

**Gordin Way, Lot 9074
Byford Child Minding Centre**

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

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Apex Planning	
Owner:	LWP Byford Syndicate Pty Ltd	
Value of Development:	\$2.05 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic Director Development Services	
LG Reference:	PA21/931	
DAP File No:	DAP/21/02096	
Application Received Date:	29 September 2021	
Report Due Date:	4 January 2022	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Development Plans 2. Schedule of Submissions and Applicant Responses 3. Assessment Against the Town Centre Built Form Guidelines 4. Traffic Impact Assessment 5. Environmental Noise Assessment 6. Bushfire Management Plan 7. Council Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Approve** DAP Application reference DAP/21/02096 and accompanying plans (dated 15 September 2021) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Metropolitan Region Scheme, Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, 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. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	<p>Development Plans received at the Shire Offices on 29 September 2021;</p> <p>Transport Impact Statement received at the Shire Offices on 29 September 2021;</p> <p>Bushfire Management Plan received at the Shire's Offices on 29 September 2021; and</p> <p>Environmental Noise Impact Assessment received at the Shire's Offices on 29 September 2021.</p>
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4. The maximum number of children on the premises shall not exceed 106.
5. The operating hours for clients shall be between 6:30am and 6:30pm, Monday to Friday.
6. The development shall include the full construction of Marchant Way to Granfell Way, including all associated intersection, footpath and on street carparking requirements, to the satisfaction of the Shire of Serpentine Jarrahdale. Plans submitted for a Building Permit are to include all details of this infrastructure, to the specifications and satisfaction of the Shire. This infrastructure must be completed prior to operation of the development.
7. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:
 - the design of the wall on the south side of the carpark;
 - the management of outdoor play areas;
 - the design and shielding of mechanical plant.

Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Noise Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale.

8. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
9. A minimum of one car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
10. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.
11. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
12. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
13. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
14. Prior to occupation of the development, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.
15. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
16. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
17. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan should address the following matters:
 - Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays within and surrounding the Byford Secondary College site during peak drop-off/pick-up times.
 - Management of dust and noise.

18. Prior to issue of a Building Permit, an amended Bushfire Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan shall address the following:

- Correct the classification of vegetation plots that are excluded under AS3959-2018
- Inclusion of Emergency Evacuation Plan

Once approved, the updated Bushfire Management Plan shall be implemented to the satisfaction of the Shire.

Reasons for Responsible Authority Recommendation

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban Zone
Local Planning Scheme	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
Local Planning Scheme - Zone/Reserve	Urban Development Zone
Structure Plan/Precinct Plan	Byford District Structure Plan Byford Town Centre Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Residential
Use Class and permissibility:	Child-Minding Centre' is an 'SA' land use in the 'Residential' zone
Lot Size:	2,389m ²
Existing Land Use:	N/A
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	Yes
Swan River Trust Area	No

Background:

Existing Development

The subject site lies within the western side of the Byford Town Centre within an established community/educational precinct. It is located at the south east corner of the intersection of Gordin Way and Granfell Way in Byford. The subject site is currently vacant and is bounded

by Gordin Way to the west, Granfell Way to the north, Marchant Way to the east (with portion still to be constructed to connect to Granfell Way) and two vacant residential lots to the south.

The site is opposite the existing Public Open Space site (POS) to the north which also functions as a drainage swale for the eastern adjoining residential subdivision. Byford Secondary College and Byford John Calvin School are located to the west and east of the subject site respectively. The proposed development links effectively to Abernethy Road, via both Gordin Way and Soldiers Road. These provide important and supporting road infrastructure for efficient and safe access to the broader precinct. The locality plan is shown on Figure 1 below:

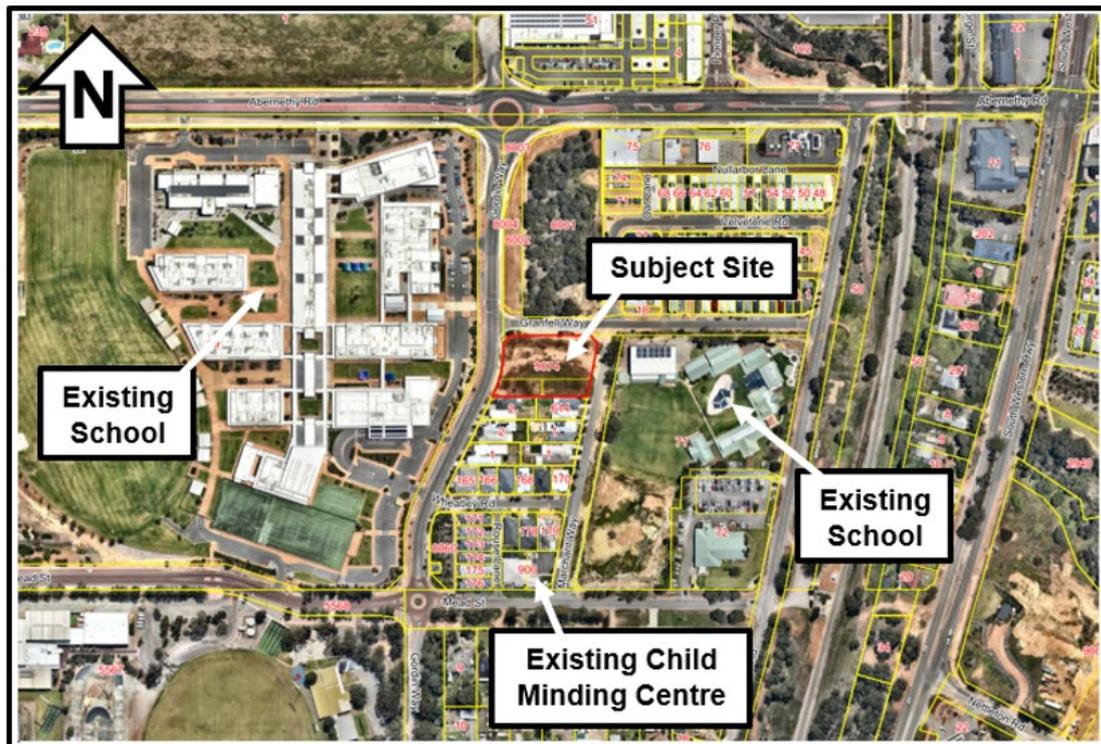


Figure 1: Aerial location



Figure: 2 – Surrounding Development

Proposal:

