



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 10 July 2025; 9.30am
Meeting Number: MIDAP/86
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/86 – 10 July 2025 – City of Melville – City of Canning](#)

PART A – INTRODUCTION

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

PART B – CITY OF MELVILLE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 1 (Nos. 2A & 2B) Broadhurst Crescent and Lot 5 (No.1) Islip Court, Bateman – Childcare Premises – DAP/25/02858
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF CANNING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 33 (No.151) Riverton Drive, Rossmoyne – Two (2) Multiple Dwellings – DAP/25/02834
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

Dale Page
Presiding Member, Metro Inner DAP



ATTENDANCE	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Claire Ortlepp
Clayton Higham (Deputy Presiding Member)	Ashlee Kelly
Andrew Howe	
<i>Part B – City of Melville</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Matthew Woodall	Dion Hinge
Cr Daniel Lim	Kate Bainbridge
<i>Part C – City of Canning</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Ben Kunze	Petronella Thandroyen
	Shakeel Maqbool
	Troy Bozich
	Matthew Reid (Jackson McDonald)

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Applicant and Submitters
<i>Part B – City of Melville</i>
Tom O'Rourke Alessandro Stagno (Apex Planning) Rory Hindle (Hindle Properties) Geoff Harris (Herring Storer Acoustics) Gianni Da Rui (Meyer Shircore)
<i>Part C – City of Canning</i>
Nick Grindrod (Rise Urban) Chris Catlow (Landowner) David Chandler (Dale Alcock Projects) Samuel Grimes (Dale Alcock Projects)

Members of the Public / Media

Nil.

Observers via livestream

There were 7 persons observing the meeting via the livestream.

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PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 10 July 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

Mayor Patrick Hall (Local Government DAP Member, City of Canning)

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](#).

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PART B – CITY OF MELVILLE

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 4 July 2025 was published in Part B of the Related Information.

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 1 (Nos. 2A & 2B) Broadhurst Crescent and Lot 5 (No.1) Islip Court, Bateman – Childcare Premises – DAP/25/02858

Deputations

Tom O'Rourke addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Alessandro Stagno (Apex Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Geoff Harris (Herring Storer Acoustics) responded to questions from the panel in relation to the application at Item 3.1.

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

REPORT RECOMMENDATION

Administrative amendments were made to correct the numbering of conditions and delete Advice Note No. 8, as it duplicated Advice Note No. 3.

Moved by: Cr Daniel Lim

Seconded by: Clayton Higham

That the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02858 is appropriate for consideration as "Child Care Premises" land use and compatible with the objectives of the zoning table in accordance with Clause 17 of the City of Melville Local Planning Scheme No. 6; and

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Presiding Member, Metro Inner DAP



2. **Approve** DAP Application reference DAP/25/02858 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:

Conditions

1. 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.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise agreed to in writing by the City of Melville or the Development Assessment Panel.
3. Prior to the commencement of development, a detailed stormwater management plan is to be submitted, and approved by the City. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City.
4. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the street and adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
5. A maximum of 107 children, 18 full time staff and 5 support staff are permitted on site unless otherwise approved in writing, to the satisfaction of the City. The 5 support staff are only permitted on site between the hours of 10:00am and 3:00pm.
6. The centre shall only operate between the hours of 6:30am and 6:00pm Monday to Friday, to the satisfaction of the City.
7. Prior to the initial occupation of the development, all bicycle parking areas, car parking bays, manoeuvring areas, driveway and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.
8. Prior to the initial occupation of the development, all unused crossover(s) shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
9. Prior to the initial occupation of the development hereby approved, the subject site shall be serviced by a vehicle crossover.
10. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in Residential Design Codes Volume 1, to the satisfaction of the City.

