

**NO.1 (LOT No. 5) ISLIP COURT, BATEMAN & NO'S 2A &2B (LOT 4)
BROADHURST CRESCENT, BATEMAN WA 6150 - CHILD CARE CENTRE**

**Form 1 – Responsible Authority Report
(Regulation 12)**

DAP Name:	Metro Inner South JDAP	
Local Government Area:	City of Melville	
Applicant:	Dynamic Planning and Developments	
Owner:	St Clarence Investments Pty Ltd	
Value of Development:	\$2 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Melville	
Authorising Officer:	Gavin Ponton, Acting Director Urban Planning	
LG Reference:	DAP-2022-12	
DAP File No:	DAP/22/02356	
Application Received Date:	19 October 2022	
Report Due Date:	24 February 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	<ol style="list-style-type: none"> 1. Development Plans and Elevations 2. Development Transport Impact Statement 3. Development Stopping Sight Distance Assessment 4. Development Safe Intersection Sight Distance Assessment 5. Development Waste Management Plan 6. Town Planning Report 7. Acoustic Assessment 8. Council Minutes (extract only) 	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
To be completed following Council meeting on 21 March 2023	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

Officer Recommendation

It is recommended that the Metro Inner-South JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02356 and accompanying plans (attachment Site Plan, Ground Floor Plan and Elevations dated 01/03/2023) 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. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
3. 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 walls which are visible from the adjoining properties and streets shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City
5. A maximum of 82 children and 17 staff are permitted on site unless otherwise approved in writing, to the satisfaction of the City.
6. The centre shall only operate between the hours of 7:00am and 7:00pm Monday to Friday, to the satisfaction of the City.
7. In accordance with City of Melville Local Planning Policy LPP 2.1 - Non-Residential Development, the removal of, or permanent covering of shopfront windows and openings and the use of reflective or heavily tinted glazing at ground floor level is not permitted.
8. 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.
9. Prior to the initial occupation of the development, all unused crossovers shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.

10. 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 in accordance with the approved plans

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

11. The infill panels to the front fence/wall as highlighted in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in State Planning Policy 7.3 *Residential Design Codes Volume 1*, to the satisfaction of the City.
12. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
13. 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 assumption in the Herring Storer Acoustics, Environmental Acoustics Assessment dated September 2022 to the satisfaction of the City.
14. The recommendation set out in the Noise Assessment prepared by Herring Storer Acoustics are to be implemented and adhered to for the duration of the occupancy or use of the development, unless otherwise approved in writing by the City.
15. 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.
16. Prior to the initial occupation of the development, vehicular parking is to be provided in accordance with the approved plans and Traffic Impact Statement prepared by Urbii Consulting Pty Ltd dated 24 October 2022.
17. Prior to the initial occupation of the development, all vehicle and bicycle parking bays, manoeuvring areas 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 and shall be retained for the life of the development.
18. Prior to the initial occupation of the development, bicycle parking facilities shall be provided as shown on the approved plans and constructed in accordance with Australian Standard AS 2890.3, to the satisfaction of the City. The facilities shall thereafter be retained for the life of the development.
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. The Waste Management Plan shall be in accordance with the approved Waste Management Plan prepared by Urbii Consulting Pty Ltd dated 24 October 2022 as per Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*.
21. A minimum of 30 days prior to the lodgement of a Building application, 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. Once approved in writing by the City, the development 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.
22. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals, prior to the commencement of development, a public art 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 provision of art on site, a cash in lieu contribution may be made as per LPP 1.4.
23. 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.
24. Prior to commencement of development, payment for the removal and replacement of street trees 1, 2 & 3 (as marked in red on the approved plans) shall be made to the City. The payment is to be calculated in accordance with Council Policy *CP-029: Street Tree Policy*.
25. With the exception of the trees which are approved to be removed, all trees on the City's verge to be managed in accordance with Tree Policy (CP-029) Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
- 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, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - 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 and refuelling of equipment and 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
 - The unauthorised entry by any person, vehicle or machinery
 - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.
26. Prior to commencement of development, a Road Safety Audit shall be submitted to and approved in writing by the City. The proposed external and internal works need to be conducted as per the City's Road Safety Audit Policy, and findings of the report shall be implemented to the satisfaction of the City.

27. Prior to the commencement of the development, detailed design plans for the following shall be submitted for review and approval in writing by the City:
- The detailed design plan of median island to restrict left-in/left-out access to development via Broadhurst Crescent; and
 - Detailed design plans demonstrating that the proposed on street car parking bays (5) (clouded in RED on the approved plan) is designed in accordance to AS/NZS 2890.1:2004.

