

**NO. 79 (LOT NO. 6) AND NO. 81 (LOT NO. 7) LEACH
HIGHWAY, WILLAGEE WA 6156
CHILD CARE CENTRE**

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner South JDAP	
Local Government Area:	City of Melville	
Applicant:	Planning Solutions (Aust) Pty Ltd	
Owner:	Mr J K S Leung and Ms C C Yau and Ms M Hadinoto	
Value of Development:	\$2.05 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Melville	
Authorising Officer:	Steve Cope, Director Urban Planning	
LG Reference:	DAP-2021-6	
DAP File No:	DAP/21/01972	
Application Received Date:	6 April 2021	
Report Due Date:	30 July 2021	
Application Process Timeframe:	Statutory	115 Days
Attachment(s):	1. Town Planning Report (April 2021) 2. Applicant Response to Further Information Request (June 2021) 3. Development Plans (June 2021) 4. Acoustic Noise Assessment (April 2021) 5. Revised Acoustic Technical Assessment (June 2021) 6. Waste Management Plan (June 2021) 7. Main Roads WA Correspondence (May 2021) 8. Traffic Impact Statement (April 2021) 9. Notice of Motion LPP1.12 (April 2021) 10. Council Meeting Minutes (July 2021) to be completed following the meeting.	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	To be completed following the Council meeting
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

1. **Refuse** DAP Application reference DAP/20/01905 and accompanying plans 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, for the following reasons:

Reasons

1. The proposed development does not satisfy the Preferred Site Characteristics (d) as specified in Clause 3.1 of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care*. The development site is constrained by its lot shape and dimensions resulting in an inability to provide a suitable outdoor play area and car park without compromising on the building design.
2. The proposed development does not satisfy the Siting and Design requirements as specified in Clause 4.1 of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care* as the proposed car park within the Webber Street setback area is not compatible with the residential setting of the immediate surrounding area.
3. The proposed development does not meet the objectives of the Residential Zone contained within Part 3 – Table 2 of *Local Planning Scheme No. 6* or Local Planning Policy 1.12 *Child Minding Centres and Family Day Care* as the design and location of the child care centre will have an adverse amenity impact on the surrounding area.
4. The proposed development does not satisfy the Noise and Amenity provisions as specified in Clauses 5.1 and 5.2 of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care*. The Acoustic Noise Assessment prepared by Reverberate Consulting on April 2021 (revised 22 June 2021) has not adequately demonstrated how the noise emissions from the proposed outdoor play areas will achieve compliance with the *Environmental Protection (Noise) Regulations 1997* or *State Planning Policy 5.4 – Road and Rail Noise*.
5. The proposed development does not satisfy the fencing provisions as specified in Clause 4.3 of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care*. The extent of solid fencing, lack of visual permeability and overall height will have an adverse streetscape impact. Furthermore, the fencing design does not achieve sufficient noise attenuation measures to achieve compliance with *Environmental Protection (Noise) Regulations 1997* or *State Planning Policy 5.4 – Road and Rail Noise*.
6. The proposed development does not demonstrate that landscaping has been designed to make a positive contribution to the street and the amenity of the occupants of the building, contrary to the objectives and provisions of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care* and Local Planning Policy 2.1 Non-Residential Development.
7. The proposed development does not achieve the policy objectives of *Local Planning Policy 2.2 – Outdoor Advertising and Signage*. The proposed signage is excessive in nature by way of number and size for a commercial property within a residential zone.

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/R60
Use Class and permissibility:	Child Care Premises – A
Lot Size:	1801m ²
Existing Land Use:	Existing residential dwellings, to be demolished
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 the demolition of the existing buildings on site and the construction of a single storey Child Care Centre located at 79 and 81 Leach Highway, Willagee. The key aspects of the proposal are summarised as follows:

- Vehicle access is from Webber Street, with car parking, landscaping and a bin store in the front setback. A consolidated play area is provided adjacent to Leach Highway, screened by a 2.4 metre high boundary fence. Due to the topography of the site the building is approximately 1.2 metres below the Leach Highway verge level in some areas.
- The building will be single storey in height and comprise of five indoor activity rooms and two outdoor play areas, and facilities and amenities associated with the Child Care Centre use;
- The Child Care Centre has been designed to accommodate 86 children and 14 staff members of the following age demographics;
 - 12 places for children aged 0-2 years;
 - 30 places for children aged 2-3 years; and
 - 44 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 and not operating on weekends;
- 17 on-site car bays (including one ACROD bay) have been provided. Seven of these bays are reserved for staff and the remaining 10 for visitors.