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11. Prior to the initial occupation of the development, the openings along the West elevation shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of Residential Design Codes Volume 1. The screening measures must thereafter be maintained in perpetuity to the satisfaction of the City.
12. Where a driveway meets the street, all fences, walls and structures shall meet the sightline requirements contained under Clause 3 of Local Planning Policy LPP1.6 Car Parking and Access and thereafter maintained to the satisfaction of the City.
13. Reflective or heavily tinted glazing at ground floor level of the Child Care Premises is not permitted.
14. The outdoor play areas are not to be used prior to 7am and to ensure on-going compliance with the Environmental Protection (Noise) Regulations 1997.
15. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding streets prior to the initial occupation of the development to the satisfaction of the City.
16. Prior to the commencement of development, a revised Acoustic Report shall be submitted to the City for approval to demonstrate how all mechanical services, outdoor play, cars and waste collection associated with the development will comply with the 'Assigned Noise Levels' contained in the *Environmental Protection (Noise) Regulations 1997* when the noise is received at any neighbouring residential premises. The revised Acoustic Report shall specifically take into consideration the changes made to the design of the retaining walls and basement car parking area. The development shall operate in accordance with the recommendations set out in the approved Acoustic Report, to the satisfaction of the City.
17. Prior to the initial occupation of the development, the applicant shall demonstrate that the development, including acoustic fencing, has been built in compliance with the recommendations and assumptions in the approved Acoustic Report, to the satisfaction of the City.
18. A noise report is to be submitted by an accredited consultant, within three months of the development commencing that confirms noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City.

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Presiding Member, Metro Inner DAP



19. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and the road verges adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) Any lawns to be established;
 - (c) Any existing vegetation and/or landscaped areas to be retained; and
 - (d) Any verge treatments

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.

20. Prior to the occupation of the development, a plan for the outdoor play spaces shall be provided to and approved by the City to detail any proposed shade and play structures and any additional landscaping. These structures and additional landscaping are to be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.
21. The development is to be constructed and operated in accordance with the Waste Management Plan provided with the application (Attachment 6) and the City's Waste Management Guideline for New Developments, to the satisfaction of the City.
22. Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the City. The bin compound(s) are to be constructed to satisfy the following requirements:
- a. Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
 - b. Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness.
 - c. Having walls not less than 1.8 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self-closing gate.
 - d. Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
 - e. Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.
 - f. Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).



- g. Conveniently located for disposal of waste and recyclables by residents/tenants.
 - h. Not readily accessible by the public.
23. Prior to the initial occupation of the development, an Operational Management Plan is to be submitted to and approved by the City. This plan is required to include details on how the development will manage:
- a. Peak time traffic flow to drop off and pickup zones;
 - b. On-site parking during peak periods;
 - c. Staff parking management;
 - d. On-site car parking prior to 7am being away from residential properties;
 - e. Pedestrian safety;
 - f. Preventing queueing of traffic and parking along Marsengo Road, Broadhurst Crescent and Islip Court; and
 - g. Control and timing of deliveries and service vehicles.

The Operational Management Plan is required to include person managing the above during pick up and drop off periods. The development shall operate in accordance with the approved Operational Management Plan for the lifetime of the development, to the satisfaction of the City.

24. Prior to the commencement of development, a Road Safety Audit shall be submitted to and approved in writing by the City in accordance with the City's Road Safety Audit Policy. Recommendations of the Road Safety Audit are to be incorporated into the design to the satisfaction of the City.
25. Prior to the lodgement of a demolition application or the lodgement of a building application (recommended 30 days), the applicant shall submit a Construction Management Plan (CMP) to the City of Melville for approval. The CMP shall be prepared having regard to the provisions of Local Planning Policy 1.22 – Construction Management Plans. The CMP will require approval by the City prior to the issue of the associated Building Permit or Demolition Permit. Once approved in writing by the City, the demolition and construction is to be carried out in accordance with the CMP to the satisfaction of the City. Any modifications to the CMP are to be approved by the City in writing.
26. Prior to the commencement of development, a detailed lighting plan is to be submitted to and approved in writing by the City. Lighting is to be provided to all car parking areas in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting shall be provided such that the light source does not compromise safety and/or amenity. The development shall have lighting installed and operate thereafter in accordance with the approved lighting plan to the satisfaction of the City.



27. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals, prior to commencement of development, a Public Art Plan proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development, to the satisfaction of the City. In lieu of the provision of art on site, a cash in lieu contribution may be made prior to construction commencing, to the satisfaction of the City.
28. 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.

Advice Notes

1. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout the duration of the demolition and construction processes of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to demolition of the site or commencement of development (whichever occurs first), in accordance with the following criteria:
 - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment, fuel, oil dumps or chemicals;
 - Servicing or refuelling of equipment or vehicles;
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
 - Open-cut trenching or excavation works (whether or not for laying of services);
 - Changes to the natural ground level of the verge;
 - Location of any temporary buildings including portable toilets; or
 - The parking of vehicles or machinery.
2. 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.

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Presiding Member, Metro Inner DAP



3. 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.
4. Access of service vehicles to the property including deliveries and the operation of forklifts shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.
5. In relation to condition 9, prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
 - a maximum width as specified within the City's Crossover Guidelines and Specifications;
 - located a minimum of 2m away from the outside of the trunk of any street tree; and
 - a minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

6. In relation to condition 11, the applicant is advised that the 2.1m high colourbond fencing on the western boundary will suffice in this regard. In accordance with the Dividing Fences Act you are required to reach agreement with adjoining land owners as to the height, appearance and location of the dividing fence. Further information is available at <https://www.commerce.wa.gov.au/building-and-energy/dividing-fence-matters-overview>.
7. In relation to condition 19, the City's Verge Treatment Policy sets out requirements for verge planting. Here is a link to the City's Verge Treatment Policy: <https://www.melvillecity.com.au/our-city/publications-and-forms/technical-services/verge-treatment-policy>
8. This development constitutes a "Food Business" as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards. For further information please contact the City's Health Services. Please note that childcare centres require the development of a Food Safety Program (FSP).
9. Prior to the commencement of any works an *Application to Construct a Food Business* with plans and specifications of the "Food Business" including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fitout of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – "Food Premises and Equipment".



10. Prior to the commencement of the Food Business an *Application to Register/Notification of a Food Business* is to be submitted with plans and specifications of the "Food Business" including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fitout of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – "Food Premises and Equipment".

AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: Dale Page

That Condition No. 22 be amended to read as follows, with the deleted wording added as a new Advice Note No. 11.

Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the City. ~~The bin compound(s) are to be constructed to satisfy the following requirements:~~

- a. ~~Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.~~*
- b. ~~Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness.~~*
- c. ~~Having walls not less than 1.8 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self closing gate.~~*
- d. ~~Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.~~*
- e. ~~Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.~~*
- f. ~~Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).~~*
- g. ~~Conveniently located for disposal of waste and recyclables by residents/tenants.~~*
- h. ~~Not readily accessible by the public.~~*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The information is detailed, explanatory information and more appropriate as an Advice Note to clarify the City's expectation about the construction of the bin compounds.

Dale Page
Presiding Member, Metro Inner DAP



AMENDING MOTION 2

Moved by: Clayton Higham

Seconded by: Andrew Howe

That Condition No. 23f be deleted.

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

For: Dale Page
Clayton Higham
Andrew Howe

Against: Cr Matthew Woodall
Cr Daniel Lim

REASON: The majority of panel members were of the view that as this related to the public road child care centre staff had no jurisdiction to prevent parking of vehicles along the adjoining streets and that this is a matter for the City to manage.

