



## **REPORTS AND RECOMMENDATIONS**

### **FOR THE**

### **DEVELOPMENT ADVISORY UNIT**

### **MEETING**

### **HELD ON**

**TUESDAY, 21 JUNE 2016**

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: [peter.prendergast@melville.wa.gov.au](mailto:peter.prendergast@melville.wa.gov.au) or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests are subject to the discretion of the CEO, and must be received by him no later than midday on the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY, 24 JUNE 2016

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 21 JUNE 2016.**

**PRESENT**

P Prendergast  
M Scarfone  
T Capobianco  
M Cosson  
J Wardell-Johnson  
J Hobbs  
B Ashwood

Manager Statutory Planning  
Planning Services Coordinator  
Manager Building Services  
Senior Planning Officer  
Senior Planning Officer  
Planning Officer  
Planning Officer

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

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## DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

### **Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

### **Meeting to be informed of disclosures**

**S.5.66** If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

### **Disclosing members not to participate in meetings**

**S.5.67** A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

**Please refer to your Handbook for definitions of interests and other detail.**

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**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

Ward : City  
 Category : Operational  
 Application Number : DA-2016-278  
 Property : Lots 95 and 96 (54-56) North Lake Road Myaree  
 Proposal : Additions and Alterations to Child Care Centre  
 Applicant : Motus Architecture  
 Owner : Mr J Ashoorian  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning  
 Previous Items : N/A

**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 type="checkbox"/>	Executive	<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>
<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 checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for the expansion of the Child Care Centre at Lot 95 (54) North Lake Road, Myaree into Lot 96 (56) North Lake Road, Myaree. The proposal involves minor alterations to the existing Child Care Centre at Lot 95 (54) North Lake Road, Myaree and a new building and associated play areas at Lot 96 (56) North Lake Road, Myaree. The full extent of works is shown on the attached plans.
- The proposal satisfies all of the relevant provisions of Local Planing Scheme No.6 (LPS6) the Acceptable Development provisions of the Residential Design Codes (the R-Codes) and applicable Council Policies with the exception of car parking where discretion is sought by the applicant.
- The application was advertised in accordance with the provisions of the R-Codes and Council policy and 17 submissions plus a 51 signature petition have been received in opposition to the proposal. The primary concerns raised in the submissions relate to car parking, traffic, pedestrian safety and perceived inadequate fencing heights. The submissions also raise concerns regarding the relocation of the Centre's evacuation muster point, construction management, noise, waste management and property devaluation.
- Whilst the objections are acknowledged, the proposal is considered to satisfy the requirements of LPS6, the Design Principles of the R-Codes and Council Policy.
- It is recommended that the application be approved subject to conditions.



**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

**BACKGROUND**

There is no relevant background history applicable to the development now under consideration.

**Scheme Provisions**

MRS Zoning : Urban  
 LPS 6 Zoning : Residential  
 R-Code : R20  
 Use Type : Child Care Premises  
 Use Class : A<sub>1</sub> - Discretionary

**Site Details**

Lot Area : 2026m<sup>2</sup>  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : Not applicable  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Refer photo above

U16\_0474\_JUNE\_2016. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 24 June 2016.

**DETAIL**

The proposal has been assessed against all of the relevant provisions of LPS6, the Acceptable Development provisions of the R-Codes and the applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

**R-Code Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Car Parking	1 bay per 10 children (9.5 bays) and 0.5 bay per staff member (8.5 Bays) = 18 bays total.  + designated drop off and pick up area to the satisfaction of Council.	10 visitor bays and 9 Staff bays = 19 bays total.  No designated drop off and pick up area	The proposed development is considered to meet the objectives of Council Policy CP-079 Car Parking and Access as detailed below.	MSP

**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes (21 Days)  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with R-Codes and Council Policy  
 Support/Object: 18 objections (Inclusive 1 petition). The 51 signature petition raised concerns in relation to traffic, car parking, pedestrian safety and fencing. The petition has been included in the summary below and is counted as one submission.

<b>Issue (No. of submissions referring to issue)</b>	<b>Summary of Submissions</b>	<b>Support/Object</b>	<b>Officer's Comment</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
Traffic (17)	The proposed development will create traffic problems on North Lake Road.	Object	Traffic impact statement and car parking layout has been assessed and endorsed by Technical Services.	Not uphold
Car Parking (16)	The proposed development will create parking problems for people accessing the Centre and within the area.	Object	The proposal provides an additional bay to the requirements of the City's Car Parking and Access policy. 18 required, 19 provided.  The additional bay is considered to alleviate the need for a designated drop-off and pick-up area.	Not uphold
Pedestrian Safety (15)	The proposed development poses a threat to pedestrians using the footpath at the front of the Centre.	Object	Traffic impact statement and car parking layout has been assessed and endorsed by Technical Services.	Not uphold
Fence Height Safety (9)	The proposed front fence height is insufficient for insuring child safety.	Object	The concerns expressed in respect to the fence height for safety purposes are not material planning considerations.	Not uphold
Construction Management (4)	Concerns raised regarding childrens safety during construction.	Object	The concerns expressed in respect to construction management are not material planning considerations.	Not uphold