Proposed Land Use	Child Care Premises
Proposed Net Lettable Area	586m ²
Proposed No. Storeys	1
Proposed No. Dwellings	N/A

Background:

Lot 6 (No. 79) and Lot 7 (No. 81) Leach Highway, Willagee (subject site) is zoned Residential R20/R60 under the provisions of City of Melville Local Planning Scheme No. 6. The subject site sits on the corner of Leach Highway and Webber Street, in proximity to the Leach Highway and Stock Road intersection.

The subject site is abutting residential development to the east and south, and sits east of the Willagee Local Centre.



Figure 1 - Aerial photograph of 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

- 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
- LPP 2.2: Outdoor Advertising and Signage

Consultation:

Public Consultation

In accordance with *Local Planning Policy 1.1 - Planning Process and Decision Making* (LPP1.1), the application was advertised for a period of 14 days commencing 17 May 2021 and concluding 31 May 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'. An advertising sign on site was also installed facing Webber Street.

A total of 14 submissions were received during the advertising period – 11 objecting to the proposal and 3 submissions providing support and general commentary on the development. A summary of the points raised, along with the officer's comments, are tabled below:

Points Raised	Officer comments
Supports the inclusion of a Child Care Centre within Willagee will address demands.	Support Noted.
Supports the location of the Centre being ideal for parents to drop off children on their way to work.	Support Noted.
Poor air quality and pollution from heavy road vehicles along Leach Highway.	Comments are noted and discussed in the 'Air Quality' section below.
Traffic concerns from proposed childcare centre.	Comments are noted and discussed in the 'Traffic Concerns' section below.
Noise emitting from vehicles traversing along Leach Highway and impact on children.	Comments are noted and discussed in the 'Noise Concerns' section below.
Inadequate car parking on-site	The City's LPP1.12 requires one parking bay per 10 children plus 0.5 bays per staff member. The proposed development will accommodate 86 children and 14 staff members resulting in a requirement for a total of 16 bays.

Points Raised	Officer comments
	The proposal provides a total of 17 bays consisting of one ACROD visitor bay, 10 standard visitor bays and seven staff bays.
Inadequate location for childcare centre due to proximity to dangerous intersection of Leach Highway and Stock Road.	Comments are noted and discussed in the 'Location' section below.
Poor building design including the relationship of the building to Webber Street has a commercial feel. The car park should be sleeved by the building, not visible from the street	Comments are noted and discussed in the 'Building Design' section below.

Referrals/consultation with Government/Service Agencies

On 9 April 2021, the application was referred to Main Roads WA (MRWA) for review and comment regarding the crossover location on Webber Street and the acceptability of the Acoustic Report in relation to SPP5.4 requirements.

On 26 May 2021, MRWA provided a request for further information seeking an amended Acoustic Report to address SPP5.4 requirements. In its letter of 26 May MRWA stated it is not in a position to support the proposal until the requested information has been received and reviewed (refer Attachment 5 for the revised Acoustic Assessment and Attachment 7 for MRWA request for further information).

The City received the amended Acoustic Report from the applicant on 28 June 2021 which was referred back to MRWA on 30 June 2021.

On 23 July 2021, MRWA advised the amended Acoustic Assessment was not satisfactory and did not address their concerns within their correspondence dated 26 May 2021. As such, MRWA have recommended the proposal is not supported on noise grounds. Further comments is contained within the 'Noise Concerns' section of the report.

City of Melville Internal Referrals

The assessment process undertaken included referrals to several internal departments for review of the technical information provided by the applicant. All City of Melville service areas have expressed that they are supportive of the development subject to the imposition of appropriate conditions, with the exception of the City's Traffic Engineers from the Technical Services department, who have not made comment on the proposed crossover to the child care facility and its proximity to the Leach Highway and Webber Street intersection. The decision on the suitability of this access is required to be made by MRWA given Leach Highway is designated as a Primary Regional Road with MRWA in care and control of the reservation.

On 23 July 2021, MRWA has provided advice stated they have no concerns with the crossover location, subject to conditions of approval. However, as noted above, MRWA has not supported the application as there are still outstanding issues with the Acoustic Assessment.