AMENDING MOTION 3

Moved by: Cr Matthew Woodall

Seconded by: Cr Daniel Lim

That Condition No. 6 be amended to read as follows:

*The centre shall only ~~operate~~ **accommodate children** between the hours of ~~6:30am~~ **7:00am** and 6:00pm Monday to Friday, to the satisfaction of the City.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel was concerned about the potential amenity impacts on neighbours by having children attend the centre from 6:30am and the proposed hours do not accord with the City's Local Planning Policy 1.12. The amendment should not preclude arrival of staff and preparation internal to the centre before 7:00am.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02858 is appropriate for consideration as "Child Care Premises" land use and compatible with the objectives of the zoning table in accordance with Clause 17 of the City of Melville Local Planning Scheme No. 6; and
2. **Approve** DAP Application reference DAP/25/02858 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:

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Conditions

1. 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.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise agreed to in writing by the City of Melville or the Development Assessment Panel.
3. Prior to the commencement of development, a detailed stormwater management plan is to be submitted, and approved by the City. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City.
4. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the street and adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
5. A maximum of 107 children, 18 full time staff and 5 support staff are permitted on site unless otherwise approved in writing, to the satisfaction of the City. The 5 support staff are only permitted on site between the hours of 10:00am and 3:00pm.
6. The centre shall only accommodate children between the hours of 7:00am and 6:00pm Monday to Friday, to the satisfaction of the City.
7. Prior to the initial occupation of the development, all bicycle parking areas, car parking bays, manoeuvring areas, driveway and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.
8. Prior to the initial occupation of the development, all unused crossover(s) shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
9. Prior to the initial occupation of the development hereby approved, the subject site shall be serviced by a vehicle crossover.
10. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in Residential Design Codes Volume 1, to the satisfaction of the City.

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Presiding Member, Metro Inner DAP



11. Prior to the initial occupation of the development, the openings along the West elevation shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of Residential Design Codes Volume 1. The screening measures must thereafter be maintained in perpetuity to the satisfaction of the City.
12. Where a driveway meets the street, all fences, walls and structures shall meet the sightline requirements contained under Clause 3 of Local Planning Policy LPP1.6 Car Parking and Access and thereafter maintained to the satisfaction of the City.
13. Reflective or heavily tinted glazing at ground floor level of the Child Care Premises is not permitted.
14. The outdoor play areas are not to be used prior to 7am and to ensure on-going compliance with the Environmental Protection (Noise) Regulations 1997.
15. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding streets prior to the initial occupation of the development to the satisfaction of the City.
16. Prior to the commencement of development, a revised Acoustic Report shall be submitted to the City for approval to demonstrate how all mechanical services, outdoor play, cars and waste collection associated with the development will comply with the 'Assigned Noise Levels' contained in the *Environmental Protection (Noise) Regulations 1997* when the noise is received at any neighbouring residential premises. The revised Acoustic Report shall specifically take into consideration the changes made to the design of the retaining walls and basement car parking area. The development shall operate in accordance with the recommendations set out in the approved Acoustic Report, to the satisfaction of the City.
17. Prior to the initial occupation of the development, the applicant shall demonstrate that the development, including acoustic fencing, has been built in compliance with the recommendations and assumptions in the approved Acoustic Report, to the satisfaction of the City.
18. A noise report is to be submitted by an accredited consultant, within three months of the development commencing that confirms noise from the development complies with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City.

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Presiding Member, Metro Inner DAP



19. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and the road verges adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) Any lawns to be established;
 - (c) Any existing vegetation and/or landscaped areas to be retained; and
 - (d) Any verge treatments

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.

20. Prior to the occupation of the development, a plan for the outdoor play spaces shall be provided to and approved by the City to detail any proposed shade and play structures and any additional landscaping. These structures and additional landscaping are to be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.
21. The development is to be constructed and operated in accordance with the Waste Management Plan provided with the application (Attachment 6) and the City's Waste Management Guideline for New Developments, to the satisfaction of the City.
22. Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the City.
23. Prior to the initial occupation of the development, an Operational Management Plan is to be submitted to and approved by the City. This plan is required to include details on how the development will manage:
- a. Peak time traffic flow to drop off and pickup zones;
 - b. On-site parking during peak periods;
 - c. Staff parking management;
 - d. On-site car parking prior to 7am being away from residential properties;
 - e. Pedestrian safety;
 - f. Control and timing of deliveries and service vehicles.