The median island and 5 parking bays are thereafter to be constructed to the satisfaction of the City at the applicant's cost prior to the initial occupation of the development.

28. Prior to commencement of the development, details of the lighting for the new on street parallel parking bays shall be provided for approval in writing by the City. The approved lighting shall be provided at the applicant's cost prior to the initial occupation of the development. Alternatively, Prior to commencement of the development a lighting assessment prepared by a suitably qualified person shall be submitted to justify existing lighting is in compliance with Section 2.7 of AS2890.5-2020.

Reasons for Responsible Authority Recommendation

To be completed if the Council recommendation differs from the Officer's recommendation.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Melville Local Planning Scheme No. 6
Local Planning Scheme - Zone/Reserve	Residential R20
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Child Care Premises – 'A' Use
Lot Size:	1029sqm & 726sqm
Existing Land Use:	Residential Dwellings
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The proposed development includes the demolition of two existing grouped dwellings, one single house and the construction of a purpose built single storey Child Care Premises. The proposed Child Care Premises comprises:

- A building designed to accommodate 82 children and 17 staff members. The design proposes 574m² of floorspace and 591m² of outdoor play area. The proposed building includes the amenities associated with a childcare use, in this case spread over a single storey building. These include a reception area, staff rooms and a kitchen.
- The proposed development incorporates minimal landscaping within the site but proposes the retention of existing mature verge trees along Marsengo Road and additional planting on all three verges.
- 16 car bays including one ACROD car bay, 5 parking bays within the verge and four bicycle bays will be provided on the verge along Broadhurst Crescent; The operating hours are proposed to be from 7.00am to 7.00pm Monday to Friday, with no operation on weekends.

Proposed Land Use	Child Care Premises
Proposed Net Lettable Area	N/A
Proposed No. Storeys	1
Proposed No. Dwellings	N/A

Background:

The application site comprises No.1 (Lot No. 5) Islip Court & No's 2B & 2B (Lot 4) Broadhurst Crescent, Bateman. It is located at the intersection of Marsengo Road, Broadhurst Crescent and Islip Court.

The site shares a boundary with two single houses to the west. The subject site abuts Marsengo Road which is designated as a Local Distributor Road. Public transport services operate on Marsengo Road, Broadhurst Crescent and Murdoch Drive, 100 metres to the west.

The site is located approximately 1.3km's from the Bull Creek Shopping Centre, approximately 1.1 km's to the Winthrop Village Shopping Centre, approximately 50 metres from Corpus Christi College, approximately 1.1km's from the Murdoch Health Precinct and approximately 900 metres from Murdoch Train Station.

Whilst located within a predominantly residential area, the location close to Corpus Christi College results in a more mixed-use land use environment. Given this, it is noted that the residential properties in proximity of the proposed development are generally one and two storey nature, whilst the buildings associated with Corpus Christi College demonstrate a variety of building heights, typically associated with a secondary school of this nature.



Figure 1: Aerial Image of the subject site

The subject property is zoned Residential R20 under the City of Melville's Local Planning Scheme No. 6.