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.

Development Requirement or Design Element	Deemed to Comply	Proposal	Officer Comment
<u>Land Use</u>			
Table 3 of <i>LPS6</i> <i>LPP 1.10 Amenity</i> <i>LPP 1.12 Childcare Premises</i>	Land uses permissibility is outlined within LPS6.	Child Care Premises – 'A' use	Not supported. See planning assessment below under 'Land Use' section for further details.
<u>Location</u>			
<i>LPP 1.12 Childcare Premises</i> <i>Clause 3.0 Location</i> <i>Council resolution at April 2021 OCM to make Primary Regional Roads undesirable location for Child Care</i>	Desirable Characteristic: Child Care Centres of adequate size to provide suitable areas of play space and parking.	The lot configuration results in the parking area being consolidated within the front setback area of Webber Street. No alternate carpark location is available.	See planning assessment below under 'Location' section for further details.
	Draft Undesirable Characteristic: Child Care Centres not located on Primary Regional Roads.	Child Care Premises on a corner lot abutting Leach Highway (Primary Regional Road)	
<u>Building Design</u>			
<i>SPP 7.0 – Design of the Built Environment</i> <i>LPP2.1 – Non-Residential Development</i> <i>LPP 1.12 Child Minding Centres and Family Day Care</i> <i>Clause 4.0 Siting and Design</i>	Development on corner sites designed to accentuate the corner and face all streets	Building mass is not focused towards Webber Street (primary street) with the building setback >20 metres from the street boundary. Building is situated lower than the Leach Highway road level and provides no presence to the street.	Not supported. See planning assessment below under 'Building Design' section for further details.
	Focusing building mass through the	Building sits lower than the fencing as	

Development Requirement or Design Element	Deemed to Comply	Proposal	Officer Comment
	use of an architectural feature above the normal roof line	viewed from Leach Highway. Fencing on corner lot truncation as dominant feature not supported due to excessive height (maximum 3.3 metres).	
	Street level activation with passive surveillance to all streets. Developments on corner sits developed to provide good visibility for pedestrians and vehicles	Inadequate engagement with the street is achieved. The building does not meet the relevant provisions of LPP2.1, or the deemed to comply, or design principles of the R-Codes.	
	Adequate lot size to provide suitable areas of play space and parking.	<p>The lot provides sufficient space with regards to the amount of outdoor play space required by the <i>Child Care Services Regulations 2007 and onsite car parking</i>.</p> <p>Notwithstanding, the lot configuration of the site and placement of outdoor play areas and car parking hinders on the design of the Child Care Centre resulting in a non-compatible development with the existing residential character.</p>	
<u>Fencing Design</u>			
LPP 1.12 Child	Use of visually permeable fencing along	Maximum 2.4 metre high non-permeable fencing along Leach	Not supported. See planning assessment below

Development Requirement or Design Element	Deemed to Comply	Proposal	Officer Comment
<i>Minding Centres and Family Day Care Clause 4.3 Fencing Design</i>	primary and secondary streets encouraged. Solid fencing only supported on its merits accounting for noise and security needs.	Highway. Fencing on corner lot truncation accommodating signage measured a maximum 3.3 metres high.	under 'Fencing Design' section for further details.
<i>LPP2.1 – Non-Residential Development</i>	No structures >0.75 metres in height within 1.5 metres of a driveway that intersects a street	Maximum 1.0 metre high signage wall within driveway truncation	Not supported. See planning assessment below under 'Fencing Design' section for further details.
<u>Landscaping</u>			
<i>LPP 1.12 Child Minding Centres and Family Day Care Clause 6.0 Landscaping</i> <i>LPP 2.1 Non-Residential Development Clause 6 Landscaping</i>	Landscaping Plan to be submitted detailed all hard and soft landscaping onsite and on the verge areas.	No detailed Landscaping Plan has been provided.	Not supported.
<u>Hours of Operation</u>			
<i>LPP 1.12 Child Minding Centres and Family Day Care Clause 8.0 Hours of Operation</i>	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 – 7pm for staff and 7am – 6:30pm for customers Monday to Friday, excluding public holidays. The facility is not proposed to operate on weekends.	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.
<u>Signage</u>			
<i>LPP 2.2 Outdoor Advertising and Signage Clause 3.2 (b) Commercial Properties within the Residential Zone</i>	(a) No more than one sign per street frontage; (b) Signage shall not exceed a maximum height of 1.8m above ground level;	a) Total of five signs (two on Leach Highway fencing, one on the corner lot truncation) and two wall signs on the building facing Webber Street	Not supported. See planning assessment below under 'Signage' section for further details.

