against: Cr Suzanne Migdale

REASON: The Panel was satisfied that the proposed Child Care Premises, accommodating 72 children and 11 staff, was consistent with the applicable planning framework, including the City of Stirling Local Planning Scheme No. 3, the Residential R40 zoning and relevant policies.

Panel members gave due regard to the submissions received during public consultation and were satisfied that the proposal and land use were appropriate for the site, consistent with the City's response. The Panel considered the submissions concerning noise, parking and traffic and was satisfied that these matters had been adequately assessed in the applicant's technical reports, including the acoustic and traffic assessments.



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Although discretionary, the Child Care Premises' scale, single-storey form and corner location were considered compatible with the surrounding residential context, including the nearby school and church. The Panel also supported the minor setback and landscaping variations, finding that they would not unreasonably affect the amenity of adjoining properties.

The Design Review Panel supported the single-storey design, including the retention of significant trees and the addition of new tree planting, and found that it adequately addressed the State Planning Policy 7.0 design principles. The Panel accepted the acoustic assessment and supported conditions relating to boundary treatments to manage noise and amenity impacts.

The Panel accepted that the one-bay parking shortfall was justified by the Transport Impact Statement, having regard to staffing levels, attendance, access to public transport and local conditions. Members were satisfied that the parking arrangements, including line marking within the embayed area, would meet peak demand while maintaining access and sightlines.

The Panel was satisfied that deliveries could be managed through a delivery management plan requiring deliveries to be scheduled outside peak periods. The Panel was also satisfied that the landscaping condition would mitigate visual impacts and improve the street interface. The proposal was supported in accordance with the Responsible Authority Report recommendation.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Cr Suzanne Migdale and Cr Rob Paparde (Local Government DAP Members, City of Stirling) left the panel at 10:27am.



Karen Hyde
Presiding Member, Metro Inner DAP

PART C – CITY OF SUBIACO

Cr Penny O'Connor and Cr Rosemarie de Vries (Local Government DAP Members, City of Subiaco) joined the panel at 10:28am.

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 Penny O'Connor, declared an impartiality interest in item 3.1a. Cr O'Connor is employed by the Department of Planning, Lands and Heritage as a Project Officer in the Aboriginal Heritage Section

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

DAP Member, Cr Penny O'Connor, declared an impartiality interest in item 3.1b. Cr O'Connor is employed by the Department of Planning, Lands and Heritage as a Project Officer in the Aboriginal Heritage Section

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the member listed above, who has disclosed an impartiality interest, is not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Rosemarie de Vries, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr de Vries acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

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



Karen Hyde
Presiding Member, Metro Inner DAP

3. Form 1 DAP Applications

3.1a Lot 26. (No. 315) Hay Street, Subiaco - Change of Use from a Restaurant to a Bulky Goods Showroom and Two Offices with Additions and Alterations – DAP/26/03079

Deputations

Ben Carter (Pinnacle Planning) addressed the DAP in support of the application at Item 3.1a and responded to questions from the panel.

The Western Australian Planning Commission addressed the DAP in relation to the application at Item 3.1b and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Francesca Lefante

Seconded by: Peter Lee

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03079 for Change of Use from a Restaurant to a Bulky Goods Showroom and Two Offices with Additions and Alterations at No. 315 (Lot 26) Hay Street, Subiaco 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 Subiaco Local Planning Scheme No. 5, subject to the following conditions:

General

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:

Drawing	Drawing No	Date Received
Site Plan	A_101	24 June 2026
Floor Plans	A_102b	15 July 2026
Roof Plan and Sections	A_103b	24 June 2026
Elevations	A_105	15 July 2026
Demolition Plan	A_108	24 June 2026

2. 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.



