

NOS. 38 - 40 (LOTS 1 - 4) POINT WALTER ROAD, BICTON CHILD CARE PREMISES

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Inner South JDAP	
Local Government Area:	City of Melville	
Applicant:	Mr Tony Watson, M W Urban	
Owner:	Spearwood Land Pty Ltd	
Value of Development:	\$2.250 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Melville	
Authorising Officer:	Peter Prendergast, Manager Statutory Planning	
LG Reference:	DAP-2021-19	
DAP File No:	DAP/21/02153	
Application Received Date:	4 April 2022	
Report Due Date:	19 July 2022	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Town Planning Report 2. Supporting submission July 22 3. Development Plans August 22 4. Landscape Plan July 22 5. Traffic Impact Statement (March 2022) 6. Traffic Statement Addendum (July 2022) 7. Acoustic Report (July 2022) 8. Waste Management Plan	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
To be completed following Special Council meeting on 7 June	<input checked="" type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

- Approve** DAP Application reference DAP/22/02215 and accompanying plans (attachment Site Plan, Ground Floor Plan and Elevations 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, any masonry elements of the external surface of the acoustic barrier where visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City
5. A maximum of 81 children and 15 staff are permitted on site during standard operational times unless otherwise approved in writing, to the satisfaction of the City.
6. The centre shall only operate between the hours of 6:30am and 6:30pm Monday to Friday, to the satisfaction of the City.
7. 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.
8. 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.
9. 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.

10. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.
11. 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.

12. 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 Environment Acoustics Assessment dated July 2022 to the satisfaction of the City.
13. 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.
14. Access of service vehicles to the property including deliveries shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.
15. Prior to the initial occupation of the development, vehicular parking is to be provided in accordance with the approved plans showing dedicated pick up and drop off parking bays.
16. The approved landscaping plan prepared by Urban Retreat Gardens dated April 2022 and an approved 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. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.
17. The Waste Management Plan shall be in accordance with the approved Waste Management Plan prepared by MW Urban as per Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*.
18. A Construction Management Plan is to be prepared by the applicant and submitted to the City for approval at least 30 days prior to lodging a Building Application. 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 accredited personnel for the various phases of the construction, including any proposed road closures;
 - the parking arrangements for employees, 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).
 - the contact details of the site supervisor and details of the complaints handling process to be put in place; and

- any other matters likely to impact upon the surrounding properties or road reserve.

The applicant should have regard to the provisions of Draft Local Planning Policy 1.22 Construction Management Plans to assist in preparing this document. Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publicly available on the City of Melville website.

19. 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.

Advice Notes

1. 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 Fit out 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".
2. Prior to the commencement of the Food Business, a food safety program is to be documented in accordance with Standard 3.3.1 Food Safety Program for Food Service to Vulnerable Persons and subject to a verification process by the City's Environmental Health Services.

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:	1853m ²
Existing Land Use:	Grouped Dwelling
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 four existing grouped dwellings and the erection of a purpose-built single storey Child Care Premises. The proposed Child Care Premises comprises:

- A building designed to accommodate 81 children and 15 staff members. The design includes 515m² floor area and 585m² of outdoor play area. The premise is inclusive of amenities associated with childcare, such as a reception area, staff rooms and a kitchen, with five (5) child care rooms and two (2) outdoor play areas located to the front and rear of the building;
- Vehicular access and egress via one (1) crossover connecting with Point Walter Road; and
- 17 car bays including one ACROD car bay. Of these 9 are dedicated pick up drop off bays and 7 are marked staff bays. In addition to the car parking bays, the childcare premise provides, one (1) motorcycle bay and two (2) bicycle bays.

The proposed Child Care Premise operating hours are from 6.30am to 6.30pm Monday to Friday.

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

Background:

At present the site is occupied by four (4) grouped dwellings, Lots 1 – 4 (38(a) and (b) – 40(a) and (b)) Point Walter Road. The site is the second property from the corner of View Terrace (north) - flanked to the south by a single house on the corner of Point Walter Road and View Terrace, a single residence to the north, two (2) dwellings to the rear fronting Foss Street and two (2) dwellings fronting View Terrace.

The immediate locality includes a mix of single houses, grouped and multiple dwellings. Immediately adjacent, on the west side of Point Walter Road is a three (3) storey block of late 1960's flats.

Bicton Primary School is located a short distance away on the adjoining street block. Within the broader area are three activity centres, at Melville Plaza, at the intersection of Canning Highway and Point Walter Road, and at the intersection of Preston Point Road and Bristol Avenue. The site is easily walkable from public transport routes along Canning Highway (410m away) and Preston Point Road.