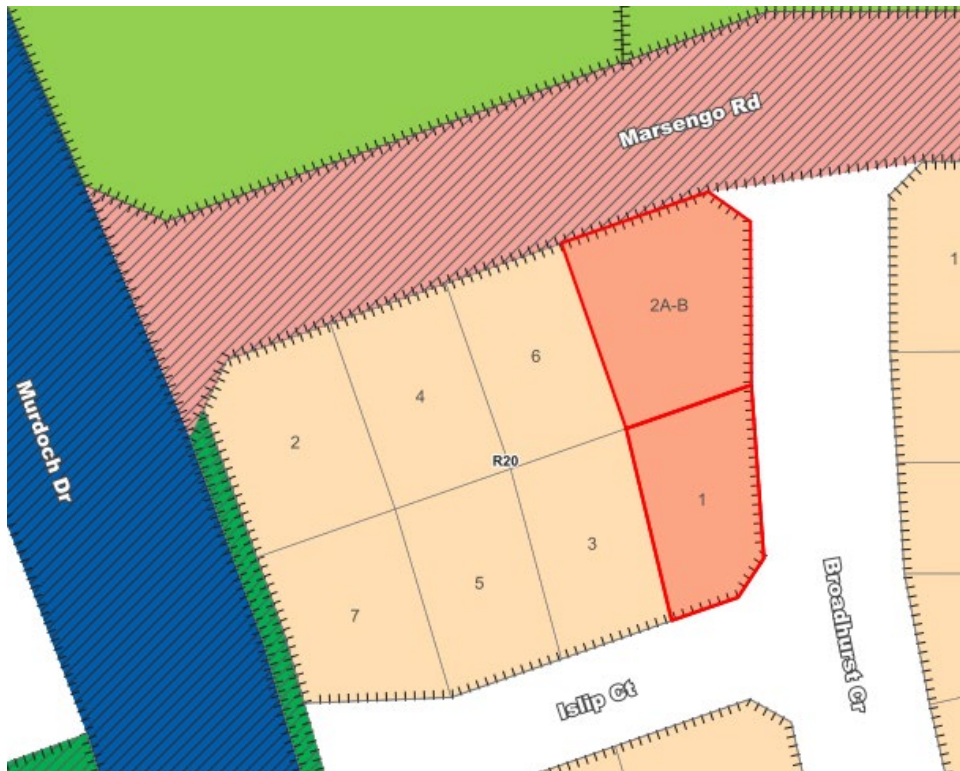


Figure 2: Zoning Map of the subject site.

Legislation and Policy:

Legislation

- Planning & Development Act 2005
- Metropolitan Region Scheme (MRS)
- Planning & Development (Local Planning Schemes) Regulations 2015
- City of Melville Local Planning Scheme No. 6

State Government Policies

- SPP5.4: Road and Rail Noise
- SPP7.0: Design of the Built Environment
- SPP7.3: Residential Design Codes Volume 1

Local Policies

- LPP1.1: Planning Process and Decision Making;
- LPP1.2: Design Review Panel;
- LPP1.3: Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Developments;
- LPP 1.6: Car Parking and Access;
- LPP1.9: Height of Buildings;
- LPP1.10: Amenity;
- LPP 1.11 Canning Highway Precinct Design Guidelines;
- LPP 1.12 Childcare Premises; and
- LPP 2.1 Non-Residential Development
- LPP 2.2 Outdoor Advertisements and Signage

Consultation:

Public Consultation

In accordance with *Local Planning Policy 1.1 – Planning Process and Decision Making* (LPP 1.1), the application was advertised for a period of 14 days commencing 30 November 2022 and concluding 16 December 2022. Consultation was undertaken via written correspondence to the owners/occupiers of the adjoining properties, advertising signs on site and publication of the development plans and supporting documents on the City's online engagement portal 'Melville Talks'.

Comments were sought on the proposed development in relation to:

- Land use noting that a Child Care Centre is an 'A' (discretionary) use in the Residential zone; and
- The proposed site works which require a performance assessment against the Design Principles of the R-Codes.

A total of 67 submissions were received during the advertising period – 58 objecting to the proposal and 5 in support. In addition 3 multi signature letters were received.

The three multi signature letters objecting to the proposed development were tabled in the January 2023 Elected Members Bulletin. The multi signature letters express the following concerns:

- The development is not compatible with the local residential environment.
- The site is zoned residential and not commercial.
- The development will increase existing traffic and parking issues.
- Safety concerns from increased traffic and parking.

A summary of the concerns raised, along with officer's comments, is tabled below:

Issue Raised	Officer comments
Traffic Concerns	
The proposed development will increase traffic in this area, compromising the safety of the surrounding road network.	The Traffic Impact Statement (TIS) concludes that the proposed development will not have a negative impact on the surrounding road network.
Turning right into the carpark will cause congestion to the south bound lane of Broadhurst Crescent.	The TIS states the vehicle trips during the peak AM and PM hours are within the acceptable limits for Marsengo Road, being a Local Distributor Road
Broadhurst Crescent is the only road that is used as an entrance/exit to homes south of Marsengo Road.	Broadhurst Crescent being a Local Road. The TIS also included a SIDRA
Marsengo Road and Broadhurst Crescent are already excessive in traffic and services other uses – schools, parks and other public uses in close proximity.	Intersection Analysis (Computer Program) of the driveway being located on Broadhurst Crescent which concludes that this will operate at a satisfactory level of service. The TIS has been reviewed by officers from the City's Technical Services team who agree that the development will not create unacceptable traffic impacts on the immediate roads or broader road network.
Parking Concerns	
The parking proposed is not realistic for the amount of staff and children proposed.	Comments are noted. The total number of car parking bays required for this land use is 17 bays onsite. The application seeks
The level of parking is insufficient to enable the business to contain drop-off and pick up of children.	a one parking bay variation onsite, but is proposing to provide 5 parking bays within the road reserve verge, directly adjacent to the childcare centre. This will
The parking arrangement will result in staff/residents seeking alternate parking arrangements causing parking on side streets/verges	result in a surplus of 4 parking bays and also make up for the shortfall in drop off pick up bays. The proposed construction of these bays within the road reserve has
Proposed parking will impact traffic flow of the area and consequence not only the residents, but emergency service vehicles.	been endorsed by the City's Technical Services and if approved will be the subject of a condition of planning approval.
Bus stop 19971 on Marsengo Road will be removed. This is used by Corpus	

