

**NO. 15 (LOT NO. 557) WILLCOCK STREET,  
ARDROSS WA 6153  
CHILD CARE CENTRE**

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

<b>DAP Name:</b>	Metro Inner South JDAP	
<b>Local Government Area:</b>	City of Melville	
<b>Applicant:</b>	David Mariona, Harley Dykstra Pty Ltd	
<b>Owner:</b>	Gama Holdings Pty Ltd	
<b>Value of Development :</b>	\$2.03 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	City of Melville	
<b>Authorising Officer:</b>	Steve Cope, Director Urban Planning	
<b>LG Reference:</b>	DAP-2021-6	
<b>DAP File No:</b>	DAP/21/01990	
<b>Application Received Date:</b>	4 May 2021	
<b>Report Due Date:</b>	22 July 2021	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1. <a href="#">3939 Attachment 1 Planning ReportDevelopment Plans</a> 2. <a href="#">3939 Attachment 2 Development PlansSPP 5.4 Acoustics Report</a> 3. <a href="#">3939 Attachment 3 Transport Impact Statement</a> 4. <a href="#">3939 Attachment 4 SPP 5.4 Acoustic Report</a> 5. <a href="#">3939 Attachment 5 Mechanical Plant Noise and Outdoor Play Areas Acoustics Report</a> 6. <a href="#">3939 Attachment 6 Design Review Statement</a> 7. <a href="#">3939 Attachment 7 Waste Management Plan</a>	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

## Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/01990 and accompanying plans (Ground Floor Plan A101, Upper Floor plan A102, Mezzanine Level Plan A103, Landscaping Plan A104, Elevations and Section A106) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Melville Local Planning Scheme No. 6, subject to the following conditions:

## Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City of Melville or the Joint Development Assessment Panel.
3. All stormwater generated on site is to be retained on site to the satisfaction of the City. Prior to the commencement of development, a stormwater design plan, prepared by a suitably qualified civil engineer, is to be submitted demonstrating the development can accommodate an ARI of 1 in 100 year for a 24 hour storm duration for the written approval of the City.
4. Prior to the initial occupation of the development, all unused crossover(s) on Willcock Street shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
5. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
  - In accordance with the approved plan; and
  - A minimum of 1m from any existing street infrastructure.

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.

6. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the City.
7. The exterior colours, materials and finishes of the development including the finish of the boundary walls shall align with the details shown on the approved Development Plans unless otherwise approved in writing by the City.

8. 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. As an alternative to the provision of art on site, a 'cash in lieu' contribution may be made prior to the commencement of the development as per LPP 1.4.
9. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
  - public safety and site security;
  - hours of operation,
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
  - the parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted);
  - temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities (provided so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties); and
  - any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

10. Prior to commencement of development, payment for the removal and replacement of street tree TR1043970 (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*.
11. Prior to the initial occupation of the development, vehicular parking is to be provided in accordance with the approved plans, the Traffic Impact Statement prepared by Cardno dated 30 June 2021, including manoeuvring areas, driveways and points of ingress and egress to the satisfaction of the City. Parking bays shall be line marked and thereafter be retained for the life of the development to the satisfaction of the City.

12. All car parking areas including the car stackers shall be designed, constructed and line-marked in accordance with the latest revision of Australian Standard AS/NZS 2890.1 and AS/NZS 2890.6. The car stackers are to be operated in accordance with the Traffic Impact Statement prepared by Cardno dated 30 June 2021.
13. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and on the road verge(s) 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.
14. Prior to the initial occupation of the development, two bicycle parking facilities shall be provided and made available for use 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.
15. 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 and upper floor levels are not permitted.
16. The development shall operate in accordance with the recommendations set out in the Acoustic Report prepared by Herring Storer Acoustics dated April 2021 to the satisfaction of the City.
17. The development is to be constructed and operated in accordance with the Waste Management Plan dated April 2021 and the City's Waste Management Guideline for New Developments, to the satisfaction of the City.

#### **Advice Notes**

- i. The City is concerned to ensure that its street tree assets are not compromised by development proposals, particularly during the construction phase. As such, you are advised that a zero tolerance approach will be adopted if it is brought to the attention of the City, that the health and/or integrity of any street tree is, or has been undermined.
- ii. This development constitutes a "Food Business" as per Section 107 of the Food Act 2008 and therefore is to comply with the provisions of the Food Regulations 2009 and the Food Safety Standards. For further information please contact the City's Health Services.