Karen Hyde
Presiding Member, Metro Inner DAP

Infrastructure

3. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least the 1 per cent annual exceedance probability (AEP) event. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
4. All infrastructure in the road reserve adjacent to the development site shall be protected from damage for the duration of the construction of the development, and reinstated to the condition that existed prior to the commencement of the development.
5. Prior to occupation of the development, all existing redundant crossovers are to be removed and the verge reinstated. The material finishes of the footpath and crossover shall be approved by the City of Subiaco.
6. Prior to occupation of the development the modified crossover associated with the development must receive separate approval from the City of Subiaco.
7. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with Australian Standard AS2890.1 (as amended).
8. Prior to occupation of the development, the car parking, and vehicle access and circulation areas shown on the approved plans, including the provision of disabled car parking, shall be constructed, drained, line marked and provided, to the satisfaction of the City of Subiaco.
9. Prior to occupation of the development, the applicant shall submit certification from an appropriately qualified consultant to verify that all vehicle parking bays have capacity to be converted to electric vehicle charging bays in the future, to the satisfaction of the City of Subiaco.
10. Prior to occupation of the development, four (4) class C bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City of Subiaco.
11. Prior to occupation of the development, a minimum of one (1) shower and four (4) lockers are to be provided within the development for the use of the tenants, to the satisfaction of the City of Subiaco.
12. Prior to occupation of the development, the wall/fence along Townshend Road shall be truncated or reduced to no greater than 0.75m in height where within 1.5m of a vehicle access points and street corners in order to provide adequate sight lines to the satisfaction of the City of Subiaco.
13. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works only), a Road Safety Audit is to be prepared and submitted to the City of Subiaco for approval with any recommendations being implemented and adopted thereafter, to the satisfaction of the City of Subiaco.



Karen Hyde
Presiding Member, Metro Inner DAP

External Fixtures, Utilities and Facilities

14. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Subiaco.

Materials and Finishes

15. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either:
- Face brick,
 - Painted render,
 - Painted brickwork, or,
 - Other clean material,

And are to be thereafter maintained to the satisfaction of the City of Subiaco.

16. Prior to the issue of a building permit (but not including a building permit for forward works only), the applicant shall submit amended plans detailing that the glazing to the ground floor commercial tenancy contains transparent glass or a similar treatment to a minimum of 75% of the surface area of the windows in order to maintain a connection to the streetscape, to the satisfaction of the City of Subiaco

Waste Management

17. The approved Waste Management Plan date stamped received 24 June 2026 shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.
18. All bin store areas must be screened from view from any public street to the satisfaction of the City of Subiaco.

Landscaping

19. Prior to commencement of physical works, a Tree Preservation Zone (TPZ) is to be established and maintained around each existing street tree for the life of the contract.
20. Prior to the commencement of development, a detailed landscaping plan shall be submitted that includes information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), to the satisfaction of the City of Subiaco.



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21. Prior to occupation of the development, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Subiaco. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Subiaco.

Public Art

22. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant/owner shall either:
- i) Obtain approval from the City of Subiaco for an artist to provide public art on the development site in accordance with an approved Public Art Plan, to a minimum value of 1% (\$25,000 exclusive GST) of the construction cost. Prior to occupation, the endorsed public art or works shall be implemented and maintained thereafter to the satisfaction of the City of Subiaco; or
 - ii) Enter into a legal agreement with the City of Subiaco for a cash-in-lieu payment of 1% (\$25,000 exclusive GST) of the construction cost for the purpose of public art works. The agreement is to be prepared by the City's solicitors at the expense of the owner and executed by all parties prior to occupation.

Demolition and Construction

23. Prior to the issue of a demolition permit and also a building permit, a Construction Management Plan shall be prepared to the City of Subiaco's satisfaction. This plan is to address:
- i) construction noise;
 - ii) hours of construction;
 - iii) dust;
 - iv) vibration;
 - v) waste;
 - vi) sand;
 - vii) temporary fencing;
 - viii) scaffolding;
 - ix) hoarding;
 - x) gantries;
 - xi) site access and egress;
 - xii) site deliveries;
 - xiii) traffic management;
 - xiv) parking management;
 - xv) management of loading and unloading of vehicles;
 - xvi) heavy vehicle access;
 - xvii) protection of verge trees; and
 - xviii) any other relevant matters.



