

Lot 300 (No.3) Worley Street, Willagee
PROPOSED CHILD CARE PREMISES

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner South JDAP	
Local Government Area:	City of Melville	
Applicant:	Mr Alan Stewart, Stewart Urban Planning	
Owner:	Land Holding Three Pty Ltd	
Value of Development:	\$2.3 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-2021-18	
DAP File No:	DAP/21/02152	
Application Received Date:	23 December 2021	
Report Due Date:	5 April 2022	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Development Plans (Revised 22 March 2022) 2. Landscaping Plans (Revised 1 March 2022) 3. Town Planning Report (20 December 2021) 4. Operational Management Plan (20 December 2021) 5. Waste Management Plan (20 December 2021) 6. Traffic Impact Assessment (20 December 2021) 7. Acoustic Assessment (Revised 1 March 2022) 8. Air Quality Report (1 March 2022) 9. Main Roads Referral Response (15 February 2022) 10. Town Planning Report 2 (1 March 2022)	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input checked="" type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Officer Recommendation

It is recommended that the Metro Inner-South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02152 and accompanying plans (attachment Site Plan, Ground Floor Plan, Upper Floor Plan, Roof Plan and Elevations dated 22 March 2022) 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. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site.
3. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City
4. A maximum of 79 children and 15 staff are permitted on site unless otherwise approved in writing, to the satisfaction of the City.
5. The centre shall only operate between the hours of 6:30am and 7:00pm Monday to Friday, 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 streets prior to the initial occupation of the development to the satisfaction of the City.
7. 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.
8. 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 to be;
 - A maximum width of 6m;
 - Located a minimum of 2m away from the outside of the trunk of any street tree; 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.
9. Prior to the initial occupation of the development, bicycle parking facilities for four bicycles shall be provided 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.

10. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details.
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 assumptions in the Eco Acoustics Assessment dated 1 March 2022 to the satisfaction of the City.
13. Prior to the initial occupation of the development, vehicular parking including all parking bays manoeuvring areas, driveway and points of ingress and egress is to be provided in accordance with the approved plans and Traffic Impact Statement prepared by i3 Consultants WA dated 15 December 2021. to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.
14. The approved landscaping and reticulation plan prepared by Childscapes dated 1 March 2022 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.
15. Waste Management shall be undertaken in accordance with the Waste Management Plan dated 20 December 2021, unless otherwise approved in writing by the City.
16. 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 an 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 provision of a 24 hour contact number for residents and a complaint log to be maintained by the developer for inspection by the City as and when requested; and
- any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, constructed shall proceed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publically available.

17. 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.
18. Prior to initial occupation of the development, certification from a qualified acoustic consultant is to be submitted confirming condition 13 has been achieved. This certification must be provided to the City .
19. Prior to the occupation of the building, an anti-graffiti coating is to be applied to the wall adjoining the Leach Highway reserve to Main Roads requirements.

Advice Notes

1. 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.
2. Prior to the development of the food business, an application to alter and construct of a food is required under section 110(3) of the Food Act 2008, accompanied with the design and fit-out specifications for approval by the City of Melville.
3. As the premise is providing food to "Vulnerable Persons" a Food Safety Plan that complies with Food Safety Standard 3.2.1 must be submitted as part of the Food Business application.
4. The Environmental Protection (Noise) Regulations 1997 must be complied with at all times.
5. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website> Technical & Commercial> Working on Roads.

6. The applicant is advised that in relation to Condition 23, that Main Roads specifications for the anti-graffiti coating can be found on the Main Roads website > Technical & Commercial > Technical Library > Specifications > Specifications 908 Annexure A – Anti Graffiti Coatings – PDF.
7. No works are permitted within the Leach Highway Road Reservation, unless Main Roads has issued a working on Roads Permit.

Reasons for Responsible Authority Recommendation

The proposal has been assessed against the requirements of the City's Local Planning Scheme No. 6, State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes), and relevant local planning policies. The applicant has sufficiently demonstrated that the application meets the state and local planning framework and that it is appropriate with respect to design, location, traffic, noise, and air quality. Therefore, the application is recommended for approval with conditions and advice notes detailed above.

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 - Primary Regional Road
Structure Plan/Precinct Plan	Willagee Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Residential
Use Class and permissibility:	Child Care Premises – 'A' Use
Lot Size:	1702.00m ²
Existing Land Use:	Single House (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 structures on site and the construction of a Child Care Centre Premises located at 3 Worley Street, Willagee.