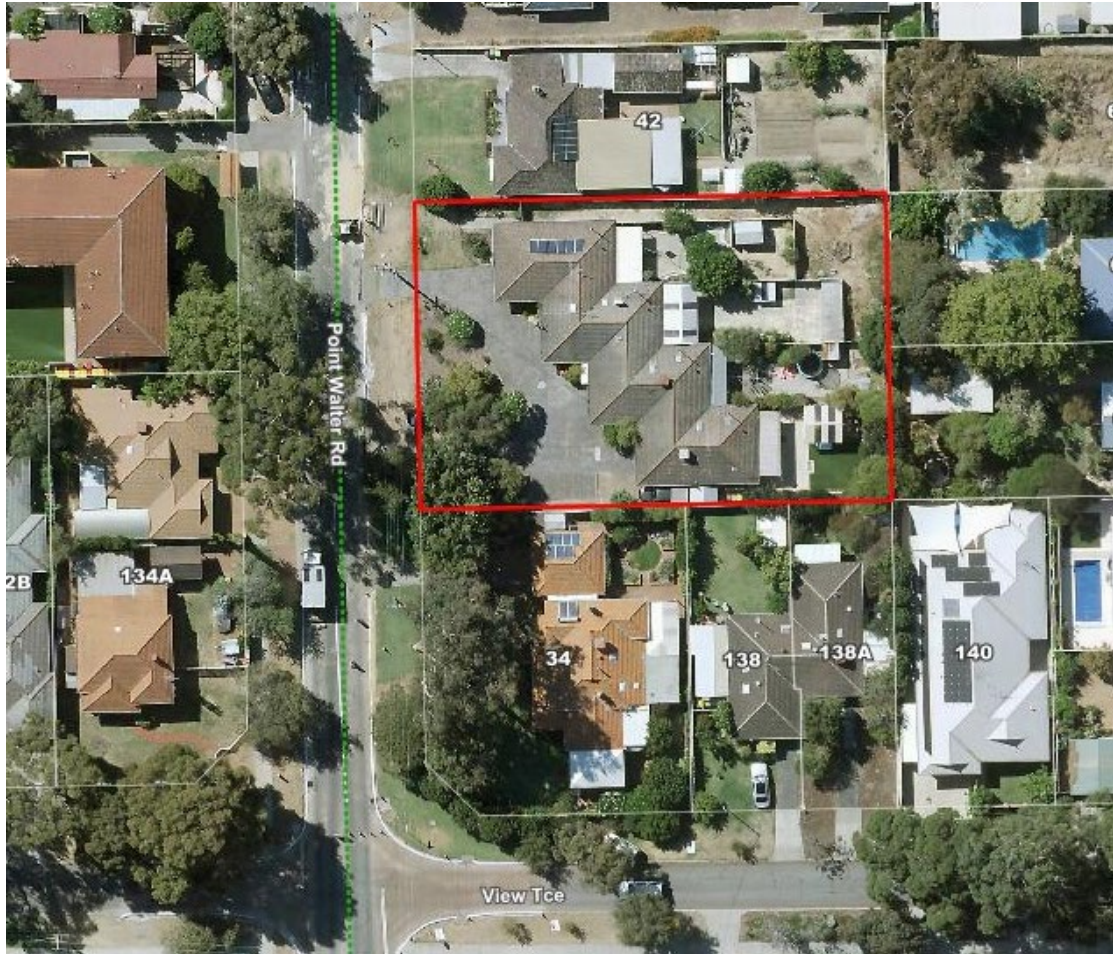


Figure 1: Aerial Image of the subject site

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

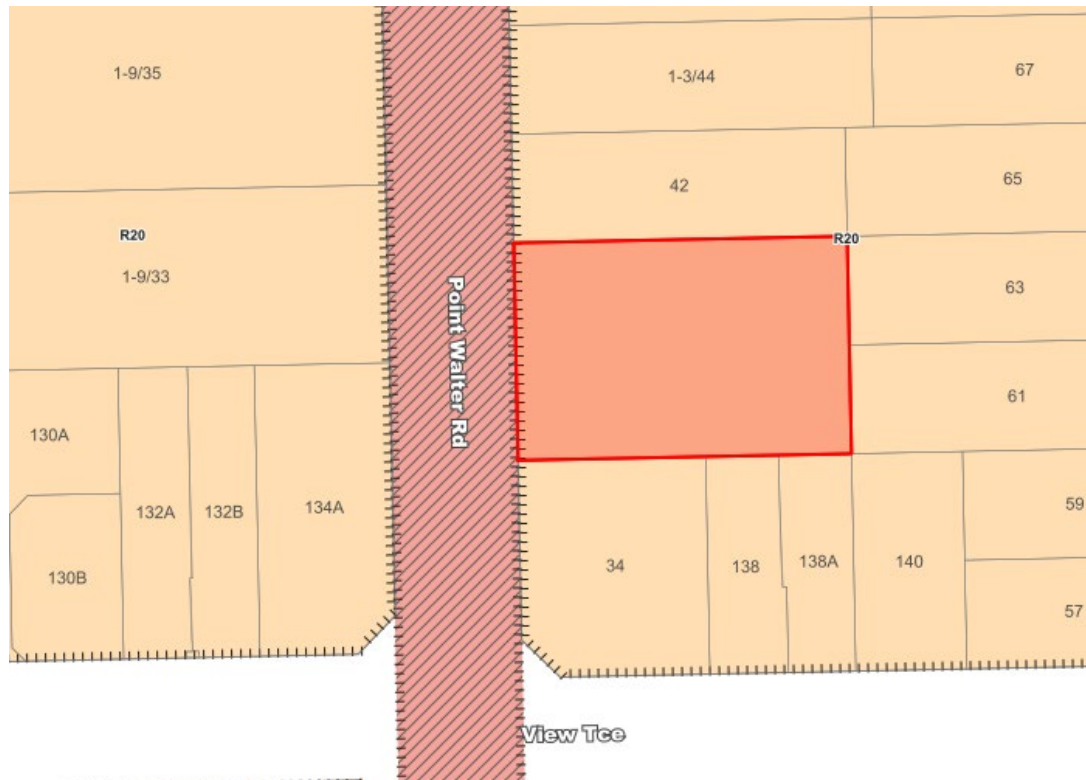


Figure 2: Zoning Map of the subject site.

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 Planning 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 9 May 2022 and concluding 23 May 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.

A total of 34 submissions were received during the advertising period – 32 objecting to the proposal and 2 which neither object nor support the proposal.

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

Issue Raised	Officer comments
Traffic Concerns	
The existing road is narrow and busy. The childcare facility will increase congestion generally and around peak school times.	Noted. An updated Traffic Impact Statement concludes that the proposed development will not have a negative impact on the surrounding road network. The TIS states the vehicle trips during the peak hours are within the acceptable limits for Point Walter Road, being a Local Distributor Road. 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. The crossover has been relocated to provide access/egress at 90 degrees to the road.
The existing street parking along View Terrace past Point Walter Road and around the flats on Point Walter Road is already busy. This may be exacerbated by the proposal and makes it difficult for residents accessing their properties.	
The curved driveway may become a congestion point impacting access/egress.	
Parking Concerns	