Karen Hyde
Presiding Member, Metro Inner DAP

The requirements of this plan are to be observed at all times during the construction process to the satisfaction of the City of Subiaco.

Advice Notes

1. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Subiaco Local Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
2. Please note multiple conditions are required to be formally cleared by the City of Subiaco prior to the issue of a building permit and prior to occupation of the development. Please contact the City's Planning Services on 9237 9222 for further information.
3. A building permit is required to be obtained from the City for the works. The applicant is advised to contact the City's Building Services branch on 9237 9222 for further information on these requirements.
4. An occupancy permit is required to be obtained from the City for the change of use and classification. The applicant is advised to contact the City's Building Services branch on 9237 9222 for further information on these requirements.
5. Any additional signage not proposed with the application shall be the subject of a separate planning application.
6. Measures must be taken to ensure any artificial light being emitted by the development, or the land, does not cause a nuisance, and is installed in accordance AS/NZS 4282:2023.
7. Accessible car bays are to be provided in accordance with the requirements of the National Construction Code 2022 (Part D4D6) and the Access to Premise Standard 2010.
8. In relation to the bicycle parking requirements under condition 10, Class C refers to facilities to which the bicycle frame and wheels can be locked, and which provides a low level of security.
9. The Road Safety Audit is an assessment of the potential road safety risks associated with the new development, conducted by an independent qualified auditor. The assessment should consider all road users and suggest measures to eliminate or mitigate those risks which arise from the proposed vehicle access and egress from the development.
10. The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended). Please contact the City's Environmental Health Services on 9237 9222 for further information.



Karen Hyde
Presiding Member, Metro Inner DAP

11. All mechanical service systems including air-conditioners, etc., are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
12. In relation to external fixtures, the exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:
 - outside of balcony/verandah areas (if applicable); and
 - below the height of a standard dividing fence within a side or rear setback area; or
 - within a screened rooftop plant area or nook.
13. A suitable bin enclosure is required to be provided in accordance with the City of Subiaco Health Local Laws 2023.
14. Tree Preservation Zone (TPZ) protective fencing shall be formed around the tree prior to works commencing and shall be retained for the entirety of the project. The TPZ is to be a minimum of two (2) metres extending out from the outer part of the trunk base of the tree or where required, protection may be to the drip line of the tree canopy whichever is greater. If works are required within the TPZ then a City representative must be present on site whilst works are being conducted.
15. In relation to public art, the provision of public art to a minimum value of 1% of the construction costs (i.e.: \$25,000, based in a construction cost of \$2,500,000) is to be incorporated into the development in accordance with Local Planning Policy 8.3 – Percent for Public Art and Public Realm, or through payment of cash in lieu or a combination of both.

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Peter Lee

That Condition No.2 be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of four years from the **9 September 2026** ~~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.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To reflect the approval date and associated plans and documentation.



Karen Hyde
Presiding Member, Metro Inner DAP

AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Peter Lee

That Condition No.13 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The condition was not required, given the low number of vehicle movements and the small number of on-site parking bays. City officers supported the deletion of the condition.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03079 for Change of Use from a Restaurant to a Bulky Goods Showroom and Two Offices with Additions and Alterations at No. 315 (Lot 26) Hay Street, Subiaco 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 Subiaco Local Planning Scheme No. 5, subject to the following conditions:

General

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:

Drawing	Drawing No	Date Received
Site Plan	A_101	24 June 2026
Floor Plans	A_102b	15 July 2026
Roof Plan and Sections	A_103b	24 June 2026
Elevations	A_105	15 July 2026
Demolition Plan	A_108	24 June 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the 9 September 2026. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Infrastructure

3. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least the 1 per cent annual exceedance probability (AEP) event. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.