The proposal seeks approval to construct a single storey skillion roof building, purpose built 'Child Minding Centre' on Lot 9074 Gordin Way, Byford. The proposed building would be constructed of cladded concrete tilt panels. Vehicle access to the site is proposed via a full movement crossover on Marchant Way to the south eastern boundary of the subject site, off Marchant Way. Marchant Way will be constructed through to Granfell Way and provides the greatest degree of separation from the key road interface of Gordin Way and Granfell Way.

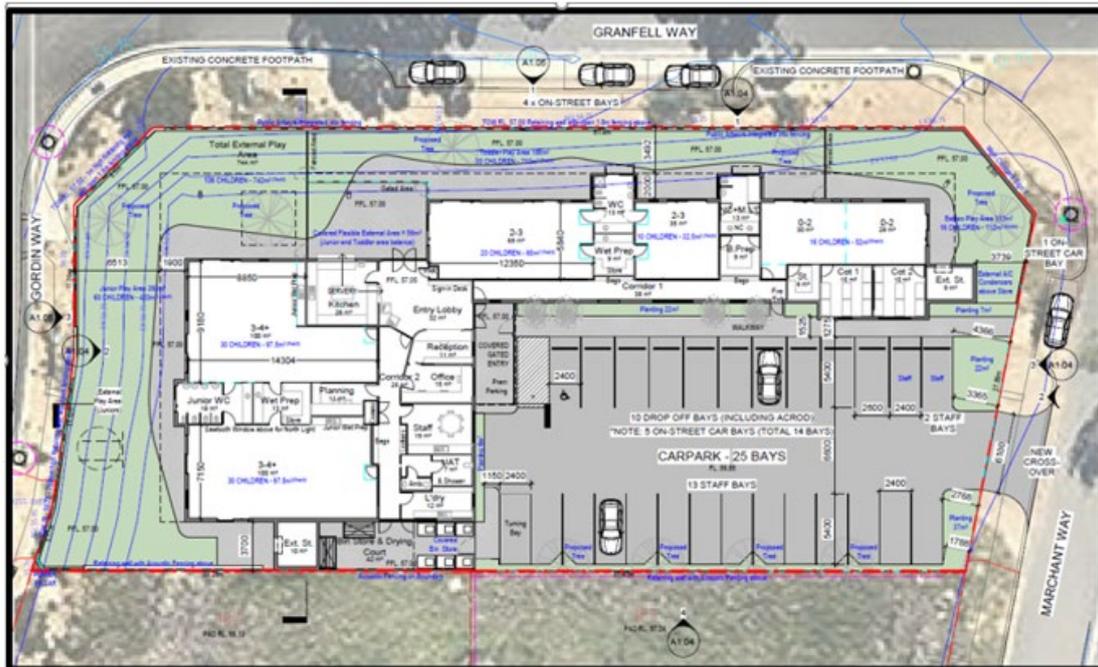


Figure 3 – Floor Plan

The applicant provided information that the centre will accommodate up to 106 children within the following age groups:

- 0-2 years: 16 places;
- 2-3 years: 30 places;
- 3+ years: 60 places.

The proposal comprises:

- Building comprising of an entry lobby, reception desk, office staff room, staff amenities, kitchen with storage areas, dining area, group activity rooms, sleep rooms, prep rooms toilets, change rooms, laundry and storage areas;
- Construction of a car park with 25 car parking bays comprising of 10 spaces for pick-up and drop-off, 15 staff car parking spaces including one universal access bay;
- Construction of one on-street parking bay along western side of Marchant Way and four on-street bays along the southern side of Granfell Way. These 5 bays will be exclusively used for drop off and pick up, providing a total of 15 such bays for clients (refer above point).
- Construction of a new a crossover on Marchant Way to provide access to the car parking area;
- Construction of outdoor play areas with a total area of 744m² provided to the north and eastern portions of the subject site;
- Construction of 1.8m high solid fence of minimum 8kg/m² surface mass along the outdoor play area's southern boundary (at the south west of the site) and along the car park's southern boundary;
- Construction of garrison style fencing along the street boundaries, and a covered gated entry to the facility with pram parking, with a paved walkway linking the entry of the site to visitor parking bays and the future footpath network along Marchant Way;
- A fully enclosed bin store (with roof) along the southern boundary;

- Perimeter landscaping along the southern car park boundary and a landscape buffer between the car park and Marchant Way;
- Employment of up to 15 full-time staff members on-site at any one time with additional part time staff during off-peak periods for the purposes of lunch cover, admin duties, or training purposes;
- Operation hours of the centre proposed from 6:30am to 6:30pm Monday to Friday;
- Building footprint of 469.23m², with the following street setbacks:

Granfell Way:

- 3.5m to WC rooms and front verandah;
- 5.5m to 0-2 and 2-3 activity rooms.

Gordin Way:

- 6.5m to verandah;
- 8.4m to 3-4+ activity rooms.

Marchant Way:

- 3-3.7m to external storeroom.

Full details of the initial proposal are contained within **attachment 1**.

Proposed Land Use	Child Minding Centre
Proposed Net Lettable Area	NA
Proposed No. Storeys	One
Proposed No. Dwellings	NA

Consultation:

Public Consultation

The application was advertised for a period of 27 days from 22 October 2021 to 17 November 2021 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. In addition, a notice of the development proposal on a sign was placed on site for the same period.