- iii. Prior to the commencement of any works an Application to Construct a Food Business with plans and specifications of the “Food Business” including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fitout of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – “Food Premises and Equipment”.
- iv. Prior to the commencement of the Food Business an Application to Register/Notification of a Food Business is to be submitted with plans and specifications of the “Food Business” including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fitout of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – “Food Premises and Equipment”.
- v. This development constitutes a High Risk Food Business as per the Food Act 2008 and therefore is required to undertake a Your Food Safety Program in accordance with Standard 3.2.1 of the Australia New Zealand Food Standards Code. Please refer to the following link for more information relating to the Food Safety Program or contact the City’s Health Services; <https://www.legislation.gov.au/Details/F2011C00551>. The application has been internally assessed and advice notes relating to a food business has been inserted.

#### **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	Centre C2, RAC-0
Structure Plan/Precinct Plan	Riseley Activity Centre Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Transitional Frame Precinct 4
Use Class and permissibility:	Child Care Premises - D
Lot Size:	647m <sup>2</sup>
Existing Land Use:	Vacant land
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 application is for a the demolition of the existing development on site and the construction of a two storey Child Care Centre Premises located at 15 Willcock Street, Ardross. The key aspects of the proposal are summarised as follows:

- The building is designed, with a landscaped verge area, nil setbacks to the street and side boundaries and vehicle access from Petrossian Lane at the rear as per the development controls set out in the Riseley Activity Centre Structure Plan (RACSP);
- The centre will include three indoor activity rooms and two outdoor play areas provided along with facilities and amenities for the building;
- The Child Care Centre has been designed to accommodate 62 children and 10 staff members of the following age demographics;
  - 12 places for children aged 0-2 years;
  - 20 places for children aged 2-3 years; and
  - 30 places for children aged 3-5 years.
- The operating hours of the centre are between 6:30 am and 6:30 pm Monday to Friday, with no outdoor play before 7:00 am.
- 11 on-site car bays (including one ACROD bay) have been provided. Four of these bays are reserved for staff and the remaining seven for visitors.

Proposed Land Use	Child Care Premises
Proposed Net Lettable Area	434m <sup>2</sup>
Proposed No. Storeys	3 (inclusive of a mezzanine floor)
Proposed No. Dwellings	N/A

## Background:

Lot 557 (15) Willcock Street, Ardross (subject site) is zoned Centre C2 under the provisions of City of Melville Local Planning Scheme No. 6. The subject site sits on the north side of Willcock Street, midway between Canning Highway and Riseley Street. Petrossian Lane abuts the subject site to the north. The development controls for subject site are largely contained within the RACSP.

The subject site, given its location within this key Activity Centre has good access to the regional road network including Canning Highway and the Kwinana Freeway. It is well connected to public transport with both Riseley Street and Canning Highway being designated high frequency bus routes and has good access to the Perth Bicycle network via Riseley Street and Macrae Road.

The subject site is surrounded by commercial development, including food and beverage outlets, shops, offices and consulting rooms. The City's public parking station is located to the west of the site.

In 2018, development approval for a two storey mixed-use development was granted for the subject site however, this development did not proceed.



Figure 1 - Aerial photograph of subject site.



Figure 2 – Riseley Activity Centre Structure Plan Precinct Map.

## **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
- Riseley Activity Centre Structure Plan

### State Government Policies

- SPP3.0: Urban Growth and Settlement
- SPP5.4: Road and Rail Noise
- SPP7.0: Design of the Built Environment
- SPP7.3: State Planning Policy 7.3 – Residential Design Codes Volume 1

### Local Policies

- CP-029: Street Tree Policy
- LPP1.1: Planning Process and Decision Making
- LPP1.3: Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Developments
- LPP 1.5: Energy Efficiency in Building Design
- LPP 1.6: Car Parking and Access
- LPP1.8: Crime Prevention Through Environmental Design of Buildings Policy
- LPP1.9: Height of Buildings
- LPP1.10: Amenity
- LPP1.12: Child Minding Centres and Family Day Cares
- LPP2.1: Non-Residential Development

## **Consultation:**

In accordance with *Local Planning Policy 1.1 - Planning Process and Decision Making* (LPP1.1), the application was advertised for a period of 21 days commencing 28 May 2021 and concluding 11 June 2021. Consultation was undertaken via written correspondence to the owners/occupiers and publication of the development plans with supporting documents on the City's online engagement portal 'Melville Talks'.

Comment was also sought from the adjoining landowners regarding the proposed mezzanine floor building setbacks from the western and eastern side lot boundaries. Refer to the Officer Comment section below for further detail in relation to the proposed boundary setbacks.