Development Requirement or Design Element	Deemed to Comply	Proposal	Officer Comment
<i>LPP 1.12 Child Minding Centres and Family Day Care Clause 9.0 Signage</i>	(c) Signage shall be sited appropriately and not obscure vehicle and pedestrian sightlines; (d) Individual signage shall not exceed 1m ² in area; and (e) No illumination is permitted.	b) Signs on building facing Webber Street >1.8m in height d) All signs exceed 1m ² in area	

SPP 7.0 – Design of the Built Environment Assessment

SPP7.0 seeks to address design quality and built form outcomes in Western Australia and to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes. This policy sets out 10 main Design Principles which apply to the assessment of built environment proposals through the planning system.

Following an assessment of the original proposal and in lieu of a formal design review process, the City requested the applicant provide an assessment of the proposal against the 10 Design Principles (refer Attachment 2). The Design Principles are listed below:

1. *Context and Character*
2. *Landscape Quality*
3. *Built Form and Scale*
4. *Functionality and Build Quality*
5. *Sustainability*
6. *Amenity*
7. *Legibility*
8. *Safety*
9. *Community*
10. *Aesthetics*

The amended proposal was revaluated against the abovementioned principles and objectives and the City contends the proposal does not achieve several principles for the following reasons:

Landscape Quality

This provision of SPP 7.0 recognises that landscape should be integrated with the building design. This concept is also recognised in the local planning policy suite, which require a detailed landscaping plan be provided along with an application.

The applicant has not provided any detail with regard to the existing landscaping on site and has not provided a landscaping plan in support of this proposal. As such there is insufficient detail provided to determine the quality of onsite landscaping. The City requested a detailed landscaping plan prior to advertising of the proposal however, the applicant did not wish to provide this landscaping plan until the full assessment was completed. Notwithstanding, this plan was not provided upon receipt of amended plans and instead, the applicant is requesting a condition of approval for a detailed landscaping plan to be provided prior to works.

A condition of approval for the landscaping plan is not considered as a sufficient means to address this Design Principle as the City has concerns with the dominance of hardstand from the proposed car park within the Webber Street setback area and the lack of meaningful landscaping including provision for tree canopy on the site.

Built Form and Scale

The zoning of this property including adjacent sites are Residential R20/R60. The R60 development standards under SPP7.3 Volume 1 permit a minimum 1.0 metre and average 2.0 metre primary street boundary setbacks and 1.0 metre secondary street setbacks. Accordingly, buildings within this locality are envisioned to be built significantly closer to the street boundaries providing a strong articulated built form outcome with high levels of streetscape engagement. The proposed Child Care Centre which provides minimum building setbacks of 22 metre setbacks from Webber Street and 7.7 metres from Leach Highway limits the positive impact the building might have in terms of streetscape engagement.

The lot dimensions and the design decision to build a single storey child care centre with parking at grade, results in a poor development outcome where the building sits significantly behind a large hardstand area. The desired streetscape for the area is for medium density residential development consistent with the density code of R60. As per the provisions of SPP7.3 Residential Design Codes Volume 2, car parking associated with medium density development should be sleeved behind the building to improve streetscape surveillance and minimise the dominance of car parking.

Furthermore, the design of the building results in it being sited significantly lower than the Leach Highway road level and being screened behind predominantly solid 2.4 metre high fencing. It therefore offers minimal passive surveillance towards the street, nor does it create visual interest on this corner. The lack of surveillance to Leach Highway combined with a 22 metre building setback from Webber Street results in a design dominated by car parking and fences with minimal visual surveillance. This is not consistent with the desired streetscape for the area.

Further comments on the overall built form and scale is contained within the 'Building Design' section below.

Amenity

Concerns were raised during consultation from the submitters regarding the level of amenity provided for children within the child care centre, namely the emission of noise from heavy road vehicles. The applicant has not provided a landscaping plan to demonstrate how the proposal provides amenity for the future occupants and as discussed above the building design presents in an uninviting way to the street, reducing visual amenity.