At the conclusion of the consultation, three submissions raising no objections were received. These did also raise concerns pertaining to the following aspects:

- Parking to sufficiently cater for employees and staff;
- Traffic movements on the existing road network and potential safety concerns; and
- Consideration to reduce the speed limit on Granfell Way to 40km/hr.

A summary of the submissions including applicant comments can be viewed in **attachment 2**.

These matters are discussed in the table below and within the traffic section of the report.

Issue Raised	Officer comments
<p>Traffic</p> <p>Increase of traffic moments on the local roads and the proximity to the Byford Secondary College.</p> <p>We respectfully ask that Grenfell Way is made a 40km zone.</p>	<p>The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the surrounding local road network, which includes Gordin Way, Granfell Way and Marchant Way which are all classified as Access Roads under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h.</p> <p>The location of the parking has been specifically sited and designed in response to existing development conditions in the locality that would alleviate traffic congestion along Gordin Way, considering it is one of the main access point for Byford Secondary College. The design of the of the development enables the effective distribution of traffic to both Soldiers Road and Gordin Way, with clients being advised to utilise Granfell Way to Soldiers Road to depart the centre in the morning. This will help to remove any build-up of traffic on the Gordin Way frontage.</p>
<p>Insufficient parking bays to cater for staff and 106 children</p> <p>Insufficient parking would potentially lead to verge parking along neighbouring existing residential properties</p>	<p>Officers consider that the parking requirements have been met. As discussed further in the traffic section of the report the information has been provided to demonstrate that the development will be able to deal with the peak hour demand and overall trips generated by the development</p>

The comments received in support of the proposal were:

- The development will support the young population of Byford who have a need for this sort of facility.

Referrals/consultation with Government/Service Agencies

Department of Education (DoE)

The application was referred to the Department of Education who provided no in principle objections to the proposed Child Care Premises, subject to the following matters being given due consideration.

Land Use

The proposed Childcare Premises is considered acceptable in principle as there is likely to be some level of reciprocal use between the Childcare Premises and the adjoining Byford Secondary School site.

Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and separate applications have recently been considered by the Shire of Serpentine Jarrahdale (Shire) for two additional Child Care Premises at nos. 34-36 Beenyup Road and nos. 13-15 Beenyup Road. It will be the responsibility of the Shire to consider whether the potential number of Child Care Premises within the area would be consistent with the intent and objectives of Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).

Construction Management

Due to the application site's close proximity to Byford Secondary College, it is important the school is not burdened by the impacts associated with construction works. Therefore, it is requested that a condition of approval is imposed which would require a Construction Management Plan to be submitted and approved prior to any works being undertaken on site. The Construction Management Plan should address the following matters:

- Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays within and surrounding the Byford Secondary College site during peak drop-off/pick-up times.*
- How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Byford Secondary College.*

Service and Waste Management

The Department is satisfied that the Service and Waste Management arrangements contained within Section 4 of the Transport Impact Statement (September 2021) would ensure there is no conflict with traffic associated with the Byford Secondary School site. The Department requests that these measures are secured by way of a condition of approval.

Department of Water and Environmental Regulation (DWER)

The application was referred to the Department of Water and Environmental Regulation who provided no in principle objections to the proposed Child Care Premises, subject to the following key matters being given due consideration.

Stormwater Management

Drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia (DoW, 2004-2007). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15 mm of stormwater runoff (1 Exceedance per Year runoff) from the car park area should undergo water quality treatment via bio-infiltration.

Groundwater

The subject property is located within the Serpentine Groundwater Area (Byford 3 Subarea) as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The issuing of a groundwater licence is not guaranteed but if issued, will contain a number of

conditions that are binding upon the licensee. It is important to note there may be difficulties securing groundwater in the Serpentine Groundwater Area (Byford 3 Subarea).

DFES submission

The application was referred to the Department of Fire and Emergency Services (DFES) who recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the classification of vegetation plots. Notably the vegetation plots in question are excluded in accordance with AS3959-2018. The BMP currently includes these plots as classified vegetation, which can be resolved through an amended BMP to be required as a condition of approval.

Legislation and Policy:

Legislation Planning

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997;*
- *Planning and Development (Development Assessment Panel) Regulations 2011;*
- *Metropolitan Region Scheme.*

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
- Shire of Serpentine Jarrahdale Local Planning Strategy.

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- Planning Bulletin 72/2009 – Child Care Centres;
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances.

Structure Plans/Activity Centre Plan

- Byford District Structure Plan 2020
- Byford Town Centre Local Structure Plan

Local Policies

- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.6);
- Local Planning Policy 2.4 – Water Sensitive Design (LPP2.4);
- Local Planning Policy 3.8 – Byford Town Centre Guidelines;
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP 4.15);
- Local Planning Policy 4.16 – Landscape and Vegetation Policy (LPP4.16).

Design Review Panel Advice

Not applicable

Swan Valley Planning

Not applicable

Other Advice

Not applicable.

Planning Assessment:

The proposal has been assessed against the relevant legislative requirements of the Shire of Serpentine Jarrahdale No. 2, Draft Local Planning Scheme No.3 (LPS3) and Draft Local Planning Strategy (LPS), Byford District Structure Plan 2020, Byford Town Centre Local Structure Plan and State Policy and Local planning policies.