A total of 22 submissions were received during the advertising period – 21 objecting to the proposal and 1 submission providing general commentary. A summary of the concerns raised, along with the officer's comments, is tabled below:

Issue Raised	Officer comments
Traffic congestion on Willcock Street and Petrossian Lane.	The applicant provided a Traffic Impact Statement (TIS) in support of the development proposal (refer Attachment 3). The TIS has been reviewed by the City's Traffic Engineers and is supported on the grounds that the road capacity of both Willcock Street and Petrossian Lane can accommodate the vehicle movements associated with the proposed development.
Insufficient onsite parking for residents and visitors.	<p>The City's LPP1.12 requires one parking bay per 10 children plus 0.5 bays per staff member. The proposed development will accommodate 62 children and 10 staff members resulting in a requirement for a total of 11 bays.</p> <p>The proposal provides a total of 11 bays consisting of one ACROD visitor bay, five standard visitor bays and five staff bays, four of which are proposed within a double car stacker.</p>
No suitable pick up/drop off area	Comments are noted and discussed in detail below.
Impact of noise from the development onto neighbouring properties	An Environmental Acoustics Assessment (EAA) regarding the adverse impacts of mechanical plant equipment and outdoor play areas on adjoining sites has been submitted in support of the development. The EAA has been reviewed by officers from the City's Environmental Health Services and is considered satisfactory. A condition of development approval is recommended to ensure the development operates in accordance with the recommendations of the EAA at all times.
Building Design – The building should be setback from the road.	The development controls contained in the RCSP allows for buildings to provide nil setbacks to Willcock Street, to create a continuous urban built form. Accordingly, the building achieves a sufficient building setback from Willcock Street and is supported.
Petrossian Lane is too narrow to accommodate traffic and is unsafe.	Petrossian Lane measures a maximum 6 metres wide at the rear boundary of the subject site and site opposite to the north. Petrossian Lane achieves a sufficient width to accommodate two-way traffic. Furthermore, the TIS has reviewed the existing traffic volumes and crash data history from 2021 prior and there have been no reports of any crashes within the laneway.

#### Referrals/consultation with Government/Service Agencies

Not applicable.

## Internal Referrals

The assessment process included referral to internal departments for review of the technical information provided by the applicant. The internal service areas have provided comment that is supportive of the development subject to the imposition of appropriate conditions.

## **Planning Assessment:**

The table below details the matters which require a performance assessment, the applicable planning controls, a brief description of the proposal and an officer comment.

<b>Provision</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Assessment</b>
<u>Land Use</u> (Table 1 of RCSP)	Preferred land uses are outlined within LPS6 and RCSP. These include a range of land uses expected in Transitional Frame Precinct 4 of the RCSP.	Child Care Premises – 'D' use	Supported. See planning assessment below under 'Land Uses' section.
<u>Hours of Operation</u> (LPP 1.12 Childcare Premises, Clause 8.0)	Where a Child Care Premise is located adjacent to a property used for residential purposes, the hours of operation of the premise are limited to 7am to 7pm Monday to Friday and 8am to 7pm during weekends.	<p>The proposed development is not adjacent to residential development however there is some residential development on the southern side of Willcock Street</p> <p>The facility is proposed to operate from 6:30am – 6:30pm for staff and 7am – 6:30pm for customers Monday to Friday, excluding public holidays.</p> <p>The facility is not proposed to operate on weekends.</p>	Supported. The hours of operation can be supported as the centre opening at 6:30am is to allow for staff to set up each day. No customers will be taken in prior to 7am each day the centre operates.
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## **Officer Comments:**

### SPP 7.0 Design of the Built Environment

As per SPP7.0, the applicant has provided a design statement demonstrating that the proposal has adequately addressed the 10 Design Principles of SPP7.0. The statement is included at Attachment 7.

The City has reviewed the proposal against the SPP7.0 requirements and considers the development has appropriately addressed each design principle. The building has been designed to create a sense of place and is of an appropriate built form and scale given the development is situated within the Transitional Frame Precinct of the RACSP. The development ensures no adverse amenity impacts onto adjoining sites given the location of outdoor play spaces and mechanical plant equipment being concealed from the boundary walls.

### Land Use – Riseley Activity Centre Structure Plan

The subject site is zoned Centre C2 under the provisions of Local Planning Scheme No. 6 (LPS6). In accordance with Table 3-Zoning Table and Clause 17 of LPS 6, in the Centre Zones (C1 and C2), land use permissibility is assessed in accordance with applicable structure plan or activity centre plan provisions. Under the provisions of Table 1 – Zoning Table of the RASCP, a 'Child Care Premises' is a discretionary 'D' use and is not permitted unless the decision maker exercises its discretion by granting approval. In considering the discretionary nature of the use proposed, it is necessary to take into consideration not just the land use table in RASCP, but also the precinct objectives and any relevant state and local planning policies, including *LPP 1.12 Child Minding Centres and Family Day Care* (LPP 1.12).

The objectives of the Transitional Frame Precinct 4 under section 10.31 of the RCSP relevant to this development are as follows:

- 10.31.1 Provide for the incremental expansion of the activity centre over time.*
- 10.31.2 Encourage innovative and adaptable buildings*
- 10.31.3 Improve streetscapes and public spaces*
- 10.31.4 Increase the residential population of the activity centre.*

As outlined in LPP1.12 Child Care Premises are supported in principles within Centre zones due to the proximity to employment, public transport and the regional road network however building design, transport and acoustic considerations should be taken into account.