Further comments on the noise and amenity impacts is contained within the 'Noise Concerns' section below.

Air Quality

Concerns were raised during consultation from the submitters regarding air quality pollution from heavy vehicles along Leach Highway and the impact this would have on the children's health, particularly within the outdoor play area within the Leach Highway street setback area.

In response to the concerns raised, the City requested the applicant provide an Air Quality Assessment however, the applicant did not wish to provide an Air Quality Assessment for the following reasons:

- The proposed development is suitably located within an established residential zone. A Child Care Premises is an 'A' use within the Residential Zone and is therefore capable of approval;
- The assumption that Leach Highway produces poor air quality and pollution to dwellings and businesses located along Leach Highway is unsubstantiated, anecdotal, and not backed by evidence. If air quality was a problem, it would be considered that residential properties would not be suitable in this location as people would be subject to this interface for up to 24 hours and day 7 days a week;
- In addition, it is common for child care centres to be located on major roads. For example, Wool and Thimble School of Early Learning on Leach Highway, Piney Lakes Child Care on Leach Highway, and Jellybeans Childcare Attadale; and
- The proposed development has a combination of indoor and outdoor place space. The proposed development has a suitable fence to Leach Highway to provide a barrier to the busy street.

The City acknowledges the points raised in the applicant's justification. The City's Local Planning Strategy and Local Planning Scheme promote intensification including residential development, of activity centres and along transport corridors. The City also notes that while the Planning Bulletin 72 Child Care Premises notes that air quality is a consideration there are no state or local planning policies which require the submission of such assessment and there are no parameters/metrics that can be applied to determine if the level of air pollution is of an acceptable limit.

In light of the above, the City did not pursue the request for an Air Quality Assessment.

Traffic Concerns

Concerns were raised during consultation from the submitters regarding traffic and safety concerns from vehicles entering and exiting the site.

The applicant provided a Traffic Impact Statement (TIS) in support of the proposed development. The findings of the TIS are summarised as follows:

- The development is expected to generate a maximum of 65 and 43 vehicular trips in the AM and PM peak periods respectively;
- The vehicular trips are shared between Leach Highway and Webber Street, with no vehicular access to the car parking area via Leach Highway;
- According to data from MRWA, Leach Highway (east of Stock Road) carries approximately 39,403 vehicle trips per day (VPTD) in 2020/2021. The AM and PM peak periods were received with a total of 2,941 vehicle trips per hour (VTPH) and 3088 VPTH respectively;
- Vehicles are likely to disperse in a range of directions ensuring the impact of additional traffic is minimal.

The traffic analysis undertaken demonstrates that the traffic generation of the proposed development does not significantly contribute to the total amount of VPTD and as such would not have any significant impact on the surrounding road network.

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 TIS development subject to the imposition of appropriate conditions relating to traffic management during the construction stage and after the development's completion. It is noted that MRWA comments did not have any objection to the proposal on traffic safety grounds including the location of the proposed crossover on Webber Street.

Noise Concerns

Concerns were raised during consultation from the submitters regarding noise generated from vehicular traffic and the subsequent impacts for children within the outdoor play spaces.

The applicant has provided an Acoustic Assessment (Attachment 4) to determine the road noise levels and impact on the Leach Highway outdoor play area which was referred onto MRWA for their comments. On 26 May 2021, MRWA requested the applicant provide an amended Acoustic Report, requiring the following:

- Direct, on-site noise measurements are required in accordance with SPP 5.4 Guidelines. Existing transport corridor measurements are considered more accurate and representative of the conditions specific to the site than estimations;
- The assessment utilising up-to-date noise data and modelled traffic projections to use in the noise modelling;
- Modelling to include current and future road surface and vehicle speeds;
- Noise contours being presented for traffic noise;
- SPP 5.4 Guidelines requirement for noise barriers to have a minimum surface density of 15 kg/m² needs to be stated in the report (i.e. thicker sound walls). The value of 8.5 kg/m² currently shown in Appendix A of the report is not adequate; and
- Notifications on Title in accordance with SPP 5.4.

In response to the above, the applicant provided an updated Acoustic Assessment (Attachment 5) to address the above. This was referred back to MRWA on 30 June 2021 however, no further response has been received.