**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

Issue (No. of submissions referring to issue)	Summary of Submissions	Support/ Object	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Relocation of evacuation muster point (4)	Concerns raised regarding the relocation of the Centre's evacuation muster point.	Object	The concerns expressed in respect to the relocation of Centre's evacuation muster point are not material planning considerations.	Not uphold
Market Demand (2)	Concerns raised that the Centre expansion is unwarranted and does not reflect market demand in the area.	Object	The concerns expressed in respect to market demand are not material planning considerations.	Not uphold
Property devaluation (1)	Concerns raised that the proposed development will devalue properties.	Object	The concerns expressed in respect to property devaluation are not material planning considerations.	Not uphold
Noise (1)	Concerns raised that the proposed development will create noise issues.	Object	Any additional noise generated by the proposed use is considered acceptable in the context of the noise generated by the existing Centre, the primary school to the south of the site and the location on a District Distributor Road.	Not uphold
Sanitation (1)	Concerns raised that the development will have sanitation issues due to number of children.	Object	The concerns expressed in respect to sanitation are not material planning considerations.	Not uphold
Advertising scope (1)	Concerns raised that the development was not adequately advertised.	Object	The application has been advertised in accordance with Council policy.	Not uphold

**U16/ ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96  
(54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville refuse the application for planning approval, the applicant will have the right to have the decision reviewed in accordance with part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposed development is considered to satisfy the requirements of Council Policy CP-079 – Car Parking (Non-Residential) and Policy CP-049 Child Minding Centres. (Refer to detailed comment section below)

The proposed development is considered to meet the requirements of WAPC Planning Bulletin 72/2009 'Child Care Centres' which provides guidelines for local governments on the location and development of child care centres. (Refer to detailed comment section below)

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is recommended to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members or interested third parties have an alternative view; the DAU 'call-up' procedures provide opportunity to call this matter up for Council consideration.

**COMMENT**

Planning Approval is sought for the expansion of an existing Child Care Centre at Lot 95 (No.54) North Lake Road into Lot 96 (No.56) North Lake Road, Myaree. The proposal involves minor alterations to the existing Child Care Centre at Lot 95 (54) North Lake Road, Myaree and a new building and associated play areas at Lot 96 (56) North Lake Road, Myaree. The full extent of works is shown on the attached plans.

**Car Parking**

The car parking requirements for a Child Minding Centre are set out in Table 1 of CP-079 which requires one bay per 10 children, plus 0.5 bay per staff member, and drop-off and pick-up area to the satisfaction of the Council.

**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

Based on the proposed numbers of children and staff, the policy requires 9.5 visitor bays and 8.5 staff bays to be provided and a drop-off and pick-up area to the satisfaction of the Council.

The proposal includes 10 visitor bays and 9 staff bays, a surplus of 1 car bay to the policy requirements, however, no designated drop-off and pick-up area is provided. A designated drop-off and pick-up area is not considered appropriate for the nature of the subject use as parents are required to sign their children in and out of the Centre. The provision of an additional car bay is considered to alleviate the need for a designated drop-off and pick-up area. Each of the visitors parking bays provided is wider than the minimum required in the Australian Standard to assist in making pick up and drop off easier for parents.

The proposed development is considered to meet the objectives of CP079 and is supported on that basis.

Council Policy CP-049 Child Minding Centres

This Council policy is designed to provide guidance regarding the approval and operation of Child Minding Centres.

The Policy contains general guidance and advice in respect of the planning application process, and prescriptive statements regarding the suitability of particular locations and the information to be provided to support such uses. The proposed development is considered to meet the requirements of this policy and is recommended for support on that basis.

WAPC Planning Bulletin 72/2009 'Child Care Centres'

Planning Bulletin 72/2009 provides guidance for decision making authorities on planning for Child Care Centres.

The proposed use is considered to meet the requirements of the policy and is recommended for support on that basis. As required by the Planning Bulletin, consideration has been given to the noise impact on surrounding land uses, parking and traffic safety. In relation to these issues the proposed development is considered appropriate for the following reasons:

*Noise/Air Pollution*

- Any noise pollution generated by the proposed use is compatible with noise generated by the existing Centre and the primary school to the south of the site.

*Road and Traffic Safety*

- A traffic impact assessment has been provided demonstrating that the development will have a minimal impact on the area and will not create unsafe conditions for pedestrians or road users.

**U16/ ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96  
(54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)****CONCLUSION**

The application is considered to satisfy the provisions of LPS6, the R-Codes and Council Policy. It is recommended that the proposal be approved subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. The Child Minding Centre is restricted to a maximum of 95 children and 17 staff members on site at any one time.
3. Prior to the initial occupation of the development, 19 parking bay/s (including 9 visitor bays, 9 staff bays and 1 ACROD / Visitor bay), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained for the life of the development.
4. Prior to the initial occupation of the development, bicycle parking facilities for 4 bicycles shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.
5. 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 Manager Statutory Planning.
6. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6.0m and located a minimum of 2.0m away from the outside of the trunk of any street tree and 1.0m from any light pole. 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 Manager Statutory Planning.
7. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
8. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
9. 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 Manager Statutory Planning.

**U16/0474 ADDITIONS AND ALTERATIONS TO CHILD CARE CENTRE AT LOT 95 AND 96 (54-56) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT)**

- 10. No part of a sign shall be located outside the lot boundary.**
  - 11. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but 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**
      - i. 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 Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.**
  - 12. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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 Manager Statutory Planning and are to be removed prior to initial occupation of the development.**
- A) That the residents who made a submission on the proposal be notified of the decision.**