The pickup/drop off times coincide with school times increasing congestion.	Comments are noted. The total number of car parking bays for this land use complies with the minimum amount required by Local Planning Policy 1.6 Car Parking and Access. An additional parking bay has been provided increasing the car parking provision from the required 16 bays to 17 car parking bays. Concerns regarding drop-off and pick up of children have been addressed within the 'Parking' section of the report below.
It is unlikely the staff will use alternative transport. The proposal does not provide enough on-site parking for the intended number of staff and children.	
The parking arrangement will result in staff/residents seeking alternate parking on side streets/verges.	
Noise Concerns	
Increased noise generated during the daytime.	Noted. The Acoustic Assessment included some recommendations which when implemented will ensure that the use can operate within the provisions of the Environmental Protection (Noise) Regulations. This is proposed to be a condition of approval.
Safety Concerns	
Increased congestion around peak school times will increase adverse impacts on community safety.	Noted. In accordance with LPP 1.6, the 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
Street parking will impede emergency vehicles.	

	issues with the proposed access arrangement.
<i>Location & Use</i>	
The proposal will have an impact on the local residential amenity and is considered a commercial rather than a residential use.	Noted. These concerns are discussed in detail within the 'Land Use' section of the report below.

Design

The details of the proposed development have been considered in the context of the predominant residential character of the area. The proposed built form meets the Deemed to Comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning policies. This ensures the resulting built form is consistent with 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.