The building is proposed to be two storeys in height and will comprise of five activity rooms, three outdoor play areas, with amenities including staff rooms, offices and a kitchen facility.

The Child Care Centre has been designed to accommodate 79 children and 15 staff members of the following age demographics;

- 24 places for children aged 0-2 years;
- 15 places for children aged 2-3 years; and
- 40 places for children aged 3-5 years.

The proposed operating hours of the centre are between 6:30 am and 6:30 pm Monday to Friday.

19 on-site car bays (including one ACROD bay) have been proposed.

Landscaping, including the retention of an existing tree on site is also proposed as part of the development.

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

Background:

The subject site Lot 300 (No.3) Worley Street, Willagee is located at the intersection of Worley Street and Leach Highway. The subject site shares a boundary with a single house to the east, and a single house to the south. The subject site abuts Leach Highway which is designated as a Primary Regional Road Category 2. Leach Highway is a high frequency bus transport route.

The site is located approximately 400m from the Hulme Court Centre C4 area, approximately 150m to Melville Senior High School, approximately 190m to Winnacott Reserve, and approximately 450m to Caralee Community School.

The built form surrounding the subject site is diverse in terms of scale, age and use. The surrounding street blocks generally comprise of one and two storey single and grouped dwellings which are consistent with the zoning of the land.



Figure 1: Aerial Image of the subject site

The property is zoned R20/R60 under the City's Local Planning Scheme No. 6.

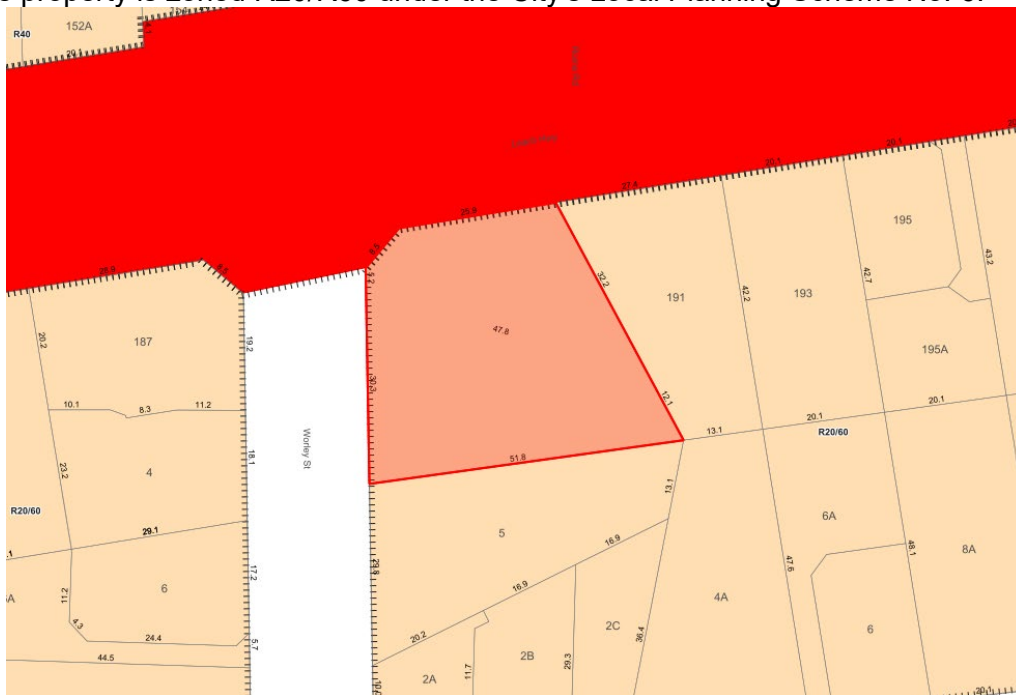


Figure 2: Zoning Map of the subject site.

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;
- LPP1.3: 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 1.12 Childcare Premises; and
- LPP 2.1 Non Residential Development

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 16th February 2022, ending 2nd March 2022. Consultation was undertaken via written correspondence to the owners/occupiers of the adjoining properties, an advertising sign 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 of Child Care Premises which is an 'A' (discretionary) use in the Residential zone; and
- The proposed boundary setbacks, site works and visual privacy which require a performance assessment against the Design Principles of the R-Codes.