The Operational Management Plan is required to include person managing the above during pick up and drop off periods. The development shall operate in accordance with the approved Operational Management Plan for the lifetime of the development, to the satisfaction of the City.



24. Prior to the commencement of development, a Road Safety Audit shall be submitted to and approved in writing by the City in accordance with the City's Road Safety Audit Policy. Recommendations of the Road Safety Audit are to be incorporated into the design to the satisfaction of the City.
25. Prior to the lodgement of a demolition application or the lodgement of a building application (recommended 30 days), the applicant shall submit a Construction Management Plan (CMP) to the City of Melville for approval. The CMP shall be prepared having regard to the provisions of Local Planning Policy 1.22 – Construction Management Plans. The CMP will require approval by the City prior to the issue of the associated Building Permit or Demolition Permit. Once approved in writing by the City, the demolition and construction is to be carried out in accordance with the CMP to the satisfaction of the City. Any modifications to the CMP are to be approved by the City in writing.
26. Prior to the commencement of development, a detailed lighting plan is to be submitted to and approved in writing by the City. Lighting is to be provided to all car parking areas in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting shall be provided such that the light source does not compromise safety and/or amenity. The development shall have lighting installed and operate thereafter in accordance with the approved lighting plan to the satisfaction of the City.
27. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals, prior to commencement of development, a Public Art Plan proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development, to the satisfaction of the City. In lieu of the provision of art on site, a cash in lieu contribution may be made prior to construction commencing, to the satisfaction of the City.
28. 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.

Advice Notes

1. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout the duration of the demolition and construction processes of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to demolition of the site or commencement of development (whichever occurs first), in accordance with the following criteria:

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- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment, fuel, oil dumps or chemicals;
 - Servicing or refuelling of equipment or vehicles;
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
 - Open-cut trenching or excavation works (whether or not for laying of services);
 - Changes to the natural ground level of the verge;
 - Location of any temporary buildings including portable toilets; or
 - The parking of vehicles or machinery.
2. 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.
3. 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.
4. Access of service vehicles to the property including deliveries and the operation of forklifts shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.
5. In relation to condition 9, prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
- a maximum width as specified within the City's Crossover Guidelines and Specifications;
 - located a minimum of 2m away from the outside of the trunk of any street tree; and
 - a minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

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6. In relation to condition 11, the applicant is advised that the 2.1m high colourbond fencing on the western boundary will suffice in this regard. In accordance with the Dividing Fences Act you are required to reach agreement with adjoining land owners as to the height, appearance and location of the dividing fence. Further information is available at <https://www.commerce.wa.gov.au/building-and-energy/dividing-fence-matters-overview>.
7. In relation to condition 19, the City's Verge Treatment Policy sets out requirements for verge planting. Here is a link to the City's Verge Treatment Policy: <https://www.melvillecity.com.au/our-city/publications-and-forms/technical-services/verge-treatment-policy>
8. This development constitutes a "Food Business" as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards. For further information please contact the City's Health Services. Please note that childcare centres require the development of a Food Safety Program (FSP).
9. Prior to the commencement of any works an *Application to Construct a Food Business* with plans and specifications of the "Food Business" including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fitout of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – "Food Premises and Equipment".
10. Prior to the commencement of the Food Business an *Application to Register/Notification of a Food Business* is to be submitted with plans and specifications of the "Food Business" including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fitout of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – "Food Premises and Equipment".
11. The bin compound(s) are to be constructed to satisfy the following requirements:
 - a. Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
 - b. Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness.
 - c. Having walls not less than 1.8 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self-closing gate.
 - d. Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
 - e. Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer.



- This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.
- f. Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).
 - g. Conveniently located for disposal of waste and recyclables by residents/tenants.
 - h. Not readily accessible by the public.