Karen Hyde
Presiding Member, Metro Inner DAP

4. All infrastructure in the road reserve adjacent to the development site shall be protected from damage for the duration of the construction of the development, and reinstated to the condition that existed prior to the commencement of the development.
5. Prior to occupation of the development, all existing redundant crossovers are to be removed and the verge reinstated. The material finishes of the footpath and crossover shall be approved by the City of Subiaco.
6. Prior to occupation of the development the modified crossover associated with the development must receive separate approval from the City of Subiaco.
7. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with Australian Standard AS2890.1 (as amended).
8. Prior to occupation of the development, the car parking, and vehicle access and circulation areas shown on the approved plans, including the provision of disabled car parking, shall be constructed, drained, line marked and provided, to the satisfaction of the City of Subiaco.
9. Prior to occupation of the development, the applicant shall submit certification from an appropriately qualified consultant to verify that all vehicle parking bays have capacity to be converted to electric vehicle charging bays in the future, to the satisfaction of the City of Subiaco.
10. Prior to occupation of the development, four (4) class C bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City of Subiaco.
11. Prior to occupation of the development, a minimum of one (1) shower and four (4) lockers are to be provided within the development for the use of the tenants, to the satisfaction of the City of Subiaco.
12. Prior to occupation of the development, the wall/fence along Townshend Road shall be truncated or reduced to no greater than 0.75m in height where within 1.5m of a vehicle access points and street corners in order to provide adequate sight lines to the satisfaction of the City of Subiaco.

External Fixtures, Utilities and Facilities

13. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Subiaco.



Karen Hyde
Presiding Member, Metro Inner DAP

Materials and Finishes

14. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either:

- Face brick,
- Painted render,
- Painted brickwork, or,
- Other clean material,

And are to be thereafter maintained to the satisfaction of the City of Subiaco.

15. Prior to the issue of a building permit (but not including a building permit for forward works only), the applicant shall submit amended plans detailing that the glazing to the ground floor commercial tenancy contains transparent glass or a similar treatment to a minimum of 75% of the surface area of the windows in order to maintain a connection to the streetscape, to the satisfaction of the City of Subiaco

Waste Management

16. The approved Waste Management Plan date stamped received 24 June 2026 shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.
17. All bin store areas must be screened from view from any public street to the satisfaction of the City of Subiaco.

Landscaping

18. Prior to commencement of physical works, a Tree Preservation Zone (TPZ) is to be established and maintained around each existing street tree for the life of the contract.
19. Prior to the commencement of development, a detailed landscaping plan shall be submitted that includes information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), to the satisfaction of the City of Subiaco.
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Karen Hyde
Presiding Member, Metro Inner DAP

Public Art

21. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant/owner shall either:
- i) Obtain approval from the City of Subiaco for an artist to provide public art on the development site in accordance with an approved Public Art Plan, to a minimum value of 1% (\$25,000 exclusive GST) of the construction cost. Prior to occupation, the endorsed public art or works shall be implemented and maintained thereafter to the satisfaction of the City of Subiaco; or
 - ii) Enter into a legal agreement with the City of Subiaco for a cash-in-lieu payment of 1% (\$25,000 exclusive GST) of the construction cost for the purpose of public art works. The agreement is to be prepared by the City's solicitors at the expense of the owner and executed by all parties prior to occupation.

Demolition and Construction

22. Prior to the issue of a demolition permit and also a building permit, a Construction Management Plan shall be prepared to the City of Subiaco's satisfaction. This plan is to address:
- i) construction noise;
 - ii) hours of construction;
 - iii) dust;
 - iv) vibration;
 - v) waste;
 - vi) sand;
 - vii) temporary fencing;
 - viii) scaffolding;
 - ix) hoarding;
 - x) gantries;
 - xi) site access and egress;
 - xii) site deliveries;
 - xiii) traffic management;
 - xiv) parking management;
 - xv) management of loading and unloading of vehicles;
 - xvi) heavy vehicle access;
 - xvii) protection of verge trees; and
 - xviii) any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process to the satisfaction of the City of Subiaco.