The amended Acoustic Assessment concluded the desired target was to achieve 55 dB for the outdoor play area through the use of noise barriers and building treatments. Despite this target, the amended Acoustic Assessment (point #5) concluded this target may not be achievable as stated below:

- *The 55 dB noise target is not a hard limit for childcare centres. The Policy requires the planner to take the 55 dB target into consideration. As shown above, it states that in some instances it is not reasonable or practicable to achieve these outdoor noise targets, and the preference is to meet the indoor levels.*
- *The Childcare centre is designed to meet the indoor traffic noise levels from the Policy*
- *The outdoor play area is designed to provide areas with quieter zones, for example to the side, and behind the centre. Children have the flexibility to respond to higher traffic noise levels by moving to quieter areas, both outside and inside the centre.*
- *A 2.4m high barrier is provided to control traffic noise to the front play area. It is the tallest reasonable and practicable noise barrier which can be applied to the site. It provides approximately 7-10 dB noise reduction across the front outdoor play area.*
- *Any outdoor based learning activities tend to happen after peak hour traffic and so occur in quieter parts of the day*

It is evident from the assessment and summary above that the emission of road noise even with a 2.4 metre high fencing barrier does not offer enough soundproofing for the outdoor play area.

As outlined below, the City does not support the proposed extent of solid fencing given the lack of visual permeability and excessive wall height. This fencing will be out of character with the locality, detract from the building appearance and ensures that there is minimal surveillance of the street.

Given the City's position that the fence height is excessive, the recommendations of the Acoustic Assessment cannot be satisfied. This will result in an unacceptable level of noise emission for children within the outdoor play area.

On 23 July 2021, MRWA advised the amended Acoustic Assessment was not satisfactory and did not address their concerns within their correspondence dated 26 May 2021 (refer Attachment 7). MRWA have recommended the proposal is not supported until the previous elements in their further information request dated 26 May 2021 is addressed. As such, MRWA have recommended the proposal is not supported on noise grounds.

In light of the above, the City recommends the proposal has not adequately demonstrated that noise and amenity has been appropriately addressed in accordance with the requirements of LPP1.12.

Land Use

Under 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. An 'A' use means that the use 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 uses proposed, it is necessary to take into consideration not just the land use table in LPS6, but also the aims of LPS6, zone objectives table of LPS6, the City of Melville Local Planning Strategy, and any relevant state and local planning policies.

The objectives of LPS No.6 as described in Clause 16 – Table 2 Zone Objectives are summarised as follows:

1. *To provide for a range of housing and a choice of residential densities to meet the needs of the community;*
2. *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;*
3. *To provide for a range of non-residential uses, which are compatible with and complementary to residential development to promote sustainable residential development; and*
4. *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.*

The development does not provide a well-designed Child Care Centre that is complementary to the existing and future residential development within the locality. As discussed in the Building Design' section above, the lot configuration and siting of the building provides a poor visual outlook on the Webber Street and Leach Highway streetscape. The development does not promote high quality design principles and therefore the proposal is considered inconsistent with the objectives of Local Planning Scheme No. 6, and LPP 1.12.

Given this, the City considers that the child care centre use cannot be accommodated on this site in the manner proposed without compromise to the land use objectives of LPS6. The development is not supported on that basis.

Location

LPP1.12 sets out the locational criteria for child care centres located within Residential zones. The main policy objective of LPP1.12 relevant to this development is as follows;

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

The surrounding built form the subject site is established residential, primarily comprising of one and two storey single dwellings. As the site and adjoining lots are zoned Residential R20/R60, there will be future grouped and multiple dwelling developments sites, permitted to reach heights of three to four storeys, consistent with the Residential R60 requirements and local planning policies for the area.