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

REASON: Although the site is in a residential area, the panel was comfortable the proposal meets the objectives of the Residential Zone – specifically the requirement for any non-residential development to be compatible with and complementary to existing residential development and the streetscape. The proposal meets the locational criteria in the City's policy relating to childcare centres. Given this, and given there is a current approval for a childcare centre for the site, the panel felt it would be difficult to argue that the site is not suitable for the use proposed.

The impact of the centre on directly adjoining neighbours is minimised due to the site being surrounded on three sides by roads and well serviced by footpaths and public transport; parking and servicing areas will be contained within a basement and not at-grade; there will be limited interface between outdoor play areas and the immediate neighbours; and where there is interface, sound walls and landscaping will be installed to minimise any potential impacts. The panel was of the view the proposal will not have negative impact on the streetscape given the residential design of the building and the high-quality landscaping proposed. The panel noted that even though it is a non-residential use, the proposal has been assessed against the R-Codes, as required by the City's childcare policy, and that the proposal meets the objectives and design principles of relevant clauses.

Where discretion is sought against the design principles of the Codes, this has been well justified by the applicant and in the City's RAR. In terms of parking, the panel noted that discretion is sought for the provision of 20 bays instead of 23, but accepted the argument that support staff will attend outside of peak hours and will be able to use visitor bays. The panel also accepted that provision of separate motorcycle bays is not necessary given the nature of the use. The panel was satisfied that the key issues of noise and traffic impacts have been adequately addressed in the report and accompanying technical documents and in responses to questions of presenters at the meeting and noted that suitable conditions of approval have been recommended to ensure that noise impacts are appropriately mitigated.



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Matthew Woodall and Cr Daniel Lim (Local Government DAP Members, City of Melville) left the panel at 10:24am.

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PART C – CITY OF CANNING

Cr Ben Kunze (Local Government DAP Member, City of Canning) joined the panel at 10:24am.

1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 7 July 2025.

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 Ben Kunze, declared an impartiality interest in Item 3.1. Cr Kunze was involved in a previous Council decision regarding a request for the removal of trees adjacent to the subject site.

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, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 33 (No.151) Riverton Drive, Rossmoyne – Two (2) Multiple Dwellings – DAP/25/02834

Deputations

Nick Grindrod (Rise Urban) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Chris Catlow addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

David Chandler (Dale Alcock Projects) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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



REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

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

Refuse DAP Application reference DAP/25/02834 and accompanying plans (Attachment 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 Canning Local Planning Scheme No. 42, for the following reasons:

Reasons

1. The proposed development does not comply with Clause 67(2)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposed development in its current form is not considered to meet the land use classification of 2 multiple dwellings. The development is considered to meet the land use classification of 3 multiple dwellings which is not permitted under Table D of the Residential Design Codes Volume 1 Part D, based on the zoning and lot area requirements stipulated under Table D for each dwelling proposed.
2. The proposed development does not comply with Clause 67(2)(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the development is not considered to be compatible with its setting, including the desired future character of its setting and the relationship of the development to development on adjoining land and land in the locality.
3. The proposed development does not comply with Clause 67(2)(p) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and does not demonstrate compliance with the design principles of Clause 5.3.2 Landscaping of Residential Design Codes Volume 1 Part B as the development does not provide high quality landscaping.
4. The proposed development does not demonstrate compliance with the design principles outlined in Clause 5.1.2 – Street Setbacks of Residential Design Codes Volume 1 Part B. Specifically, the proposed primary street setback would have a detrimental impact on the streetscape and the surrounding area, being inconsistent with both the existing and desired future primary street setbacks for the locality, in contrast to the objectives of a low-density area.
5. The proposed development does not demonstrate compliance with the design principles outlined in Clause 5.1.4 – Open Space of Residential Design Codes Volume 1 Part as the development does not reflect the existing or desired streetscape character, contributes to an increased sense of building bulk, and exceeds the expectations set by the R20 code. The proposed open space of 41.8%, instead of the required 50%, results in a shortfall of 8.2% (82.32m²), leading to a notable reduction in open space on site. This diminishes the overall visual appeal of the development and the streetscape, while also compromising compliance with other relevant planning standards.