<p>Christi students, staffs, parents and local residents.</p>	<p>In addition a condition of planning approval is proposed to require that prior to occupation an Operation Management Plan which highlights the correct operational procedures for parking will be provided to and endorsed by the City.</p> <p>Concerns regarding drop-off and pick up of children and the absence of a loading/service bay have been addressed within the 'Parking' section of the report below.</p> <p>The application proposes to remove Bus Stop 19980 on Broadhurst Crescent. The Public Transport Authority have no objection to this bus stop been removed due to a second bus stop only 65m further on around the corner on Marsengo Road. Refer to page 35 of the TIS for further details on the removal of the bus stop.</p>
<p>Design Concerns</p>	
<p>Height of retaining Walls</p>	<p>Noted. These concerns are discussed in detail within the 'Design' section of this report below. It is noted that amended plans were received during the assessment process, which reduced the height of the retaining walls to align with the Design Principles set out in State Planning Policy 3.1 Residential Design Codes, Volume 1.</p> <p>The development will result in the planting of additional trees mainly in the verge. These are proposed to be native species.</p> <p>The proposal satisfies the Visual Privacy deemed-to-comply provisions of the Residential Design Codes. The dividing fence along the western boundary line will ensure those residents are provided with privacy during operation hours.</p> <p>A waste management plan has been submitted and endorsed by the City's Waste Services.</p>
<p>Loss of trees</p>	
<p>Loss of privacy into adjoining properties.</p>	
<p>Bin Storage Area</p>	
<p>Noise Concerns</p>	
<p>Concerns regarding the noise generated by the business during operating hours.</p>	<p>Noted. The Acoustic Assessment concludes that the proposed development is capable of being constructed in accordance with Environmental Protection (Noise) Regulations.</p>

Safety Concerns	
We have not seen a safety of evacuation plan.	Noted. The submission of a safety or evacuation plan is not a planning matter.
Traffic and safety in the area which is already challenging at school drop off and pick up times.	Noted. In accordance with LPP 1.6, the amended design and proposal satisfies the parking provisions. The Traffic Impact Statement concludes that the development will not have a negative impact on the surrounding road network and does not identify any safety issues with the proposed access arrangement.
Location & Use	
The location will have an impact on the local residential amenity of the area and should be located within a commercial area.	Noted. These concerns are discussed in detail within the 'Land Use' section of the report below.
Please do not mix commercial with residential.	The City's Local Planning Scheme allows for the consideration of a childcare centre in a residential zoning. Commercial demands is not a relevant planning consideration.
Other childcare centres within the area.	
The development may cause economic loss to surrounding properties.	Property value concerns are not material planning considerations for the purpose of assessment of development applications.
Housing Concerns	
Current housing shortage will be inconveniencing and displace families currently residing at 2A & 2B Broadhurst Crescent & 1 Islip Court.	The housing shortage is not a relevant planning matter in this situation as a childcare use can be considered in a residential zone.

A summary of the 5 comments of support, along with officer's comments, is tabled below:

Reason for Support Raised	Officer Comments
Lack of childcare in area, very convenient for families located in south Bateman. Easy to access area close to school, but likely to have minimal impact on school traffic as drop off/pick up often occurs at different times to school drop off/pick up.	Noted.
We live on Broadhurst, there will be a lot of traffic on that corner at certain times of the day but I'll do what I do already with the school traffic, use the other entrance to Broadhurst.	Noted.
I am local Bateman resident and think it's long overdue not to have local childcare centre for growing families. I	Noted.

am in full support and hope more can be opened.	
I don't think this proposal would impact traffic as timing is different to school. I encourage the Council to support working parents in the City by supporting this much needed proposal.	Noted.
Would like to see more Childcare options to Bateman residents.	Noted.

Design

The details of the proposed development have been considered in the context of the predominant residential character of the area. It is considered that the design complements this prevailing residential character, there being appropriate building setbacks, architectural articulation, scale and use of varied building materials. The strengths of the design are summarised below:

- The site allows for convenient and legible pedestrian entry and access to natural light.
- The proposed street fencing is proposed to be visually permeable allowing for passive surveillance;
- The proposed bulk and scale (with forms and roofscape) is consistent with the surrounding residential zoning. The use of various materials on the facades responds to the local context.
- The design has allowed for the retention of an existing eucalyptus tree on site.
- The car park is screened from the Margsenko Road frontage by the existing trees and proposed additional landscaping. In relation to the Broadhurst Crescent frontage, the applicant has partially screened the parking from the public domain, through the use of landscaping and various building materials to minimise the appearance of parking and to respect the residential character of the area.