Karen Hyde
Presiding Member, Metro Inner DAP

Advice Notes

1. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Subiaco Local Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
2. Please note multiple conditions are required to be formally cleared by the City of Subiaco prior to the issue of a building permit and prior to occupation of the development. Please contact the City's Planning Services on 9237 9222 for further information.
3. A building permit is required to be obtained from the City for the works. The applicant is advised to contact the City's Building Services branch on 9237 9222 for further information on these requirements.
4. An occupancy permit is required to be obtained from the City for the change of use and classification. The applicant is advised to contact the City's Building Services branch on 9237 9222 for further information on these requirements.
5. Any additional signage not proposed with the application shall be the subject of a separate planning application.
6. Measures must be taken to ensure any artificial light being emitted by the development, or the land, does not cause a nuisance, and is installed in accordance AS/NZS 4282:2023.
7. Accessible car bays are to be provided in accordance with the requirements of the National Construction Code 2022 (Part D4D6) and the Access to Premise Standard 2010.
8. In relation to the bicycle parking requirements under condition 10, Class C refers to facilities to which the bicycle frame and wheels can be locked, and which provides a low level of security.
9. The Road Safety Audit is an assessment of the potential road safety risks associated with the new development, conducted by an independent qualified auditor. The assessment should consider all road users and suggest measures to eliminate or mitigate those risks which arise from the proposed vehicle access and egress from the development.
10. The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended). Please contact the City's Environmental Health Services on 9237 9222 for further information.



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Presiding Member, Metro Inner DAP

11. All mechanical service systems including air-conditioners, etc., are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
12. In relation to external fixtures, the exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:
 - outside of balcony/verandah areas (if applicable); and
 - below the height of a standard dividing fence within a side or rear setback area; or
 - within a screened rooftop plant area or nook.
13. A suitable bin enclosure is required to be provided in accordance with the City of Subiaco Health Local Laws 2023.
14. Tree Preservation Zone (TPZ) protective fencing shall be formed around the tree prior to works commencing and shall be retained for the entirety of the project. The TPZ is to be a minimum of two (2) metres extending out from the outer part of the trunk base of the tree or where required, protection may be to the drip line of the tree canopy whichever is greater. If works are required within the TPZ then a City representative must be present on site whilst works are being conducted.
15. In relation to public art, the provision of public art to a minimum value of 1% of the construction costs (i.e.: \$25,000, based in a construction cost of \$2,500,000) is to be incorporated into the development in accordance with Local Planning Policy 8.3 – Percent for Public Art and Public Realm, or through payment of cash in lieu or a combination of both.

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

REASON: Panel members were satisfied that the proposal was consistent with the applicable planning framework, including the City of Subiaco Local Planning Scheme No. 5, the Centre Zone and the Subiaco Activity Centre Plan, which identifies the site as Town Centre Type A. Under clause 17 and Table 3 of Local Planning Scheme No. 5, bulky goods showrooms and offices are discretionary land uses. The Panel considered that the proposal satisfied the relevant objectives of the Centre Zone.

The Panel considered the discretionary land uses compatible with surrounding uses and the proposed built form appropriately designed. The upper floor, accessed from Townshend Road, was considered to be of a suitable scale and to provide a positive street interface.



Karen Hyde
Presiding Member, Metro Inner DAP

The proposed modifications and reuse of the existing buildings preserve the streetscape while supporting a compatible mix of land uses that contributes to a diverse and sustainable town centre. The design changes, including the façade treatments, glazing and awnings, respond appropriately to the site's corner location. The built form, height and façade detailing complement the character of the area and enhance the public realm, including through increased glazing to Hay Street and Townshend Road.

The Design Review Panel supported the proposal, subject only to minor matters that were addressed through amended plans. The Panel was satisfied that the proposal met the State Planning Policy 7.0 design principles. Panel members gave due regard to the submissions received during public consultation and were satisfied that the proposed land uses were appropriate for the site, consistent with the City's response.

The site is well serviced by public transport and benefits from public car and bicycle parking on Hay Street, reducing demand for on-site parking. Members agreed with the City's technical assessment that the proposed on-site parking and vehicle access arrangements were suitable and would not create traffic congestion, parking or accessibility issues.

The Panel also noted the Traffic Impact Assessment and the City's validation of its findings, which confirmed that the development could be accommodated within the existing road network and that the proposed access, circulation and vehicle manoeuvring arrangements were acceptable. As there were no significant traffic safety concerns, City officers agreed that a further road safety audit was not required. City officers also supported the one-bay car parking shortfall.