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6. The proposed development does not comply with Clause 67(2)(m) and (n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the cumulative impact development through its proposed reduced building setbacks to street and neighbouring properties, excessive building height, and reduced open space results in an inconsistent building presentation for the existing streetscape which is inconsistent with the objectives of orderly and proper planning and will have a detrimental effect on the preservation of local amenity.
7. The proposed development does not comply with sub-Clause 62 (1) (d) and sub-Clauses 63 (1) (a)(x) and (d) of Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The City is unable to conduct a complete assessment due provision of insufficient supporting information. Specifically, the applicant has not provided an updated Landscape Plan or a certified Stormwater Plan.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Dale Page

Seconded by: Clayton Higham

That the Metro Inner Development Assessment Panel resolved as follows:

That the consideration of DAP Application DAP/25/02834 be deferred for up to 180 days, being on or before 6 January 2026, in accordance with Section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:

1. To allow the applicant to demonstrate achievement of the Residential R20 density code requirements outlined in Clause 5.1 of the R-Codes (Site Area), while ensuring that the street setback remains consistent with Clause 5.1.2 of the R Codes (Street setback) and respects the existing streetscape and surrounding properties.
2. To allow the applicant to demonstrate how the proposal complies with Table D of the R-Codes Volume 1 regarding the minimum and average lot area requirements, i.e., the development being consistent with the intended density and built form for a lot zoned Residential R20.
3. To allow the applicant to demonstrate compliance with Clause 5.1.4 of the R-Codes (Open Space) to enhance the development's visual appeal and contribute positively to the streetscape.
4. To allow the applicant to demonstrate compliance with Clause 5.3.2 of the R Codes (Landscaping) to ensure high quality landscaping is provided within the property boundaries.

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5. To allow the applicant to provide amended plans and supporting information to show how the proposed building's design, use, materials and height, complements the surrounding streetscape.
6. To allow the applicant to demonstrate how the design transitions from single residential development to multiple dwellings without any impact to its immediate locality.
7. To allow for amended plans to be presented to the City's Design Review Panel for further review and comment.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel recognised the City's frustration that they had not been provided with the information they had requested to clarify their thinking on landscaping and other matters. The panel also recognised the applicant's perception that it appeared the deemed-to-comply requirements of the R-Codes were being applied for a proposal with bespoke requirements for the intended residents. The panel advised they had not felt comfortable with the recommendation for refusal as there were unique circumstances that underpin the design of the proposal and there was potential for further engagement between the City and the applicant to resolve some of the concerns raised by both parties, particularly considering additional information that had been provided by the applicant leading up to the meeting. The panel advised they were equally not comfortable with approving the application until some of the design issues had been further resolved (specifically setbacks, open space, landscaping, and the classification of the dwellings) and without a draft set of conditions of approval to consider.

The panel encouraged the applicant to take cues from the deferral decision that the proposal in its current form is unlikely to be supported by the DAP and that further compromise on design will be required before the application would be considered for approval. The panel requested that the applicant seriously consider the concerns raised by the City, to make impactful changes to better align the proposal with the planning framework, to provide the City with all the information needed to review the amended proposal, and to allow the City's DRP to do a further review of the proposal from a design perspective (and not a compliance perspective). The panel expressed a desire for the City to consider the amended proposal against the objectives and design principles of applicable R-Code requirements, rather than seeking to achieve compliance with all deemed-to-comply provisions. The panel also outlined a view that, given the unique circumstances and functional requirements of the owners, the City should focus less on which frontage is designated as the primary street to assess compliance against the R-Code street setback requirements and focus instead on how the proposed setbacks and built form respects (not replicates) existing streetscape patterns in the locality.

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4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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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/2799 DR 44/2025	City of Nedlands	Lot No 348 (111) Waratah Avenue, Dalkeith	5 Grouped Dwelling Development	15/04/2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:33am.