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

Location Criteria	Comment
Corner sites – to improve the ability for access and to limit the impacts upon adjoining residential properties	The proposed development is located on the corner of Leach Highway and Webber Street.
Located close to, or abutting shopping centres, workplaces, schools, community facilities, public open space and civic facilities	The site is in proximity to the Willagee Local Centre to the west and Webber Reserve (public open space) to the south, both within walking distance,
Well served by footpaths, dual access paths and public transport.	There is a footpath which runs along each street frontage. Leach Highway is a high frequency bus route with a stop located east of the site in walking distance.
Adequate size to provide suitable areas of play space and parking.	<p>The shape and dimensions of the lot, combined with the decision to construct a single storey building with at grade car parking results in a design which is dominated by vehicle parking. As detailed within the 'Building Design' section, the design of the centre is hindered by the placement of the car park within the Webber Street setback area.</p> <p>Furthermore, the recommendations of the Acoustic Assessment are not supported (refer to the 'Noise Concerns' section of this RAR). The placement of the outdoor play area within the Leach Highway street setback area results from the building design and siting, but this play area is not recommended for support in this location due to the adverse impacts of noise, and the associated need to mitigate noise impacts via the erection of a noise wall. This demonstrates that the site does not provide an adequate size to promote high quality design whilst accommodating the centre's play areas and parking.</p>
Located on Local Distributor and District Distributor Roads.	The proposed development is located on the corner of Leach Highway and Webber Street. Leach Highway is a Primary Regional Road and Webber Street a Local Road.

While the proposed development meets a number of the preferred locational characteristics outlined by LPP 1.12, the subject site does provide an appropriate size and placement of suitable areas of play space and parking without compromising on the building design.

It should be noted that at the City's Ordinary Council meeting held on 20 April 2021, it was resolved to amend *Local Planning Policy 1.12 – Child Care Premises and Family Day Care* to insert a new item (c) under "Section 3.1 Undesirable characteristics" as follows (refer Attachment 9):

(c) Sites located on Primary Distributor or Regional Distributor Roads.

The site which is the subject of this RAR is located on Leach Highway (Primary Distributor Road) and is therefore categorised as an undesirable characteristic, in accordance with the Council resolution of April 2021.

The amended LPP1.12 was prepared and advertised for public comment on 27 May 2021 to 18 June 2021. The advertised version of the policy is intended to be presented back to Council in August 2021.

Given that the proposed change to the LPP is not finalised or certain at this stage, it is considered that the weight that may be attached to it in decision making terms is limited. Despite this, it is noted that whilst Leach Highway is a Primary Distributor Road, in this case there is no direct access proposed from Leach Highway into the proposed child care facility.

Building Design

The subject site is zoned Residential with a density coding of R20/R60. As noted above, the site is located within a transitional urban infill development area, where the intended built form will include grouped and multiple dwellings ranging up to 4 storeys in height, with nominal building setbacks from all street boundaries.

In accordance with the provisions of LPP1.12, where a child care premises is located within a Residential zone, the design and resultant built form is required to be assessed against the relevant provisions of the R-Codes, particularly in terms of open space, lot boundary setbacks, visual privacy and overshadowing. It is the expectation of this policy that child care premises are designed to be compatible with the surrounding residential built form.

As stated, the City has concerns with regard to the design quality of the proposed child care centre, specifically the extent of exposed at grade car parking within the primary street setback area, the lack of surveillance to both Webber Street and Leach Highway, the height and extent of solid fencing along Leach Highway and the extent of signage.

Car Parking

The 'Siting and Design' controls of LPP1.12 state the need for child care centres as a non-residential development to be compatible with existing and future development within the immediate surrounding area. In relation to car parking, the proposed development contains all of the parking in the front setback area resulting in a large expanse of hard stand, limited space for landscaping and a building setback of approximately 20 metres. This is inconsistent with the existing residential built form

on the eastern side of Webber Street and the provisions of the R-Codes which aim to reduce the dominance of car parking on the streetscape particularly for apartment developments. The car parking layout is also inconsistent with the objectives and provisions of LPP 2.1 Non-Residential Development which seek to ensure that buildings are of human scale, allow for high levels of surveillance and visual interest and make a positive contribution to the street. Clause 8.4 of LPP 2.1 discourages onsite parking in the front setback area as this is considered to have a negative impact on the street.

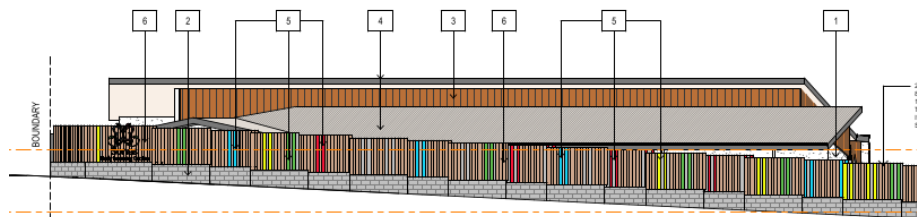
In light of the above, the proposed car parking layout is considered to be of a poor design quality, which does not satisfy the policy objectives of LPP1.12, LPP 2.1 nor the Design Principles of SPP7.0 and is therefore recommended for refusal on building design grounds.