Town Planning Scheme No. 2

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as 'Residential' within the Byford District Structure Plan 2020 (BDSP), and the Byford Town Centre Local Structure Plan (LSP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed land use can be considered within the residential designations of the structure plans. The two structure plans, showing the land in question, are provided following:

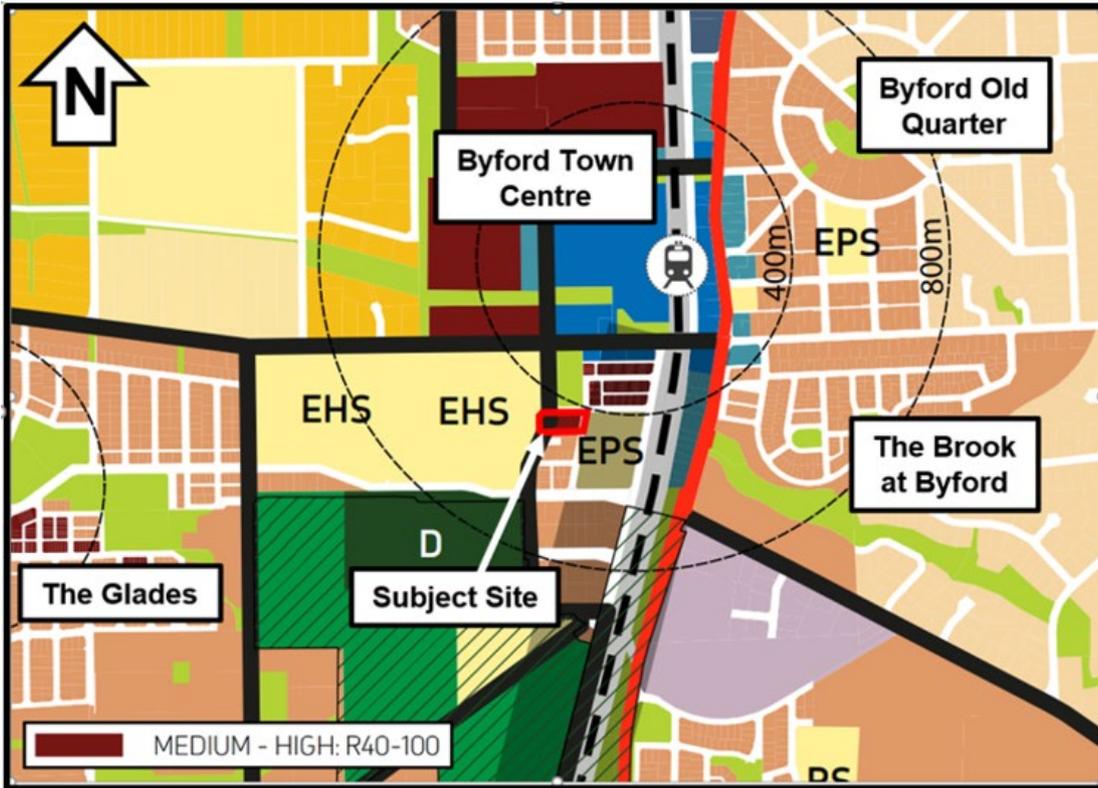


Figure 4 – Byford District Structure Plan

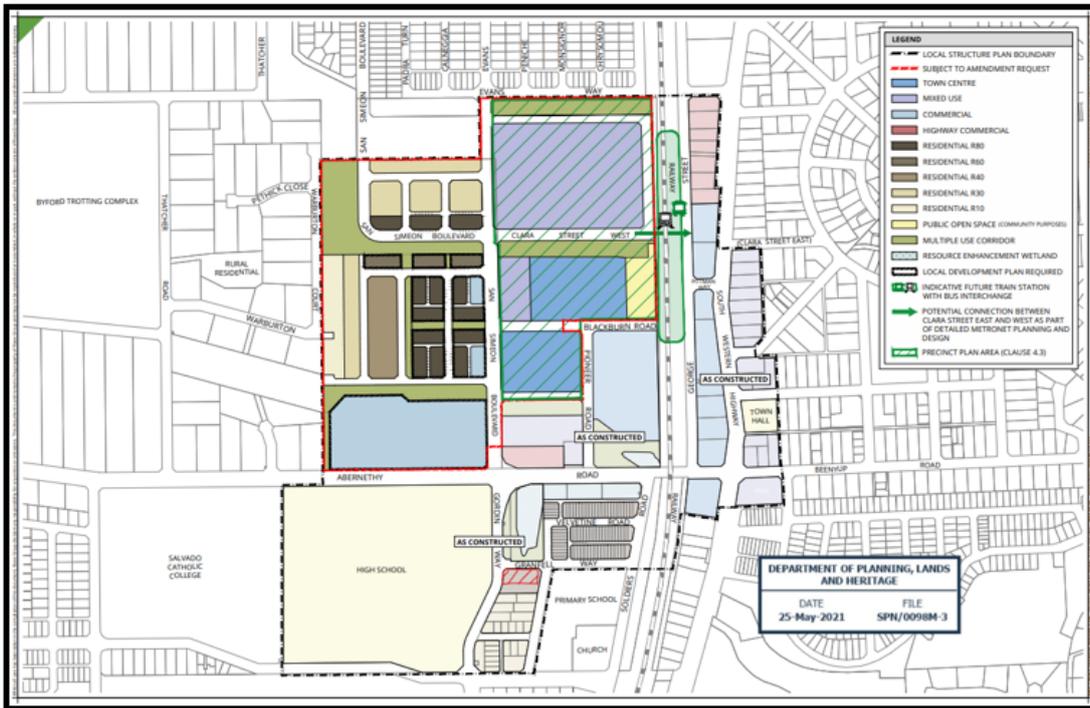


Figure 5: – Byford Town Centre Structure Plan

Land Use

The proposal falls within the TPS2 definition of ‘Child Minding Centre’, which is defined as follows:

“Child Care Centre – means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968

(as amended) but does not include a family care centre as defined by those regulations, or an institutional home”.

The Child-Minding Centre’ is an ‘SA’ land use in the ‘Residential’ zone which means, “that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions.” An ‘SA’ land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval.

