

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 23 OCTOBER 2018**

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 shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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, 26 OCTOBER 2018**



**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, 23 OCTOBER 2018.**

**PRESENT**

P Prendergast  
M Scarfone  
T Capobianco  
B Ashwood  
T Cappellucci  
G Davey

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

**DISCLOSURES OF INTEREST**

Nil

**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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**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET, MELVILLE (REC) (ATTACHMENT)**

Ward : Palmyra – Melville - Willagee  
 Category : Operational  
 Application Number : DA-2018-670  
 Property : 371 Marmion Street, Melville  
 Proposal : Child Care Premises  
 Applicant : Superdraft  
 Owner : Gmco Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : No previous item.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

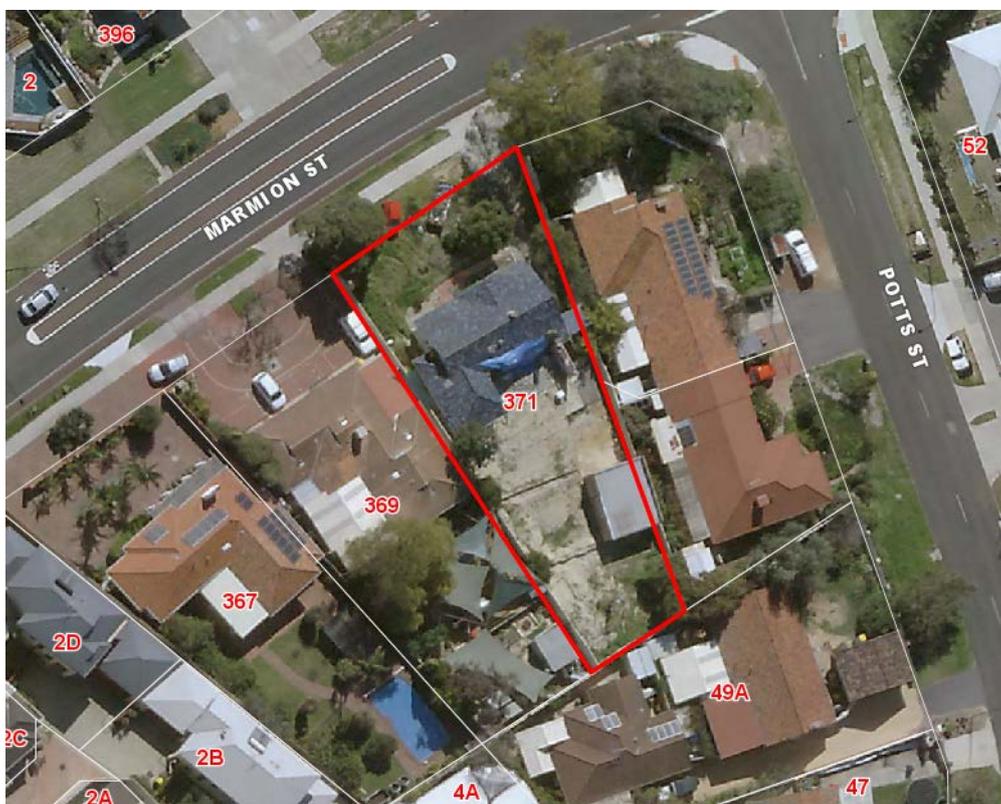
**AUTHORITY / DISCRETION**

**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 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>

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET MELVILLE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Planning Approval is sought for a change of use from 'Residential Dwelling' to 'Child Care Premises' at No.371 Marmion Street, Melville.
- Under the Use Class provisions of Local Planning Scheme No.6 (LPS6), a Child Care Premises is a discretionary 'A' use within the Residential zone, and is not permitted unless the local government exercises discretion and grants planning approval following advertising.
- The Child Care Premises will accommodate a maximum of forty (40) children and seven staff at peak periods.
- The application was advertised for a period of 14 days and two (2) submissions were received, both primarily concerned with the impact that the proposed use would have in, noise, parking and traffic terms, specifically on Marmion Street.
- Notwithstanding the objections received, it is considered that the proposed development is acceptable when assessed against the relevant provisions of LPS6, and local planning policies including LPP1.12 'Child Minding Centres and Family Day Care' and LPP 1.6 Car Parking and Access.
- Given the objections received, and in accordance with Council Delegation DA-20: Planning and Related Matters, the application is referred to the Development Advisory Unit (DAU) for determination.
- The proposed development is recommended for conditional approval.

**Figure 1 – Aerial Photography**

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Child Care Premises
Use Class	: 'A – Discretionary decision following advertising

**Site Details**

Lot Area	: 933sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: Yes
Site Details	: Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 26 October 2018.

**DETAIL**

Development approval is sought for a change of use from 'Residential' to 'Child Care Premises' at Lot 491 (No. 371) Marmion Street, Melville. The proposed 'Child Care Premises' will accommodate up to 40 children and seven staff.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply standards of the R-Codes and applicable Local Planning Policies. The proposal satisfies all of these requirements with the exception of those matters listed below which require a performance assessment.

*Site Context*

The site is located within the 'Residential' zone under LPS6 with an associated density code of R20. It is bordered by adjoining residential dwellings to the east and south and an existing Child Care Premises to the west. A mix of single storey and two storey single houses are located on the northern side of Marmion Street.