The proposed Child Care Premises is considered to be an appropriate complementary land use to the existing adjoining non-residential uses within the locality. The design allows for adaption to other commercial uses in the future and will make a positive contribution to the streetscape. As demonstrated below traffic, parking and landscaping considerations have been adequately addressed. Accordingly, the development is considered consistent with the objectives above and LPP1.12

### Traffic Congestion Concerns

As detailed within the Consultation section above, the proposed parking and vehicle access arrangements are considered to meet the requirements of LPP 1.6. A TIS was provided by the applicant in support of the proposed development. The findings of the TIS are summarised as follows:

- The development is expected to generate a maximum of 50 and 43 vehicular trips in the AM and PM peak periods respectively;
- The vehicular trips are shared between Willcock Street and Petrossian Lane, with no vehicular access to the car parking area via Willcock Street;
- and
- Vehicles are likely to disperse in a range of directions ensuring the impact of additional traffic is minimal.

The assessment process undertaken included referral to the City's traffic engineering officers for review of the technical traffic information provided by the applicant. The City's traffic officers have provided comment that is supportive of the development subject to the imposition of appropriate conditions relating to traffic management during the construction stage and after the development's completion.

### Pick-up Drop-Off Facility

Local Planning Policy 1.6 Car Parking and Access (LPP1.6), outlines the car parking standards for Child Care Premise. These standards indicate that a drop off and pick up area should be provided. While a dedicated on site pick up and drop off space has not been provided the parking arrangements are considered to be acceptable for the following reasons.

There are a total of eight on-street parking bays on the northern side of Willcock Street. Two of these bays directly abut the verge area of the subject site, and these bays are most likely to serve as a pick-up drop off facility for the proposed child care centre.

It is noted that these two bays (and remaining bays on Willcock Street) cannot be considered as a formal pick-up, drop-off area however, they do provide a convenient alternative for parents given the lobby area is near the main building, directly adjacent to the two on-street bays. This is consistent with the objectives of LPP1.6 which encourages convenient parking and shared parking in preference to exclusive parking areas for non-residential development.

The TIS provided by the applicant as part of the development application has evaluated all pick-up and drop-off from parents occurring on Petrossian Lane. Therefore, any additional pick-up and drop-off area from Willcock Street would further reduce the traffic using Petrossian Lane.

In light of the reasons above, the use of on street parking as a pick-up and drop off facility area is supported.

## Landscaping

The applicant has provided a Landscaping Plan (A104) which is included within the development plans recommended for approval. Whilst the City supports the landscaping plan in principle, it is considered that there is insufficient detail regarding reticulation/irrigation equipment and verge treatments. Furthermore, there is a verge tree in poor condition which is proposed to be removed and replaced with a *Triadica Sebifera* (Chinese Tallow Tree), which is not a preferred verge tree species.

To ensure the verge treatments are in accordance with the City's requirements, the City recommends the following condition No.12 as detailed within the Conditions section of the report:

12. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and on the road verge(s) 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.

## Bicycle Parking

In accordance with the City's LPP1.6, a minimum two bicycle bays is required for this proposal (two bicycle bays for every 10 on-site car parking bays). No bicycle parking bays have been provided for on site.

To ensure compliance with LPP1.16, the City recommends the following condition No.13 as detailed within the Conditions section of the report:

13. Prior to the initial occupation of the development, two bicycle parking facilities shall be provided and made available for use 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.

The City considers there is sufficient space available adjacent to the car parking area to provide the required two bicycle bays/racks. It is noted that the TIS states that should bike parking be required for future staff a bike rack can be provided.

### Boundary setbacks

Under the provisions of the RASP, boundary walls are permitted up to two storeys in height. The RASP does not stipulate a maximum boundary wall height in metres. Storeys above the second level are required to be setback in accordance with tables 2a/2b of the R-Codes. The development plans show a raised outdoor play area sited towards the middle of the development site. This space was initially assessed as a storey and advertised to adjoining landowners for comment as it is not setback from the boundary.

As this space is not provided with a roof and is not more than three metres in height, it is not considered to meet the definition of a storey in the RASP and is therefore not required to be setback from the boundary. The total boundary wall height is considered to be consistent with the expected wall height for this type of development and the proposed boundary wall treatments ensure an acceptable level of visual interest is provided. The boundary wall heights are therefore supported.

### **Conclusion:**

The proposal has been assessed against the requirements of the City's local planning policies including but not limited to, RASCP, LPP1.6 and LPP1.12. The applicant has sufficiently demonstrated that the application meets the local planning framework and is appropriate with respect to traffic, noise and safety. Therefore, the application is recommended for approval with conditions detailed above.