Officers consider that the development, by way of scale, intensity and form of development is consistent with the current and intended future amenity of the area, being a town centre environment expected to comprise a mix of primary, secondary and supporting uses, with a mix of building types and an increasing density of residential development.

Officers further consider that the design of the development is compatible with nearby residential development as it seeks to incorporate design elements to the building which, when viewed from the street, would appear residential in form (i.e. skillion roofs), providing for a high degree of compatibility with adjoining and nearby medium residential density developments located within the broader locality.

Draft Local Planning Scheme No.3 (LPS3) and Local Planning Strategy (LPS)

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will be ‘Residential’. The proposal would still fall under the land use of ‘Child Care Premises’ which is defined as:

“means premises where –

- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or*
- (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided”.*

The use is similarly a discretionary use, subject to advertising, within the Residential zone of LPS3.

The ‘Residential zone’ objective under LPS3 supports a range of non-residential uses, which are compatible with and complementary to residential development, encouraging high quality design, built form and streetscapes throughout residential areas which is appropriate to the climate. This development is considered to reflect such.

Planning Bulletin 72/2009 – Child Care Centres

The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. The objectives of the policy are to:

- a) locate child care centres appropriately in relation to their surrounding service area;*
- b) minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) minimise the impact the surrounds may have on a child care centre; and*

- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*

The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within an easy walking distance and serviced by public transport. The proposal is located within the Byford Town Centre, as part of the education precincts and medium density housing environment. It is serviced by Transperth bus routes on Gordin Way, approximately 45 metres with a walking distance accessible by the existing path network south west of the proposed development site. In addition, the development is within a walkable 400m catchment of the future Byford Metronet Station. The existing foot path along Gordin Way and Granfell Way abutting the site provides infrastructure available to enable residents from the nearby catchment areas to walk to the subject site consistent with this objective of the Bulletin. A condition has been imposed to ensure the completion of road, footpath and on-street parking associated with the extension of Marchant Way to Granfell Way. Also, on-street parking on Granfell Way.

The bulletin also states that it is important in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In this regard, the development is proposed to be located on the edge of the Town Centre boundary, in close proximity to existing education and community facilities. It has two yet to be developed residential lots to the south, and demonstrates a configuration of development to moderate as best possible noise impacts associated with the development. Noise is later discussed in the report.

Car Parking

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 106 children, a minimum of 22 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 30 bays, 25 onsite bays, (including one [1] universal bay), four proposed to be constructed along Granfell Way and one on along the western side of Merchant Way. The bays along both Granfell Way and Marchant Way will be public bays (not exclusive to the development), however will be available for the development in circumstances of the early morning drop off (before school hours) and evening pick up (after school hours).

In terms of the 15 bays available during the AM/PM drop off and pick up times, these activities are generally modelled upon a seven-minute average period of utilisation. The submitted Traffic Impact Statement (TIS) indicates that this development would generate 80 vehicle trips (40-in/40-out) during the AM (7am-10am) and 64 (32-in/32-out) during the PM (3pm-6pm) peak time periods. Using the higher AM peak trip generation scenario, this results in approximately an hourly average of 26 vehicle trips (13-in/13-out) generated. Based on a seven minute drop off and pick up period, each bay across an hour could on average cater for eight vehicles. The 15 bays therefore have the capacity to hold up to 120 vehicles. Based on the 40 vehicles projected to attend site during the three-hour peak period, the 15 bays have the capacity to manage the peak flows.

The on-street bays to be constructed as part of this development were proposed to be time limited, however the Shire is not currently resourced to operate a car parking time compliance function.

Therefore, Officers do not support these bays as time limited bays. The rationale for this is that the likely peak demand for such bays will be before and after school hours. Therefore, any public use of the bays during school hours will unlikely affect these bays being available

for use outside of school hours, by patrons of the development. This also allows for fuller utilisation of the limited space that is available in the town centre for car parking.

In terms of LPS 3, the table below summarises the parking requirements for the proposed development under draft LPS3:

Land Use	Parking Requirement	No of Children/Staff	Parking Required	Proposed Bays
Child Minding Centre	1:10 children, plus 1.1 employee	106 15	11 bays 15	10 bays on + 5 bays on street 15
Total			26	30

The proposal complies with the parking requirements under LPS 3. During the consultation period, concerns were raised regarding insufficient parking to cater for employees and staff. Officers consider that the parking requirements have been met and that the proposed additional five on- street bays will sufficiently cater for the parking demand of the development and ensure that during peak hours, parking and road safety can be maintained. Officers are satisfied with the proposal in this regard.

Officers have also considered that public transport is conveniently located nearby the subject land, leading to this mode of transport being fully utilised. The parking analysis within the Transport Impact Statement determines that onsite and on street parking proposed should sufficiently cater for the needs of the centre

With regards to safety concerns from increased traffic raised during the consultation period, Officers are satisfied with the proposed configuration of the centre's car park and access is acceptable. The location of the parking has been specifically sited and designed in response to existing development conditions in the locality that would alleviate traffic congestion along Gordin Way, considering it is one of the main access point for Byford Secondary College. The design of the of the development enables the effective distribution of traffic to both Soldiers Road and Gordin Way, with clients being advised to utilise Granfell Way to Soldiers Road to depart the centre in the morning. This will help to remove any build up of traffic on the Gordin Way frontage.

During the consultation period, a suggestion was raised to reduce the speed limit to 40km/hr on Marchant Way to ensure safety during the peak periods. Officers have considered that Marchant Way is classified as an Access Road under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h. The environment of Marchant Way, as a short residential street, means that traffic should not approach speeds of 50km/h, as they will meet a new 'T' intersection with Granfell Way.