Planning Assessment:

Development Requirement or Design Element	Deemed to Comply	Proposal	Officer Comment
<u>Land Use</u>			
Table 3 of <i>LPS6</i>	Preferred land uses are outlined within <i>LPS6</i> . 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>	Outlines a preference for premises 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 of the premise are limited to 7am to 7pm Monday to Friday and 8am to 7pm during weekends.	The facility is proposed to operate from 6:30am – 6:30pm Monday to Friday.	Supported See planning assessment below under ‘Land Uses’ section.
<u>Parking</u>			
<i>LPP1.6 Car Parking and Access (Non-Residential)</i>	Total required car parking bays 16 bays	17 bays	Supported. The proposed car parking provision satisfies the City’s Car Parking Policy. See planning assessment below under ‘Parking’ section for further details.
	Drop off/pick up area to the satisfaction of the Council	Additional pick up/drop off area 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.*

With respect to the above objectives, the proposed built form is consistent with the surrounding residential area with respect to bulk, scale, design and street alignment.

Child Care as a land use can co-exist with existing adjoining residential uses without compromise to the levels of residential amenity currently enjoyed by occupiers of such properties. The proposed childcare centre will complement the local school providing a service which draws patronage from the adjoining residential area, promoting the objective of creating a more sustainable residential environment.

The principle of childcare premises being acceptable in residential areas is supported by WAPC *Planning Bulletin 72/2009* dealing with Child Care Centres.

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 childcare 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 built form surrounding the subject site is established 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.

Preferred Location Criteria	Officer Comment
Corner sites – to improve the ability for access and to limit the impacts upon adjoining residential properties	The proposed development is located one lot from the corner of Point Walter Road and View Terrace. The development provides one entry/exit point and cars leave the site in forward gear. There are 9 bays dedicated to drop off and pick up at identified peak times.
Located close to, or abutting shopping centres, workplaces, schools, community facilities, public open space and civic facilities	A walkable catchment is identified as a distance of 400 to 800m (approximately 5-to-10-minute walk). The subject site is located 175m from Bicton Primary school, 500m from the nearest public open space, 400m from the Local Centre at Canning Highway and 675m from Melville Plaza.
Well served by footpaths, dual access paths and public transport.	The footpath is on the western side of Point Walter Rd. Public transport is accessed from Canning Hwy and Preston Point Rd. With the nearest bus stop being on Preston Point Rd, 270m from the site.
Adequate size to provide suitable areas of play space and parking.	The open space provided by this centre is compliant as per the <i>Child Care Services Act 2007</i> . The amount of parking bays proposed satisfies the requirements of LPP 1.6 Car Parking and Access. And an additional car parking bay has been provided for pick up/drop off.
Located on Local Distributor and District Distributor Roads.	The proposed development is located on Point Walter 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 childcare 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.

Noise

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 and for children to remain within the building before 7am.

The City's Environmental Health team recommend as a condition of planning approval that all deliveries are to be conducted also within daytime period between 7am and 7pm.

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

Design

The subject site is zoned Residential with a density coding of R20. The proposed built form is single storey and is consistent with the bulk and scale of development within the immediate area. The proposal is in accordance with development controls, including the R-Codes and local planning policies.

Car Parking

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 sixteen (16). The proposal provides seventeen (17) and of these bays, seven (7) bays are marked on the plan for staff parking and 9 bays are allocated as pick up drop off bays.

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 additional car parking bay and the provision of dedicated pick up/drop off bays meet the objectives of LPP 1.12.

As part of the Traffic Impact Statement work undertaken, the traffic consultant (Riley Consulting (WA Pty Ltd) has demonstrated that 8 parking bays assigned as drop off bays between 7am and 9.30am and 4 pickup parking bays in the afternoon peak period (4pm to 6pm) will ensure that there will be no requirement for offsite vehicles parking.

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.

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 sited in the context of the primary school on Foss Street and the existing multiple dwellings within close proximity to the subject site.

The matters raised were considered by the applicant 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 324 vehicular trips per day (of which AM peak 87 trips, afternoon peak 44 trips and PM peak 31 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.
- With respect to the concern regarding increased disruption to traffic flow due to cars parking on the street, the proposed development satisfies the City's onsite car parking requirements. Notwithstanding this, should there be additional on street parking, and should this compromise road safety, measures to manage this could be introduced by the city.;
- Additional site investigations were undertaken by Riley Consulting during peak primary school activity times and found no evidence of congestion affecting Point Walter Road or its intersection with View Terrace.

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.

Conclusion:

For the reasons given above, the proposed development is recommended for approval. As such it is recommended that the Metro Inner South JDAP grant conditional planning approval for the development as proposed.