On balance, the Panel supported the proposal in accordance with the comments contained in the Responsible Authority Report.

Cr Penny O'Connor (Local Government DAP Member, City of Subiaco) left the panel at 11:19am.

3.1b Lot 26. (No. 315) Hay Street, Subiaco - Change of Use from a Restaurant to a Bulky Goods Showroom and Two Offices with Additions and Alterations – DAP/26/03079

3.1.2 Deputations

Ben Carter (Pinnacle Planning) addressed the DAP in relation to the application at Item 3.1b and responded to questions from the panel.

The Western Australian Planning Commission addressed the DAP in relation to the application at Item 3.1b and responded to questions from the panel.



Karen Hyde
Presiding Member, Metro Inner DAP

SUBSTANTIVE MOTION

Moved by: Francesca Lefante

Seconded by: Karen Hyde

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03079 pursuant to the Metropolitan Region Scheme, 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 Stamped
Development Plans	12-50052-1	11 August 2026

2. 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.
3. Prior to the commencement of development, including demolition of existing improvements, the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission that:
 - a) shall be binding on all successors in Title;
 - b) agrees that the use of the land in the Other Regional Road reserve is temporary until such time as the land is required for upgrading of Hay Street and/or Hay Street and Townshend Road intersection;
 - c) notes that any building erected, contract made or other thing done in relation to the Other Regional Road reserve will not be taken into consideration in determining any compensation which may be payable by the Western Australian Planning Commission at such time as the land is required, in accordance with section 173(2) of the *Planning and Development Act 2005*;
 - d) requires the landowner to remove all building works within the Other Regional Road reserve at the landowner's cost within 180 days of the Western Australian Planning Commission providing notice that the reserved land is required.
4. The minimum dwell time for any display content on the digital sign shall be 10 seconds, to the satisfaction of the Western Australian Planning Commission.
5. Illumination of the digital sign must not exceed 6000cd/m² (candela per square metre) during the daytime, 600cd/m² during dusk and dawn, and 250cd/m² during night-time, to the satisfaction of the Western Australian Planning Commission.
6. The digital sign shall not flash, pulsate or chase during all hours, to the specifications of Main Roads WA and to the satisfaction of the Western Australian Planning Commission.



Karen Hyde
Presiding Member, Metro Inner DAP

7. The digital sign must not contain fluorescent, reflective or retro-reflective colours or materials to the specifications of Main Roads WA and to the satisfaction of the Western Australian Planning Commission.
8. Prior to making an application for a building permit, a Sign Content Management Plan is to be submitted to the satisfaction of the Western Australian Planning Commission. The content of the sign is to accord with the approved management plan thereafter.

Advice Notes

1. This development approval only relates to the portion of development located within the portion of the site reserved for Other Regional Road purposes under the Metropolitan Region Scheme. Development on the Urban zoned portion of the site is exempt from the need to obtain development approval under the Metropolitan Region Scheme, pursuant to the Western Australian Planning Commission's notice of resolution under clause 28 of that scheme.
2. Main Roads WA advises that the operation of the proposed digital sign requires separate approval from Main Roads WA prior to operation. The applicant is advised that a formal application is to be submitted to Main Roads WA for assessment and approval. For application forms and supporting information about the procedure please refer to *Main Roads Policy and Assessment Guidelines for Digital Advertising Signs* which can be found on the Main Roads website.

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Peter Lee

That Condition No.8 be deleted and reworded to read as follows:

Prior to occupation, a Sign Content Management Plan for the third-party digital (animated and variable content) wall sign, including the provision of a minimum 10% of screentime being dedicated to community material, being submitted to the satisfaction of the Western Australian Planning Commission for approval and management in discussion with the City of Subiaco. A record of content to be retained and provided to the Western Australian Planning Commission confirming compliance with the advertising material.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The inclusion of community material as part of the digital sign reflects the sign's town centre context



Karen Hyde
Presiding Member, Metro Inner DAP

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That Condition No.2 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of four years from the **9 September 2026** ~~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.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To reflect the approval date and associated plans and documentation.