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)**

**Local Planning Scheme and Local Policy Requirements**

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Parking	<p>One bay per 10 children, plus 0.5 bays per staff member, and drop-off and pick-up area to the satisfaction of the Council.</p> <p>7 Staff – 3.5 bays 40 Children – 4 bays</p> <p>Pick up drop off - 1</p> <p>Total - 9</p>	<p>4 – Customer Bays. 4 Staff Bays</p> <p>One 5 minute Drop off/Pick Up Bay</p> <p>Total 9</p>	<p>The proposed development is considered to meet the requirements of Local Planning Policy LPP 1.6 Car Parking and Access as detailed below.</p>	<p>Manager Statutory Planning (MSP)</p>

**STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making part 1.7.6

Support/Object: Object

A summary of the content of the objections received and an officer's response is provided in the table below.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	<p>Raises concerns with regard to noise, traffic &amp; parking.</p>	Object	<p>Traffic impact statement and car parking layout has been assessed and endorsed by Technical Services.</p>	Not Uphold

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1 (continued)			Any additional noise generated by the proposed use is considered acceptable in the context of the noise generated by the existing Centre, and the location on a District Distributor Road.	
2	Raises concern in regard to traffic.	Object	Traffic impact statement and car parking layout has been assessed and endorsed by Technical Services	Not Uphold

**II. 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.

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The proposed development is considered to satisfy the requirements of Local Planning Policies LPP 1.6 – ‘Car Parking and Access’ (LPP1.6), LPP 1.12 ‘Child Minding Centres and Family Day Care’. It is also 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.

**COMMENT**Land Use

Under the provisions of LPS6 a ‘Child Care Premises’ is an ‘A’ use meaning the use is not permitted unless Council exercises discretion and grants planning approval following advertising.

Local Planning Policy LPP 1.12 Child Minding Centres and Family Day Care (LPP 1.12)

LPP1.12 is designed to provide guidance regarding the approval and operation of Child Care facilities.

LPP1.12 contains guidance regarding preferred locations for ‘Child Care Premises’.

The proposed ‘Child Care Premises’ is located on Marmion Street which is classed as a District Distributor Road, which is a preferred category of road for developments of this nature under LPP1.12

LPP 1.12 places emphasis on sites being selected for child minding centres that are close to complementary services and/or land used activities and sites that are well served by footpaths and good public transport.

In the case of the subject site, the site is located between two Neighbourhood and Local Centres (Shops) located approximately 500m to the west and 1000m to the east, as well as being located between Melville Senior High School approximately 400m to the south and Melville Primary School 300m to the east.

Furthermore, the proposed ‘Child Care Premises’ is located next to an existing ‘Child Care Premises’ which is in the same ownership as this proposal. It is proposed that the two centres will be divided by age group, and operated under the same management.

Finally, the site is serviced by a high frequency public transport route which operates along Marmion Street. In addition, footpaths are located on both sides of Marmion Street and on one side of Potts Street to support the high levels of pedestrian movement that occurs within this area.

As demonstrated on the submitted plans and as detailed elsewhere in this report, the proposal satisfies the requirements of the City’s LPP 1.6 Car Parking and Access and there is adequate space at the rear of the building for children to play.

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)**

The subject site is therefore considered appropriately located for a 'Child Care Premises' meeting the locational requirements of LPP1.12.

Car Parking

Under the provisions of LPP 1.6 the proposed use requires 1 bay per 10 children, plus 0.5 bays per staff member; plus a drop-off and pick-up area. A total of nine parking bays (four staff and four parent bays) and a drop-off/pick-up area is proposed to be provided in the form of a five minute drop off/pick up bay. This bay also serves as a reversing bay for staff parked at the rear.

Amenity

The proposed development has been considered having regard to the zoning objectives of LPS6 and the provisions of LPP 1.10 'Amenity'. It is concluded that the proposed change of use will not detract from amenity levels given adequate parking has been provided and the site is suitably located in close proximity to schools, shops, good public transport and pedestrian access. It is recommended therefore that the proposed development is supported 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 Marmion Street;

*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.

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

**CONCLUSION**

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

**OFFICER RECOMMENDATION (U18/0513)****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. The Child Care Premises is restricted to a maximum of 40 children and 7 staff members on site at any one time.
3. Prior to the initial occupation of the development, 9 parking bay/s (including 4 visitor bays, 4 staff bays and 1 ACROD / Visitor bay), manoeuvring areas, driveway/s and points of ingress and egress shall be laid out and 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 2 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. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 5.2m (east side) and 5.0m (west side) located a minimum of 1.0m away from the outside of the trunk of any street tree (unless varied by this consent) 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.
6. 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

**U18/0513 – CHILD CARE PREMISES AT LOT 491 (NO.371) MARMION STREET  
MELVILLE (REC) (ATTACHMENT)**

7. Any roof mounted or freestanding plant or equipment shall be screened from view from the surrounding streets to the satisfaction of the Manager Statutory Planning.
8. 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.
9. 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) Verge treatments, in accordance with the City's verge treatment policy and shall including at least one tree and dense planting to reduce the impact of the car parking bays on the streetscape and prevent verge parking

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.

- A) That all submitters be notified in writing of A) above.