

**P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD, APPECROSS  
(REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove  
 Category : Operational  
 Application Number : DAP-2020-8  
 Property : Lot 1 (No.2C) Matheson Road, Applecross  
 Proposal : Child Care Premises  
 Applicant : Alan Stewart - Stewart Urban Planning Pty Ltd  
 Owner : Love Investment WA Pty Ltd, Atkinson Investment WA Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

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**KEY ISSUES / SUMMARY**

- Approval is sought for A Child Care Premises at Lot 1 (No.2C) Matheson Road, Applecross. The cost of the development is \$2,200,000 and therefore, the applicant has elected to have the development application determined by the JDAP.
- The subject site is zoned 'Residential' with a density coding of R40 under the provisions of Local Planning Scheme No.6 (LPS6). State Planning Policy 7.3 – Residential Design Codes Volume 1 and a number of local planning polices, provide the key development controls for this site.
- The property shares a boundary with another dwelling to the northeast, with other residential properties located to the northwest and southeast. Wireless Hill Park is located to the southwest to the opposite side of the Highway.
- The subject site abuts Canning Highway which is designated as a Primary Regional Road Category 2. Canning Highway is a high frequency bus transport route.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 17 January 2021.
- The proposal was the subject of public consultation in accordance with LPP 1.1: *Planning Process and Decision Making*.
- A total of 35 individual submissions were received during the advertising period – all comments objecting to the proposal. Two separate petitions were received with a total of 121 unique signatures signed by residents against the proposal.
- The recommendation of the RAR is that the JDAP refuse the proposal given the development does not meet the requirements of Clause 3.1 and 8.0 of the City of Melville's *Local Planning Policy 1.12 Child Minding Centres and Family Day Care*, being within an unsuitable location.
- The matter is called up to a meeting of the Council in accordance with the provisions of Part 18 of Local Planning Policy LPP 1.1 Planning Process and Decision Making.
- A copy of the resolution of the February Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.



Figure.1: Aerial Image of the subject site

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**P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD, APPECROSS  
(REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R40
Use Type	:	Child Care Premises
Use Class	:	'A' Use

**Site Details**

Lot Area	:	1017.00m <sup>2</sup>
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc.)	:	Yes
Site Details	:	See aerial photo above

**DETAIL**

Development approval is sought from the Metro Inner-South JDAP for a two storey child care premises.

Refer to the attached RAR for details of the development proposed by this application.

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

[3906 RAR Child Care Centre Lot 1 \(No. 2C\) Matheson Road Applecross](#)

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant has elected to have this development application determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

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None applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

These are outlined in full within the RAR as attached to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to refuse the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Special Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

**OFFICER RECOMMENDATION (3906)****REFUSAL**

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to refuse the application for the proposed two storey child care premises on Lot 1 (No. 2C) Matheson Road, Applecross.**

**ATTACHMENTS**

- [1. 3906 PLANNING REPORT \(NOVEMBER 2020\)](#)
- [2. 3906 ADDITIONAL PLANNING COMMENTS \(JANUARY 2021\)](#)
- [3. 3906 DEVELOPMENT PLANS \(JANUARY 2021\)](#)
- [4. 3906 TRAFFIC IMPACT STATEMENT \(JANUARY 2021\)](#)
- [5. 3906 OPERATIONAL MANAGEMENT PLAN \(JANUARY 2021\)](#)
- [6. 3906 ENVIRONMENTAL ACOUSTICS ASSESSMENT \(JANUARY 2021\)](#)
- [7. 3906 LANDSCAPE PLAN \(NOVEMBER 2020\)](#)
- [8. 3906 WASTE MANAGEMENT PLAN \(NOVEMBER 2020\)](#)
- [9.3906 MAIN ROADS WESTERN AUSTRAL REFERRAL RESPONSE \(DECEMBER 2020\)](#)