During the advertising period 60 individual written submissions were received with 22 objecting to the proposal and 38 submissions in support. In addition, a petition with 61 signatures objecting to the proposed development was received. Concerns raised within the petition are as follows;

- The site is zoned residential and not commercial.
- The site is located on a major highway.
- The development will increase existing traffic and parking issues.

- Concerns regarding the safety of residents living in the area as a result of the increase traffic and parking.

A summary of the 38 submissions in support, along with officer's comments, is tabled below:

Reason for Support Raised	Officer Comments
An accessible, central and convenient location.	Comments are noted.
A high quality design which will assist in enhancing the existing and future streetscape, as well as its compatibility with the surrounding residential area.	Comments are noted.
Appropriate Traffic Management – proposed vehicle access off Worley Street and sufficient on-site parking.	Comments are noted.
Located on Leach Highway which is accessible to public transport	Comments are noted.
Feeds the demand of the local community for Child Care Centres.	Comments are noted.
Within a walkable distance/catchment from local centres and schools	Comments are noted.

A summary of the 22 objections and the concerns raised within the petition, along with officer's comments, is tabled below:

Issue Raised	Officer Comments
Subject site is zoned residential and not commercial	Comments are noted. This is discussed in detail within the 'Land Use' section of this report below.
Context/location of centre being situated on a Primary Regional Road	Comments are noted. This is discussed in detail within the 'Land Use' section of this report below.
Health impact on children	Comments are noted. This is discussed in detail within the 'Air Quality' section of this report below.
Impact of noise on children	Comments are noted. This is discussed in detail within the 'Noise' section of this report below.
Traffic congestion and associated safety concerns	Comments are noted. Both a Traffic Impact Statement and Parking Management Plan have been provided in support of the proposed development. This is discussed in detail within the 'Traffic' section of this report below.
Concerns that there is insufficient parking	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. If approved, the development will operate in accordance with a Parking Management Plan and Operational Management Plan

	which will highlight the correct operational procedures for parking.
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Referrals/consultation with Government/Service Agencies

The application was referred to Main Roads WA (MRWA) for review and comment. MRWA has no objections to the proposed development subject to the imposition of conditions of development approval. Refer to Attachment 9 for MRWA comments. For the purposes of this DA a number of the MRWA comments are amalgamated into specific conditions in order to avoid duplication. In addition, the MRWA request for a notification on title has not been imposed given this is not an application for subdivision approval.

Internal Referrals

The assessment process included referral to internal service areas for review of the technical information provided in support of the application. The internal service areas have provided comment that is supportive of the development in principle 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.

Provision	Requirement	Proposal	Assessment
<u>Land Use</u> Table 3 of <i>LPS6</i> ; <i>LPP 1.12 Child Minding Centres and Family Day Care</i> ; and <i>LPP 1.10 Amenity</i>	Preferred land uses are outlined within LPS6. These include a range of land uses expected in a residential zone	Child Care Premises – 'A' use	Supported See Officer Comment section below.
<u>Land Use</u> <i>LPP 1.12 Child Minding Centres and Family Day Care</i>	Undesirable characteristics: c) Sites located on the following Primary Distributor roads, Canning Highway, Leach Highway and South Street, in order to minimise the potential for harmful traffic fumes, excessive noise levels and road safety risks impacting on the children, staff and	Subject lot is located on Leach Highway	Supported See Officer Comment section below.

	visitors to the child care centre and surrounding road users.		
<u>Parking</u> Table 1 of <i>LPP1.6 Car Parking and Access</i>	15 bays; and One (1) Drop off / Pick up bay	19 bays	Supported LPP 1.6 requires a pick up/drop off area for children. This provision is not practical for a facility which requires parents to sign in rather than simply drop off their children. Rather than providing a pick up/drop off space, an additional four (4) car parking bays have been provided along with an Operational Management Plan (Attachment 4) to detail how the spaces will be managed and utilised on a day-to-day basis.
<u>Parking</u> <i>LPP1.6 Parking Access</i>	Car and One (1) Service / Loading bay	None	Supported An additional four (4) car parking bays have been provided as part of the development. The Operational Management Plan (Attachment 4) details how two of the bays will be managed for service/ delivery vehicles during operating hours.
<u>Parking</u> <i>LPP1.6 Parking Access</i>	Car and When there are 15 or more bays, two (2) motorcycle bays are required	None	Supported The Child Care Centre is unlikely to generate a high level of demand for motorcycle or scooter parking, with additional car parking bays provided in-lieu of motorcycle / scooter bays.
<u>Design</u> <i>State Planning Policy 7.3 Residential Design Codes Volume 1 Clause 5.1.3 Lot Boundary Setback</i>	Garden Shed setback to the southern boundary: 1 metre	0.9 metres	Supported The proposal is considered to meet the Design Principles of the R-Codes as the shed is single storey in nature and light weight being a