Fencing Design

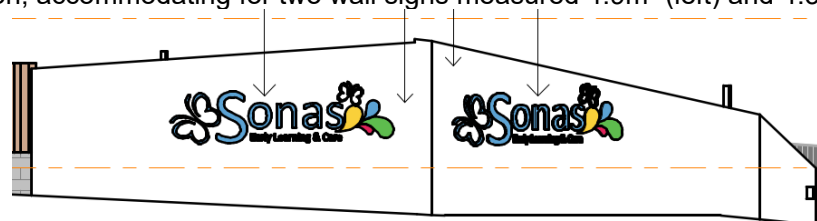
Under the provisions of LPP1.12 child care premises in residential zones should be designed to be compatible with the immediate surrounding areas. In relation to fencing this should be visually permeable with solid sections assessed on their merits. In order to determine a proposals compatibility with the Residential character the City uses the R-Codes provisions relating to street walls and fencing. Fencing within close proximity of the site is generally low or visually permeable with a maximum height of 1.8 metres.

As stated above, a minimum 2.4 metre high predominately solid fence is proposed along the entire Leach Highway street boundary and continues along a portion of the Webber Street frontage. The fencing has been designed to provide an acoustic noise barrier for the outdoor play area.

The image below shows the fencing elevation along Leach Highway. The coloured infills shown below will be Perspex opaque screening, to allow some natural light and permeability through to the building.



The fencing design also includes a maximum 3.3 metre solid wall on the corner lot truncation, accommodating for two wall signs measured 4.9m² (left) and 4.3m² (right).



The proposed fencing has been assessed against the relevant 'deemed-to-comply' provisions of the R-Codes as detailed in the 'Planning Assessment' table above, and does not comply with the following:

- Maximum 2.4 metre high non-permeable fencing along Leach Highway;
- Fencing on corner lot truncation accommodating signage measured a maximum 3.3 metres high; and
- Maximum 1m high signage wall within driveway truncation

Subsequently, the above mentioned elements require a performance assessment against the following Design Principles:

P4: Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.*

P5: Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.

The City considers the proposal does not meet the Design Principles for the following reasons:

- The height of the walls and their lack of permeability results in poor streetscape surveillance to Leach Highway.
- The solid walls and excessive heights are a design response to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*. Despite the height of the fence proposed the development still does not achieve the desired noise target for the outdoor play area;
- ; and
- The fence results in an obstruction to sight lines being a solid wall greater than 0.75 metres in height with limited visibility provided.

In addition the proposed fencing is not consistent with the existing or desired streetscape and as such does not meet the relevant provisions of LPP1.12.

In light of the above, the fencing design is not supported.

Signage

In accordance with LPP2.2 Clause 3.2 *Commercial Properties within the Residential Zone*, signage proposals are required to satisfy the following criteria:

- (a) *No more than one sign per street frontage;*
- (b) *Signage shall not exceed a maximum height of 1.8m above ground level;*
- (c) *Signage shall be sited appropriately and not obscure vehicle and pedestrian sightlines;*
- (d) *Individual signage shall not exceed 1m² in area; and*
- (e) *No illumination is permitted.*

The signage proposed includes a total of five signs (two on the Leach Highway fencing elevation), and three wall signs, with one on the truncation and two on the building facing Webber Street. The signs on the building are greater than 1.8 metre above the ground level and all signs exceed 1m² in area.

The City has no concerns with the signage on the building but does not support the extent of signage on the solid truncation fencing. The signage is considered excessive by way of its size and nature and is therefore forms a reason for refusal.

Conclusion:

The proposal has been assessed against the requirements of SPP5.4, SPP7.3 and the City's local planning policies. The applicant has not sufficiently demonstrated that the application meets the City's design and locational requirements for child care premises. The proposal does not provide a suitable built form that provides a positive development outcome and requires extensive use of solid fencing for noise attenuation which is deemed to be unacceptable. Additionally, the extent of signage proposed is above what is permitted for a commercial property within the residential zone. Therefore, the application is recommended for refusal for the reasons detailed above.