City of Melville Internal Referrals

The assessment process undertaken included referrals to several internal teams or service areas for review of the technical information provided by the applicant. The City of Melville service areas have expressed that they are supportive of the development subject to the imposition of appropriate conditions.

Referrals/consultation with Government/Service Agencies

The application proposes to remove a bus stop (No.19980) on Broadhurst Crescent in order to facilitate the construction of 5 parking bays. The applicant has liaised with the Public Transport Authority (PTA) who have stated that the bus stop is superfluous as there is another bus stop 65m away on Marsengo Road. A copy of the email from the PTA in respect of the bus stop removal can be found on page 35 of the Transport Impact Statement.

Planning Assessment:

Development Requirement or Design Element	Deemed to Comply	Proposal	Officer Comment
<u>Building Design</u>			
<p><i>LPP2.1 – Non-Residential Development (Clause 1) & LPP 1.12 Child Minding Centres and Family Day Care</i></p>	<p>Orientated towards the corner.</p>	<p>Development is considered to meet the relevant deemed to comply, or design principles of the R-Codes</p>	<p>Supported. See planning assessment below under ‘Design’ section.</p>
	<p>Well-articulated</p>		
	<p>Street level activation with passive surveillance Development responds appropriately to the surrounding residential context</p>		
<p><i>LPP2.1 – Non-Residential Development (Clause 1), LPP 1.12 Child Minding Centres and Family Day Care</i></p>	<p>Access / egress from secondary street or ROW</p>	<p>The proposed access is from the primary street/local road (Broadhurst Crescent)</p>	<p>Supported. See planning assessment below under ‘Traffic’ section.</p>
<p>CI 2.1(i)- Primary Street Setback of LPP 3.1</p>	<p>3 metre minimum 6 metre average</p>	<p>Minimum 1.070m to maximum 5m setback is proposed to the primary street.</p>	<p>Supported The proposal is considered to meet the Design Principles of the R-Codes for the following reasons. The building is well articulated, incorporating a range of materials, fenestration and landscaping which will contribute positively to the street.</p>

CI 4.1 (i & iii) – Fences and Street Walls	Visually permeable above 1.2m Maximum 1.8m high to panels Maximum 2m high piers	Sections of fencing not visually permeable above 1.2m Fencing max height of 3m (retaining, panels and piers)	Supported. Portions of the street fencing exceed 1.8m and are solid above 1.2m. The solid fencing is broken up with fully permeable fencing to ensure the streetscape is not impacted and to ensure sufficient passive surveillance is achieved. The fencing proposed allows for noise mitigation and security for the future occupants.
<i>LPP2.1 – Non-Residential Development, Clause 11.1 - Site Works</i>	Where developments are proposed across sloping sites the principles of equal cut and fill across the site will apply.	Retaining walls on the eastern and southern street boundary and western lot boundary proposed at 1.1m in height.	Supported See planning assessment below under ‘Siteworks’ section.
<u>Land Use</u>			
(Table 3 of LPS6, LPP 1.12 Child Minding Centres and Family Day Care & LPP 1.10: Amenities)	Preferred land uses are outlined within LPS6. These include a range of land uses expected in a residential zone	Child Care Premises – ‘A’ use	Supported. See planning assessment below under ‘Land Uses’ section.
<i>LPP 1.12 Child Minding Centres and Family Day Care</i>	Located close to, or abutting shopping centres, workplaces, schools, community facilities or public open spaces:	Located within proximity to Centre zones, schools and public open space.	Supported. See planning assessment below under ‘Land Uses’ section.
<i>LPP 1.12 Child Minding Centres and Family Day Care Clause 8.0 Hours of Operation</i>	Where a Child Care Premise is located adjacent to a property used for residential purposes, the hours of operation	The facility is proposed to operate from 7am – 7pm Monday to Friday.	Complies

	of the premise are limited to 7am to 7pm Monday to Friday and 8am to 7pm during weekends.	The facility is not proposed to operate on weekends.	
<u>Parking</u>			
<i>LPP1.6 Parking Access (Non-Residential)</i>	Total required car parking bays 17 bays	16 bays	Supported. The proposed car parking provision satisfies the City's Car Parking Policy. See planning assessment below under 'Parking' section for further details.
	One drop off/pick up area	Not provided	
	One service/loading bay	Not provided	

Land Use:

City of Melville Local Planning Scheme No. 6

In accordance with the provisions of Table 3 – Zoning Table of the City of Melville's *Local Planning Scheme No. 6* (LPS6), a 'Child Care Premises' is an 'A' use which is not permitted unless the decision maker exercises its discretion by granting approval after advertising in accordance with Cl.64 of the deemed provisions. In considering the discretionary nature of the use proposed, it is necessary to take into consideration not just the land use table in LPS6, but also the zone objectives table of LPS6 and any relevant state and local planning policies, which include in this case, *LPP 1.12 Child Minding Centres and Family Day Care* (LPP 1.12).