			maximum of 2.7m in height. The majority of the shed will be screened by the acoustic fence proposed to be located on the boundary, and the minor variation of 100mm does not cause any visual privacy or overshadowing issues. The shed is located parallel to the adjoining property's rear lawn area which also has mature trees that provide a natural buffer. The shed does not abut a habitable space.
<u>Design</u> <i>State Planning Policy 7.3 Residential Design Codes Volume 1 Clause 5.3.7 Site Works (including Retaining Walls)</i>	No more than 0.5 metres from the natural ground level on the boundary	0.7 metres on eastern boundary	Supported The proposal is considered to meet the Design Principles of the R-Codes as the site works respond to the natural contours of the site and the retaining has been stepped accordingly to ensure there is minimal bulk impact to the adjoining properties. The fill does not cause any visual privacy or overshadowing issues.

Officer Comment:

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).

City of Melville Local Planning Scheme No. 6

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.*

As detailed in the design section of the report below, the proposed development is of high quality having regard to the relevant provisions of the local planning framework and as such is considered to be consistent with Objectives 1 and 3 above.

In relation to Objective 2, it is considered that the Child Care use can, subject to specific design requirements and to the imposition of conditions of planning approval, co-exist with existing adjoining residential uses without compromise to the levels of residential amenity currently enjoyed by occupiers of those properties.

The site is located on the periphery of the Residential zone and represents an appropriate transitional land use between the established residential area of Willagee, the Myaree Service Commercial zone to the north, the Hulme Court Centre zone to the northeast, and the regional road network. The Child Care Premises provides improved access to child care services in close proximity to homes and along a common commuting route.

The fact that the proposed child care centre will provide a service which draws patronage from the adjoining residential area is considered to promote the objective of creating a more sustainable residential environment in this location.

The proposed development 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 it is recommended that the proposed development is supported in principle.

LPP 1.12 Child Minding Centres and Family Day Care

The 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 proposed development satisfies the majority of the preferred locational characteristics outlined in LPP1.12 as follows;

Requirement	Proposed
a) <i>Be located on a corner site</i>	The subject site is located on the corner of Leach Highway and Worley Street.
b) <i>Located close to, or abutting shopping centres, workplaces, schools, community facilities or public open spaces</i>	The subject site is located approximately; 150 metres to Melville Senior High School, 400 metres to the Hulme Court Centre area, 190 metres to Winnacott Reserve, and 450 metres to Caralee Community School.

c) <i>Well served by footpaths, dual access paths & public transport</i>	There is an existing footpath which runs along the whole street frontage of the subject site along Leach Highway and Worley Street. There is a bus stop facing Leach highway within 25 metres to the northeast.
d) <i>Adequate size to provide suitable areas of play space & parking</i>	Multiple indoor and outdoor play areas have been proposed with parking that is greater than the minimum required.

While the proposal meets many of the preferred locational characteristics outlined in LPP1.12, sites located on Primary Distributor roads are classed as undesirable locations for Child Care Centres. The relevant clause within LPP1.12 is as follows;

c) Sites located on the following Primary Distributor roads, Canning Highway, Leach Highway and South Street, in order to minimise the potential for harmful traffic fumes, excessive noise levels and road safety risks impacting on the children, staff and visitors to the child care centre and surrounding road users.

As the site is located on the corner of Leach Highway and Worley Street it is an undesirable location for the purposes of LPP1.12 and as such requires a performance assessment.

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 relevant local planning policy.

In the document 'Development Assessment Panel Practice Notes: Making Good Planning Decisions' produced by the Government of Western Australia, due regard is described as giving 'proper, genuine and realistic consideration' to a matter.

In consideration of this objective, and in determining the level of regard that is to be had to the local planning policy in this context, it is necessary to assess the actual impacts that accrue from the proposed development relative to traffic, noise and road safety.