Development Requirements

Table 11 TPS 2 set out site requirements for selected uses in the 'Residential' Zone

Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Gordin Way)	7.5m	8.4m	Yes
Rear (Marchant Way)	7.5m	3.74m storeroom	No
Side (Granfell Way)	3.0m	3.492m	Yes

Child Minding Centre	Required	Provided	Complies
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.33	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.44	No

The front and side setbacks of the building are generally consistent with development requirements of TPS2. The rear setback and side boundary abutting the adjoining future residential area is varied by a reduced and nil setback to the east and south respectively for external storerooms. These variations are considered to be minor considering that the rest of the building complies with the setbacks. The minor variations are not considered to adversely impact upon the existing streetscape.

The development slightly exceeds the prescribed site coverage requirements of TPS 2. Officers have considered that the slight exceedance on the site coverage would not adversely impact on the available open space. The development features three outdoor playscapes fronting Gordin Way and Granfell Way street frontages that will ameliorate the bulkiness of the building. The minor variation is not considered to present the development as bulky or overbearing when viewed from the street frontage due to the design of the building particularly the skillion roof. The applicant has also proposed to construct visually permeable fencing along this boundary to maintain a sense of openness between the street and the development, removing the presence of bulk.

The development helps to create an avenue type feeling, with the green edges of the open space to the north complemented by the building edges being introduced on the south side of Granfell Way.

Form of Development:

The purpose of LPP.38– Byford Town Centre Built Form Guidelines is to facilitate and coordinate a desired built form and development outcomes within the Byford Town Centre LSP area. The objective of the policy is to be able to achieve a high standard of architectural design that responds innovatively to Byford’s rural atmosphere, whilst contributing to an attractive streetscape. A full assessment can be viewed within **attachment 3**.

The built form of the proposed ‘Child Minding Centre’, as shown in the elevations below, features an L shaped single-storey skillion roof building (with multiple roof forms). The building is intended create a distinct identity for the development, whilst maintaining congruity with the pattern of development of this community/educational precinct. The roof forms are varied and are accentuated at different areas to make them interesting, while providing a sense of larger scale. The design has been designed in response to site-specific characteristics of the corner location.

The development is considered to reflect the evolving nature of the immediate locality, noting the site is located within a ‘Residential’ zone, that adjoins an educational development to the east and west. The contemporary style building, which is architecturally designed in response to its corner location is therefore considered to strike a balance between the existing forms of development within the area and considered to complement the existing architectural forms within the established streetscape. Officers consider that the development meets the provisions of the Policy.

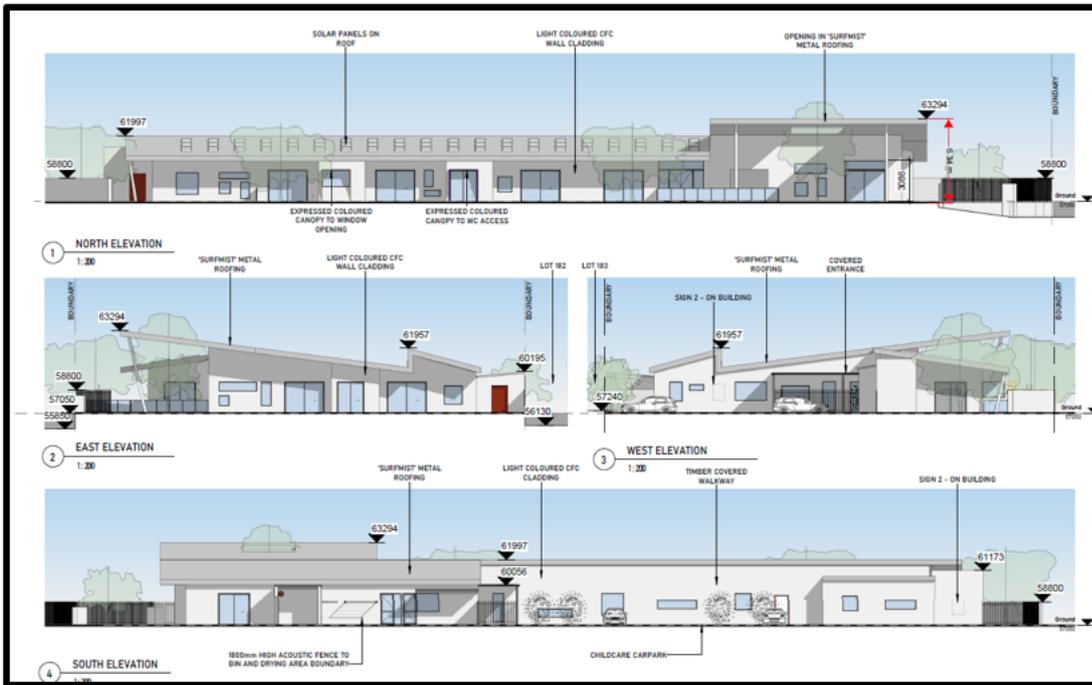


Figure 5: Elevation Plans

Traffic

The category of the vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as staff and waste vehicles. Vehicle access to the subject site is proposed via a single full movement crossover on Marchant Way. While Merchant Way is currently not connected to Granfell Way, the applicant has provided information that Merchant Way will formally connect to Granfell Way and be constructed as a T-intersection as incidental works to the subdivision approval. In any case, a condition is also imposed to secure this.

The proposed crossover on Marchant Way will provide access to the main car park consisting of 25 bays (inclusive of one ACROD bay) as shown in the diagram following. There are existing footpaths along the southern side of Granfell Way, immediately adjacent to the proposed development, which would provide pedestrian access to the proposed development.