The objectives of the Residential Zone relevant to this development are as follows:

1. *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;*
2. *To provide for a range of non-residential uses, which are compatible with and complementary to residential development to promote sustainable residential development; and*
3. *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*

As detailed in the design section of the report below, the proposed development is of high-quality having regard to the relevant provisions of the local planning framework and as such is considered consistent with Objectives 1 and 3 above. In relation to Objective 2, it is considered that the Child Care use can, subject to specific design requirements and to the imposition of conditions of planning approval, co-exist with existing adjoining residential uses without compromise to the levels of residential amenity currently enjoyed by occupiers of such properties. The fact that the proposed childcare centre will provide a service which draws patronage from the adjoining residential area is considered to promote the objective of creating a more sustainable

residential environment in this location. The fact that there is a College is such close proximity which caters for the education of children from K-12 means that there are synergies from the existing and proposed land uses, complemented of course by the residential population of the subject residential area.

The proposed land use is considered to meet the objectives of the Residential zone in terms of building design and compatibility with the surrounding residential land uses. As such in land use terms the proposed development is supported in principle.

LPP 1.12 Child Minding Centres and Family Day Care (LPP 1.12).

Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that when considering an application for development approval the decision maker is required to have due regard to a range of matters including the requirements of the local planning scheme and any local planning policy,

The proposed development has been assessed against LPP 1.12.

The policy objective of LPP1.12 relevant to this development is as follows;

To provide for the establishment of child care and family day care premises within the City of Melville, whilst ensuring that their location, siting and design is compatible with the surrounding built form and avoids significant adverse amenity impacts.

The surrounding built form the subject site is mainly residential, primarily comprising of one and two storey single dwellings, consistent with the Residential R20 zoning of the land. The proposed building is of residential scale and character and as such respects the stated policy objective.

The preferred locational characteristics for childcare premises detailed in Clause 3.1 and officer comments are referenced in the table below.

Location Criteria	Comment
Corner sites – to improve the ability for access and to limit the impacts upon adjoining residential properties	The proposed development is located on the corner of Marsengo Road, Broadhurst Crescent and Islip Court.
Located close to, or abutting shopping centres, workplaces, schools, community facilities, public open space and civic facilities	As noted in the background sections of the report, the site is in close proximity to a wide range of local shopping centres and schools including Bull Creek & Winthrop Village Shopping Centres and Corpus Christi Lower & Upper School which is directly across the road from the site on Marsengo Road. In addition, the site is located in close proximity to a number of reserves and close proximity to Murdoch Health Precinct and Murdoch University.
Well served by footpaths, dual access paths and public transport.	There is a footpath which runs along the Marsengo Road and Broadhurst frontages. Public transport bus services

	operate on Marsengo Road, Broadhurst and Murdoch Drive.
Adequate size to provide suitable areas of play space and parking.	The open space provided by this centre is compliant as per the <i>Education and Care Services National Regulations 2012</i> . The amount of parking bays proposed satisfies the requirements of LPP 1.6 Car Parking and Access.
Located on Local Distributor and District Distributor Roads.	The proposed development is located on Marsengo Road which is a Local Distributor Road.

The development application was also accompanied by supporting documents including an Environmental Noise Assessment and a Traffic Impact Assessment as required by LPP1.12. These supporting documents are provided as attachments to this RAR. The supporting documents were prepared by specialists from their respective professional disciplines. These have been reviewed by relevant officers from the City's Technical Services (Traffic Engineers) and Environmental Health teams and are considered to have adequately addressed all relevant matters associated with the proposed development.

The proposed development is considered to have met all the relevant standards set out in LPP1.12. It demonstrates high quality built form and respects the residential nature of the area. The proposed child care centre is located in close proximity to local services, and traffic and noise matters have been adequately addressed by the reports provided in support of the DA. The proposed Child Day Care premises is recommended for conditional approval on that basis.