In that respect the development application was accompanied by a number of supporting documents including an Environmental Noise Assessment, a Traffic Impact Assessment, and an Air Quality Assessment. The details of these supporting documents are provided as attachments to this RAR. The supporting documents were prepared by specialists from their respective professional disciplines, and each has been reviewed by relevant officers from the City's Technical Services (Traffic Engineers) and Environmental Health departments.

It is concluded that the applicant has demonstrated through the provision of this detailed technical supporting information that noise levels, vehicle emissions and traffic considerations associated with the development do not prejudice the amenity of users of the proposed facility, nor its neighbours. The concerns regarding Child Care Centres being located on Primary Regional Roads is effectively satisfied, and the proposed development is recommended for support on that basis.

It is acknowledged that at the August 2021 Ordinary Meeting of Council it was resolved to progress a Scheme Amendment to LPS6 to designate child care premises as prohibited 'X' uses along primary regional roads. The associated public consultation period is now concluded, and a report regarding the matter is to be presented to the April OMC. This may result in the matter being referred to the WAPC who will make the final decision. Given that the process is yet to play out towards a conclusion, the details of the Scheme Amendment remain uncertain, hence no weight is attributed to the scheme amendment in terms of the subject proposal.

Design

The subject site is zoned Residential with a density coding of R20/R60. The subject site is located within the City of Melville Willagee Structure Plan area, and sits within a diverse streetscape, incorporating a range of existing building types, from single and two storey houses and commercial and mixed use developments further along Leach Highway to the east and west. A range of development controls apply to the site, including the R-Codes, Willagee Structure Plan, and local planning policies such as *Local Planning Policy 1.19 Height of Buildings*. The latter structure plan and policies acknowledge the intense character of Leach Highway and provide specific development controls to ensure future development is of a high quality and responds to the street.

As per 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, setbacks, visual privacy and solar access for adjoining sites.

The primary and secondary street setbacks, solar access, visual privacy, and open space meets the deemed-to-comply provisions of the R-Codes. The building is considered to have been setback appropriately from the surrounding sites, and based on a performance assessment as previously outlined, the shed meets the relevant design principles.

The proposed development is proposed to be located on the northern portion of the site to maximise the amount of open space on site and shield the outdoor play spaces from any noise and amenity impacts associated with Leach Highway. This design response provides for good separation to the closest residential properties. The impact of the car parking on the streetscape is minimised through built form elements and landscaping, whilst the façade treatment is similar to that of a contemporary residential dwelling, providing a clear and inviting entry sequence to the property from Worley Street

The proposed development is considered to be of a high quality, consistent with the relevant planning framework and as such it is recommended that the design of the development is supported in principle on that basis.

Air Quality

While there are no state or local planning policies relating specifically to air quality, State Planning Bulletin 72 Child Care Premises, indicates that these uses may not be suitable where the use of the adjoining properties results in unacceptable levels of

noise, fumes and emissions. In addition, air quality and in particular the potential impact of traffic fumes, is noted in LPP1.12 as a reason why the location of Child Care Centres off Leach Highway is undesirable. In that respect, there was concern expressed by some submissions that the quality of the air in this location would be of detriment to users of the proposed facility.

An Air Quality Assessment (Refer to Attachment 8) was undertaken and provided by the applicant in support of the development proposal. The Air Quality Assessment was undertaken and prepared by a qualified evidence-based science consultancy and provided data based on an assessment conducted during a typical morning and typical afternoon. The Air Quality Assessment assessed both the proposed location and the building design against the appropriate published guidelines. The assessment concluded that the construction of the Child Care Premise as proposed will not result in users being exposed to traffic fumes at levels exceeding acceptable guidelines and standards.

Traffic in this location is generally free flowing and the prevailing winds have the effect of dissipating emissions.

The design and siting of the proposed child care facility responds to the site's position adjacent to Leach Highway. The proposed development is situated on the northern part of the site but is orientated towards the south. The development has a combination of indoor and outdoor play spaces, with outdoor play space areas located as far away as possible from Leach Highway. The building design situates the main hallway on both floors parallel with Leach Highway to act as a noise buffer and to ensure there are no direct noise or pollution impacts that may affect sensitive play spaces.

While the assessment concluded that the air quality characteristics of this site were well within acceptable limits, it was also noted that the move to electric vehicles in due course should further reduce the level of pollutants generated by vehicles over time.