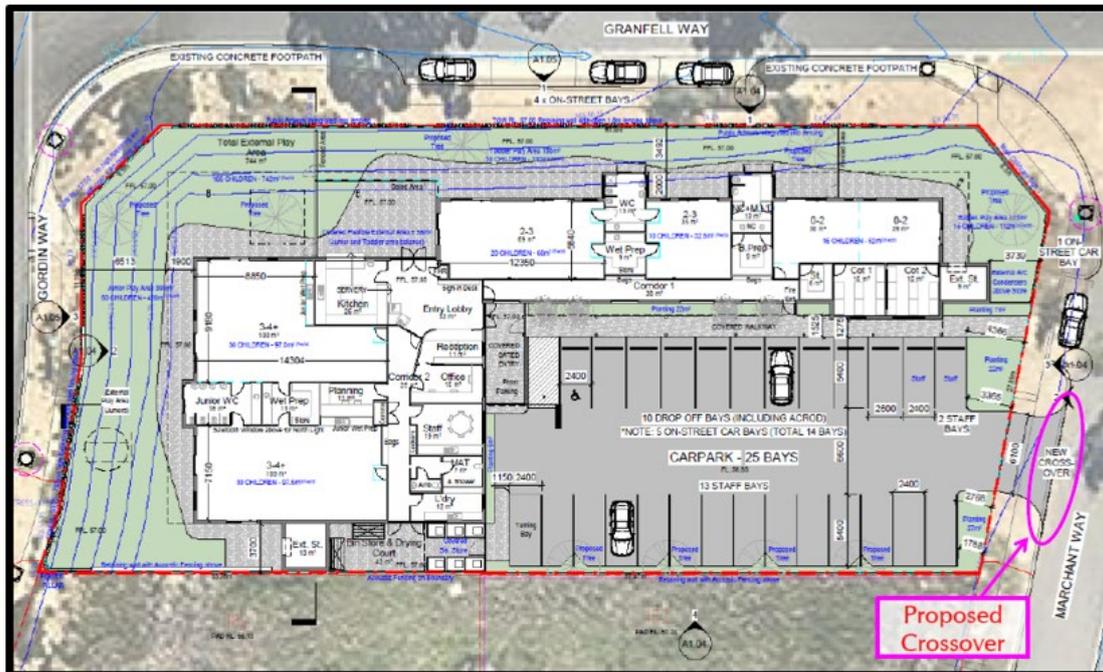


Figure 6: Proposed Crossover

To access increased traffic movements on the road network and potential safety issues, a Transport Impact Statement (TIS) was provided with the application, which can be viewed in **attachment 4** to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the surrounding local road network, which includes Gordin Way, Granfell Way and Marchant Way which are all classified as Access Roads under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h.

The findings on the volume of traffic likely to be generated by the proposal was estimated using available data from surveyed traffic counts undertaken by Transcore at similar centres in the Perth Metropolitan Area. The TIS states that information provided by centre managers of similar centres provided information that the AM (drop-offs) and PM (pick-ups) peak periods for the early learning centres is between 7am to 10am and 3pm to 6pm respectively. From the total number of children at each of the centres on the surveyed days, the following average generation rates were established for the morning and afternoon surveyed periods:

- 7:00am – 10:00am: 1.58 trips per child (52% in / 48% out); and
- 3:00pm – 6:00pm: 1.67 trips per child (47% in / 53% out).

With regard to traffic generation, the TIS provided that the development is estimated to generate a total of 371 vehicle trips per day, with an AM peak of 80 vehicle trips generated and a PM peak of 64 trips generated. The predicted peaks fall under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines, resulting in an acceptable (insignificant) impact to the surrounding road network.

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 per cent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 per cent may. All sections of road with an increase greater than 10 per cent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as

equating to around 10 per cent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane, should be included in the analysis.”

The findings of the report concluded that the traffic generation of the proposed development is relatively low and as such would not have a significant impact on the surrounding road network. The site provides a robust and interlinked set of road connections, which help in traffic distributions in all directions and avoiding peak traffic along Gordin Way.

Amenity

Clause 67 of the Deemed Provisions, namely clause (n), requires the Local Government to consider the amenity impacts of a development. Noise generated from the proposal has the potential to impact upon the amenity of the area, given the proximity of the proposal to existing neighbouring residential dwellings to the south of the subject site (sensitive receptors).

To address noise, the applicant submitted an Environmental and Noise Assessment (ENA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). This can be viewed as **attachment 5**. The report assessed noise emissions from outdoor child play areas, car doors closing in the car park and mechanical plants (air conditioning units, plant and extraction fans), against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*.

The Regulations set out the maximum allowable noise level that may be emitted, measured from the point of the receiver of that noise. In this case, computer modelling was used to predict noise emissions from the development at all sensitive receptors as shown below and demonstrated within the ENA.



The predicted noise levels received at the two educational establishments, existing and future sensitive receptors within the ENA for the major noise sources, has been detailed within tables 4-1, 4-2 and 4-3 of the ENA. The location of the sensitive receptors and noise receivers at this location have been captured in the above diagram.

In terms of the outdoor child play assessment, the ENA assessment demonstrates that all noise receivers will comply with the assigned levels under the regulations with the exception of an exceedance of 3 dB at Byford Secondary College Science block (C) to the west. The applicant has provided information that the east facades of this building have been observed to not have a significant amount of glazing visible to the street and carpark areas and therefore consider that child play noise would not be considered impactful above vehicle noise and other ambient sounds, particularly inside the building.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that all existing noise receivers, including sensitive receptors, comply with the assigned levels under the regulations Regulation, with the exception of future sensitive receptors located at 6 and 7 which are likely to exceed. To ensure full compliance, the applicant has provided information that mechanical plant noise (specific AC unit types) is to be reviewed by a qualified acoustic consultant during detailed design, to ensure that noise attenuation is applied to achieve compliance with the future sensitive receptors to the south. This will include measures such as acoustic shielding. This has been conditioned accordingly.