SUBSTANTIVE Motion (AS AMENDED)

That the Metro Inner DAP resolves to **APPROVE** DAP Application reference DAP/26/03079 pursuant to the Metropolitan Region Scheme, 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 Stamped
Development Plans	12-50052-1	11 August 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the 9 September 2026. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of development, including demolition of existing improvements, the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission that:
 - a) shall be binding on all successors in Title;
 - b) agrees that the use of the land in the Other Regional Road reserve is temporary until such time as the land is required for upgrading of Hay Street and/or Hay Street and Townshend Road intersection;
 - c) notes that any building erected, contract made or other thing done in relation to the Other Regional Road reserve will not be taken into consideration in determining any compensation which may be payable by the Western Australian Planning Commission at such time as the land is required, in accordance with section 173(2) of the *Planning and Development Act 2005*;



Karen Hyde
Presiding Member, Metro Inner DAP

- d) requires the landowner to remove all building works within the Other Regional Road reserve at the landowner's cost within 180 days of the Western Australian Planning Commission providing notice that the reserved land is required.
4. The minimum dwell time for any display content on the digital sign shall be 10 seconds, to the satisfaction of the Western Australian Planning Commission.
5. Illumination of the digital sign must not exceed 6000cd/m² (candela per square metre) during the daytime, 600cd/m² during dusk and dawn, and 250cd/m² during night-time, to the satisfaction of the Western Australian Planning Commission.
6. The digital sign shall not flash, pulsate or chase during all hours, to the specifications of Main Roads WA and to the satisfaction of the Western Australian Planning Commission.
7. The digital sign must not contain fluorescent, reflective or retro-reflective colours or materials to the specifications of Main Roads WA and to the satisfaction of the Western Australian Planning Commission.
8. Prior to occupation, a Sign Content Management Plan for the third-party digital (animated and variable content) wall sign, including the provision of a minimum 10% of screentime being dedicated to community material, being submitted to the satisfaction of the Western Australian Planning Commission for approval and management in discussion with the City of Subiaco. A record of content to be retained and provided to the Western Australian Planning Commission confirming compliance with the advertising material.

Advice Notes

1. This development approval only relates to the portion of development located within the portion of the site reserved for Other Regional Road purposes under the Metropolitan Region Scheme. Development on the Urban zoned portion of the site is exempt from the need to obtain development approval under the Metropolitan Region Scheme, pursuant to the Western Australian Planning Commission's notice of resolution under clause 28 of that scheme.
2. Main Roads WA advises that the operation of the proposed digital sign requires separate approval from Main Roads WA prior to operation. The applicant is advised that a formal application is to be submitted to Main Roads WA for assessment and approval. For application forms and supporting information about the procedure please refer to *Main Roads Policy and Assessment Guidelines for Digital Advertising Signs* which can be found on the Main Roads website.



Karen Hyde
Presiding Member, Metro Inner DAP

The Substantive Motion (as amended) was put and CARRIED (3/1).

For: Karen Hyde
Francesca Lefante
Peter Lee

Against: Cr Rosemarie de Vries

REASON: The proposed digital sign is integrated into the new upper-floor built form and façade detailing and complements the character of the area. Members considered the sign's size and location and were satisfied that it met the relevant policy provisions.

The traffic report concluded that the proposal would not affect traffic safety or intersection function, and the relevant planning and road authorities Main Roads WA and WAPC concurred with its findings. Members also considered concerns about the precedent that could be created by the signage. However, they were satisfied that approval was justified by the sign's integrated design, its relationship with the building, the site's location and mixed-use setting, its separation from residential areas, the absence of amenity impacts, support from the relevant traffic agencies and the inclusion of community content.

The Panel was satisfied that the proposal would not detract from the streetscape or town centre. On balance, the Panel supported the proposal, including the amended conditions.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil



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/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 11:54am.



Karen Hyde
Presiding Member, Metro Inner DAP