In light of the above, it is concluded that the proposal has adequately demonstrated through the support of the Air Quality Assessment that the air quality characteristics of this site have been addressed, and in that respect, the development can take place without compromise to the health of users.

Traffic

Potential road safety issues are cited as a reason that Leach Highway is an undesirable location for Child Care Premises in LPP1.12. During the advertising period concerns were raised from the submitters regarding traffic and safety concerns as a result of being located on Leach Highway.

Leach Highway is a dual carriageway with three traffic lanes per carriageway for the majority of its length between the Kwinana Freeway to the west and Stock Road to the east. A median island separates the east and west bound carriageways. The Worley Street access from Leach Highway is restricted to left-in/left-out. There are 'U' turn facilities on Leach Highway located further to the west of Worley Street. The road network in Willagee is comprised of a typical grid pattern allowing for residents to access and depart from the site via a range of routes.

In support of the application, the applicant provided a Traffic Impact Statement (TIS) (refer to Attachment 6) to demonstrate that the additional traffic generated by the development can be adequately accommodated within the existing road network. The findings of the TIS are summarised as follows:

- The development is expected to generate a maximum of 63 and 32 vehicular trips in the AM and PM peak periods respectively;
- Vehicle types are predominantly light vehicles
- The vehicular trips are shared between Leach Highway and Worley Street, with no vehicular access to the car parking area via Leach Highway;
- According to data from MRWA, the westbound carriageway of Leach Highway (east of Worley Street) carries approximately 28,000 vehicle trips per day (VPTD) and has a maximum peak hour flow of 2,346 vehicles. Leach Highway, being a dual carriageway with three lanes of traffic in each direction, has a midblock functional capacity of 2,800 vehicles per day.
- Analysis of the five-year crash record (ending 31 December 2020) for Worley Street between and including its intersections with Leach highway, Arkwell Street and Jackman Street has indicated that there has not been any reported crash during this time.

The statement concludes that there are no observed road safety concerns with this subject site nor does it suggest that this will change with the development of the proposed Child Care Premises.

As stated, the assessment process undertaken included a referral to the City's in-house Traffic Engineers for review. In response, Officers have expressed support of the development subject to the imposition of appropriate conditions relating to traffic and its management during the construction stage.

The comments provided by MRWA confirm that no objection is raised to the proposal on traffic safety grounds..

Noise

Potential noise issues are cited as a reason that Leach Highway is an undesirable location for Child Care Premises in LPP1.12. Concerns were also raised by some of the submitters during consultation regarding noise generated from vehicular traffic and the subsequent impacts for children.

As indicated earlier in the report, the building has been designed in a manner which provides for an engaging streetscape response to Leach Highway and Worley Street shielding the occupants from any negative impacts from Leach Highway. The hallway on each level provides acoustic separation between the street and the internal activity rooms and all external play areas are located on the south of the building away from the noise source.

The applicant has provided an Acoustic Assessment (Refer to Attachment 7) to determine the road noise levels and assess resultant impacts. The results of the noise predictions and assessment show that the development can comply within the acceptable noise levels associated with *Environmental Protection (Noise) Regulations 1997* and the *State planning Policy SPP5.4*.

The assessment process undertaken included a referral to the City's Environmental Health Officers for review. In response, Officers have expressed support for the development subject to the imposition of appropriate conditions relating to noise management during the construction stage and occupation.

The comments provided by MRWA confirm that it has no objection to the proposal on noise grounds, subject to the imposition of conditions of development approval. These conditions include a requirement that the development is constructed in accordance with the acoustic report and appropriate certification is provided prior to occupation of the building

In view of the above, it is considered that the details provided in support of the proposed development demonstrate that air quality, traffic, and noise concerns have been satisfactorily addressed by suitably qualified consultants. While LPP 1.12 notes that Leach Highway is an undesirable location for a range of reasons, the information provided by the applicant confirms that the design of the proposal appropriately deals with each of these issues and the application is recommended for support on that basis.

Conclusion:

For the reasons given above, the proposed development in its current form is supported by the City. It is considered that the development as proposed will make a positive contribution to the Willagee area and is consistent with the provisions of the City's Local Planning Scheme, local planning policies and local planning strategy. Accordingly, it is recommended that the Metro Inner South JDAP grant conditional planning approval for the development as proposed.