In respect to car doors opening and closing, ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations. In order to achieve compliance for the future noise receivers 6 and 7, the applicant has provided information that the southernmost parking bays will be reserved for staff and specifically those arriving after 7am only. If compliance were not achieved, the wall height may need to be increased, subject to later detailed design at building stage. This has been conditioned accordingly.

In terms of the indoor child play assessment, the ENA demonstrates that the all noise receivers will comply with the assigned levels under the regulations based on the following:

- External doors and windows will be closed during indoor activity / play;
- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group; and
- Any music played within the internal activity areas would be 'light' music with no significant bass content and played at a relatively low level.

To assist in reducing noise emissions from the centre to future sensitive receptors to the south, the application proposes construction of solid fence along the southern boundary enclosing the carpark. Officers will be recommending a noise management plan be submitted to address all activities associated with outdoor play. This would address limiting the use of equipment that typically generate noise at a lower decibel, no amplified music to be played outside, appropriate flooring to reduce vibrations of noise travelling during playtime, use of soft balls and rubber wheeled toys and limit the hours of play. Officers consider this will ensure the development respectfully interacts with nearby sensitive receptors.

Officers are satisfied that the implementation of recommendations within the ENA would result in the development not adversely detracting from the existing amenity of the area currently afforded to occupiers of the area.

State and Local Planning Policies

Local Planning Policy 1.6 (LPP 1.6) – Public Art for Major Developments

The objective of LPP1.6 is to facilitate per cent for art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

Officers note that the applicant has not provided any details for a public art feature within the design of the development. Should the application be approved, a percentage for art condition of development approval would be recommended by way of a condition, consistent with the policy. The condition would ensure that public art is accounted for and further negotiation with the applicant can be undertaken as part of the ongoing process.

Local Planning Policy 4.11 (LPP4.11) – Advertising

Local Planning Policy LPP 4.11 – Advertising sets out development standards and requirements for advertisements. The plans, as submitted, have identified nominal wall signage for the proposal integrated into the façade of the development. No detailed drawings of the signage were provided with the application.

If the application is approved, a signage plan will be required to be prepared and approved prior to operation of the development, to ensure any signage is compliant with the policy.

Local Planning Policy 4.15 (LPP4.15) – Bicycle Facilities

LPP4.15 provides guidance to developers on the design and requirements of bicycle parking and end of trip facilities for each specific land use. In accordance with the policy, bicycle facilities are to be provided in accordance with Schedule 1 of the policy.

Officers note that the applicant has not provided any details or provisions for a bicycle rack. If the application were to be approved, the applicant would be required to comply with the requirements of the policy.

Local Planning Policy 2.4 – Water Sensitive Design

LPP2.4 aims to maximise water efficiency by encouraging best practice urban water management methods. The policy aims to ensure water sensitive design best management practices are implemented for new developments with the Shire.

A Stormwater and Drainage Management Plan (SMP) will be required, demonstrating how the stormwater incident to the site is managed and shall be provided prior to issue of a Building Permit.

Local Planning Policy 24 (LPP24) – Designing Out Crime

LPP24 encourages commercial development to incorporate principles of Crime Prevention through Environmental Design (CPTED). LPP24 sets out five key crime prevention principles that are to be applied to different levels of the planning framework according to the policy. A development application needs to be assessed against the principles of the policy. The principles relate to surveillance, access control, territorial reinforcement, target hardening, management, and maintenance.

It is considered that the corner location of the site affords the site with a high level of passive surveillance. In addition, proposed activity spaces and outdoor play areas face public streets and facilitate passive surveillance over the public realm.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

SPP3.7 provides the requirements and guidelines for development within areas identified as bushfire prone. The subject site is located within a designated bushfire prone area in accordance with the Department of Fire and Emergency Services (DFES) Map of Bushfire Prone Areas. SPP3.7 seeks to ensure the risk of bushfire to developments is considered and mitigated through the development assessment process.

Pursuant to the provisions of SPP3.7, the application included a Bushfire Management Plan (BMP) for the subject site. The BMP identified a risk rating of BAL-19 for the development

and outlined compliance with the four elements of the bushfire protection criteria. This can be viewed as **attachment 6**.

As a Child-Minding Centre is a vulnerable land use, the application has been referred to DFES for assessment. DFES recommended modifications to be undertaken. These modifications primarily relate to the classification of vegetation plots. Notably the vegetation plots in question are excluded in accordance with AS3959-2018. The BMP currently includes these plots as classified vegetation, which can be resolved through an amended BMP to be required as a condition of approval.

Developer Contributions (DCA3)

This development falls within Development Contribution Area No. 1 (DCA1), which is incorporated into the Town Planning Scheme No. 2 under Plan No.10A (Byford Traditional Infrastructure DCP). It is therefore subject to the provisions of the DCP, and the landowner will be required to make the associated Development Contribution payment when the liability is triggered (the application for the Building Permit).

As the Byford Traditional Infrastructure DCP is currently undergoing an Amendment (Amendment 208) to the Town Planning Scheme, which is considered Seriously Entertained (being adopted by Council and submitted to the WAPC for final approval), the landowner will be required to make an arrangement with the Shire to pay any additional value associated with Amendment 208, once gazetted.

Conclusion:

Officers consider that the development is consistent with the planning framework. The proposed development will increase the child care services and provide employment opportunities for the local community that will assist to support the population growth within the Shire. Officers are satisfied that the conditions recommended will address concerns raised during public submission and it is considered to not adversely impact upon the existing amenity of the area.

As such, for the reasons outlined in the report, it is recommended that the application be approved subject to conditions.

Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the JDAP resolve to refuse the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 and as set out in the Development Assessment Panel Practice Notes: Making Good Planning Decisions.

However, as outlined in the report sections above, the Shire consider that the proposal, is consistent with the planning framework. The proposal is not considered to adversely impact on the amenity of neighbouring properties and the general locality and is compatible with the locality and it is therefore recommended that the application be approved.