Design:

The subject site is zoned Residential with a density coding of R20. The associated streetscape is characterised by single and two storey dwellings, varied in their design but all depicting a strong residential character. A range of development controls apply to the site, including the R-Codes and local planning policies such as *LPP1.12 and Local Planning Policy 1.9 Height of Buildings*.

In accordance with the provisions of LPP1.12, where a child care premises is located within a residential area such as this, the design and resultant built form is required to be assessed against the relevant provisions of the R-Codes, particularly in terms of open space, setbacks, visual privacy and solar access for adjoining sites.

The proposed development meets the deemed-to-comply provisions of the R-Codes in terms of lot boundary setbacks, solar access, visual privacy and open space. Whilst the primary street setback does not meet the deemed to comply provisions, it is considered to meet the associated design principles of the R Codes as detailed below:

- The proposed development is well articulated, through the incorporation of a range of setbacks, materials, veranda and fenestration. In addition, the building is well setback from the corner of Marsengo Road and Islip Court in a manner which allows for large open space for children's play area and car parking. These design features ensure the proposed design will contribute positively to the street.

- The proposed development maximises the amount of open space on site and shields the outdoor play spaces from any noise and amenity impacts associated with its location. This design response provides for good separation to the closest residential properties;
- The impact of the car parking on the streetscape is minimised through built form elements and landscaping;
- The façade treatment is similar to that of a contemporary residential dwelling, providing a clear and inviting entry sequence to the property from Broadhurst Crescent; and
- The fencing design allows for high levels of engagement to the street at the ground floor level. The fencing design incorporates a range of materials including masonry and visually permeable fencing. While some sections of solid fencing is greater than 1.2m above the natural ground level, the proposal is considered to be acceptable in light of the high levels of visual permeability in other sections allowing for high levels of streetscape surveillance.

The proposed development is considered to be of a high quality, consistent with the relevant planning framework and as such it is recommended that the development is supported in principle on that basis.

Siteworks:

LPP 2.1 – Non-Residential Development

Development of sloping sites shall be designed so that the development proposes equal cut and equal fill as required by LPP 2.1 Non-Residential Development.

The subject site slopes from approximately 30.0m AHD along the northern boundary line down to 27.5m AHD along the southern boundary line. The child care premise proposes a finished floor level of 29.05 AHD.

The development is considered to respond to the natural features and natural ground levels within the site and creating flat surfaces for the users of the outdoor play areas within the south-western portion of the lot.

The retaining wall height of 1.15m and the masonry boundary fence proposed of 1.8m will impose minimal building bulk impacts to the adjoining properties and the streetscape. Landscaping is proposed in front of the retaining walls facing Broadhurst Crescent and Islip Court to reduce the impacts of the walls on the streetscape.

Noise:

The submissions received during the public consultation period raised concerns regarding potential noise impacts of the child care premise onto adjoining residential properties.

The acoustic assessment and report undertaken by Herring Storer considered the proposal to meet provisions of Environmental Protection (Noise) Regulations 1997 with respect to day period noise and made recommendations to meet night noise regulations. This includes the location of air conditioning units, parking restrictions, appropriate fencing and for children to remain within the building before 7am.

The matters mentioned above can be addressed with an appropriate condition of planning approval.

Car Parking:

LPP 1.6 Car Parking and Access

In accordance with Clause 7.1 of LPP 1.12 *Child Care Premises and Family Day Care*, parking for childcare uses is assessed against LPP 1.6 *Car Parking and Access*.

The required number of car parking bays for a development of the scale proposed is seventeen. The proposal provides for sixteen car parking bays, including one parking bay for people with disabilities onsite and 5 parking bays within the Broadhurst Crescent Verge, opposite the proposed development.

The one parking bay shortfall is not considered to be of detriment to the development or the surrounding area due to the following;

- *RTA Guide to Traffic Generating Developments* indicates that the morning peak hour for child care centres occurs at around 8am to 9am. Therefore there will be limited drop-offs prior to 8.00am.
- 5 bays have been provided within the Broadhurst Crescent verge.
- Access to a major public transport route along Murdoch Drive is within 150m of the proposed day care centre.
- There will be synergies in terms of patronage with Corpus Christi College and that of the proposed child care centre.

LPP 1.6 provides for a pickup and drop off area to be provided to the satisfaction of the City, in addition to the required number of carparking bays. The 4 surplus car parking bays within the verge are considered to meet the objectives of LPP 1.6 in this regard.

LPP 1.6 provides for the provision of two motorcycle/scooter parking bays for a development of the scale proposed. The proposal has not provided any motorcycle/scooter parking bay. It is unlikely that parents/guardians will be picking up and dropping off young children via motorcycles or scooters. Therefore, motorcycle/scooter parking bays are considered not to be required and development is still considered to meet the objectives of LPP 1.12. The addition of 5 verge bays will compensate for the deficiency of motorcycle/scooter parking bays.

As part of the Traffic Impact Statement work undertaken, the traffic consultant (Urbii Consulting Pty Ltd) has demonstrated the proposed car parking provision can accommodate the needs of the child care premise.

The City's technical officers have reviewed the Traffic Impact Statement including the parking provisions and agree with its conclusions and recommendations.

Given the above, the proposed car parking is considered appropriate for the site and can be supported on that basis.

Shade Trees and landscape:

In accordance with LPP 2.1 *Non Residential Development*, shade trees are to be provided within at-grade car parking areas containing more than six bays and dispersed evenly throughout the car parking area.

The application proposes 2 new shade trees on the southern side and no shade trees on the northern side. The variation to this requirement is supported on the basis that existing verge trees along Marsengo Road are at a suitable height that will provide shade cover to vehicles parked along the northern side of the car park.

A concept landscaping plan was provided in support of this proposal. This landscaping plan is generally supported by City officers. The landscaping plan shows seven car parking bays within the road reserve. This number has now been reduced in response to the City's concerns and to provide additional verge landscaping opportunity. An updated landscaping plan is required to be submitted prior to commencement of the development and a condition to this effect is recommended.

Traffic:

The submissions received during the public consultation period raised concerns regarding potential increased traffic and congestion and its associated impacts on the amenity of the immediate area. These concerns were cited in the context of the nearby intersection of Marsengo Road and Broadhurst Crescent.

The matters raised were considered by the applicant and The City's Technical Services team and an addendum to the Traffic Impact Statement (TIS) was subsequently submitted.

In respect to this and in support of the application, the applicant provided a Traffic Impact Statement (TIS) to demonstrate that the additional traffic generated by the development can be adequately accommodated within the existing and surrounding road network. The findings of the TIS are summarised as follows:

- The additional traffic attracted to the subject site is expected to increase by 328 vehicular trips per day (of which AM peak 66 trips and PM peak 66 trips). The proposed increase in traffic is less than 10% and under the WA Planning Commissions *Transport Assessment Guidelines for Development* is deemed to have no material traffic impact.

The TIS concludes that there is no evidence that the proposed childcare centre would be detrimental to the safe and appropriate operation of the local road network.

Access:

The submissions received during the public consultation period raised concerns regarding the location of the crossover near the intersection of Marsengo Road and Broadhurst Crescent. Whilst the setback of the crossover from where the kerb deviates does meet the Australian Standard AS/NZS 2890.1.2004, the City Technical Services are supportive of the crossover location for the following reason:

- As part of the City's Technical Services assessment, the City requested additional information in the form of a capacity analysis using SIDRA computer program modelling. The SIDRA analysis results show that the intersection operates at an overall level of service and that the child care centre traffic will not significantly impact intersection operation.
- In light of analysis, the City's traffic officers have expressed that they are supportive of the development subject to the imposition of appropriate conditions relating to traffic and its management during the construction stage and after the development's completion.

Street Lighting:

While the City's supports the provision of car parking within the verge, it has been identified that the street lighting in the locality does not meet the relevant Australian standards. The deficiency of lighting has potential implications in terms of surveillance and safety of the space. In order to address these concerns a condition has been recommended requiring details of the lighting to be installed.

It is noted that the applicant has raised concerns in relation to this condition as they are of the opinion that the existing lighting is sufficient. If the applicant provides a report prepared by a suitably qualified lighting consultant which confirms the existing lighting meets all relevant Australian Standards including AS2890.5 2020 parking facilities On Street parking, the City may be prepared to clear this condition without the provision of the street lighting.

Street Fence Height:

Portions of the street fencing exceed 1.8m and are solid above 1.2m along Broadhurst Crescent and Islip Court. The fencing height is a result of creating a levelled outdoor playing surface.

The solid fencing is broken up with visually permeable fencing to ensure the streetscape is not impacted and to ensure sufficient passive surveillance is achieved. The fencing proposed allows for noise mitigation and security for the future occupants.

The highest section of the fence will be obscured by proposed landscaping which will assist in reducing the bulk of this structure on the streetscape.

Conclusion:

For the reasons given above, the proposed development in its current form is supported by the City. It is considered that the development as proposed will make a positive contribution to the surrounding area and is consistent with both State and Local Planning Policy and Strategy. Accordingly, it is recommended that the Metro Inner South JDAP grant planning approval to the proposed development.