

Form 1: Responsible Authority Report (Regulation 12)

Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

Briggs Road Lot 9511, 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:	Rowe Group	
Owner:	Nino Gangemi	
Value of Development:	\$2.0 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:	PA23/153	
DAP File No:	DAP/23/02453	
Application Received Date:	1 March 2023	
Report Due Date:	24 May 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Development Plans 2. Schedule of Submissions and Applicant Response 3. Deemed Provisions Regulations Clause 67 Checklist 4. Environmental Acoustic Assessment 5. Updated Traffic Impact Assessment 6. Bushfire Management Plan 7. Response to Department of Fire and Emergency Services submission 8. Approved Engineering Drawing 9. Council Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/23/02453 is appropriate for consideration as a “Child Minding Centre” land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

2. **Approve** DAP Application reference DAP/23/02453 and accompanying plans (SK200 Revision F) dated February 2023 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 Shire of Serpentine Jarrahdale 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 22 February 2023 and 21 April 2023.</p> <p>Updated Transport Impact Statement received at the Shire Offices on 21 April 2023.</p> <p>Environmental Acoustic Impact Assessment received at the Shire Offices on 22 February 2023.</p> <p>Bushfire Management Plan received at the Shire's Offices on 22 February 2023.</p>
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4. The maximum number of children on the premises shall not exceed 110.
5. The operating hours shall be between 6:30am and 7:00pm, Monday to Friday.
6. Prior to issue of a Building Permit, the subject lots being amalgamated to create one single allotment.
7. Prior to issue of a building permit, detailed plans being submitted to and approved by the Shire, depicting the following road and footpath infrastructure upgrades:
 - (i) The full extension of Indigo Parkway to Briggs Road as a 'T' intersection with a median strip constructed up to Briggs Road;
 - (ii) The full extension of Caspian Chase as a 'T' intersection up to Briggs Road;
 - (iii) The existing footpath on Larsen Road being extended west across Briggs Road, then north to connect with the footpath infrastructure across the full frontage of the development site;
 - (iv) The 160m section of Very Poor Condition of Briggs Road from Caspian Chase south, being upgraded to match the upgrades occurring north of Caspian Chase, as shown on Drawing Number BYFGGC12-R01. This includes a road upgrade to that section of road, to become a sealed,

kerbed and drained road, with concrete footpath on the western side verge.

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development's operations.

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, 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:
 - (i) The design of the wall on the west side of the carpark;
 - (ii) The management of outdoor play areas;
 - (iii) The management of indoor activities;
 - (iv) The design and shielding of mechanical plant;
 - (v) Parking arrangement for drop off before 7:00am.

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 Acoustic Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale where associated with construction requirements integrated into plans submitted for a building permit.

11. 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.
12. 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. This is required to include the full extent of verge adjoining the development site. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter by the operator, to the Shire's satisfaction.
13. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. 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. Stormwater may be managed through either soak wells, raingardens or a combination of the two.

14. Prior to issue 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.
15. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
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, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
18. 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:
 - (i) Management of car parking, delivery vehicles and traffic associated with the construction of the development.
 - (ii) Management of dust and noise.

Reasons for Responsible Authority Recommendation

Complete this section where the Council resolution differs from the Officer Recommendation and provide the reasons as shown in the Council minutes here. The Officer Recommendation section below, including reasons, will also need to be completed.

Include a brief summary of key issues and provide clear and succinct reason/s for the recommendation. If the recommendation is for a refusal, this section may be used to emphasise the reasons in the recommendation if required.

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 Lot 500 Thomas Road, Byford Structure
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:	Vacant Land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

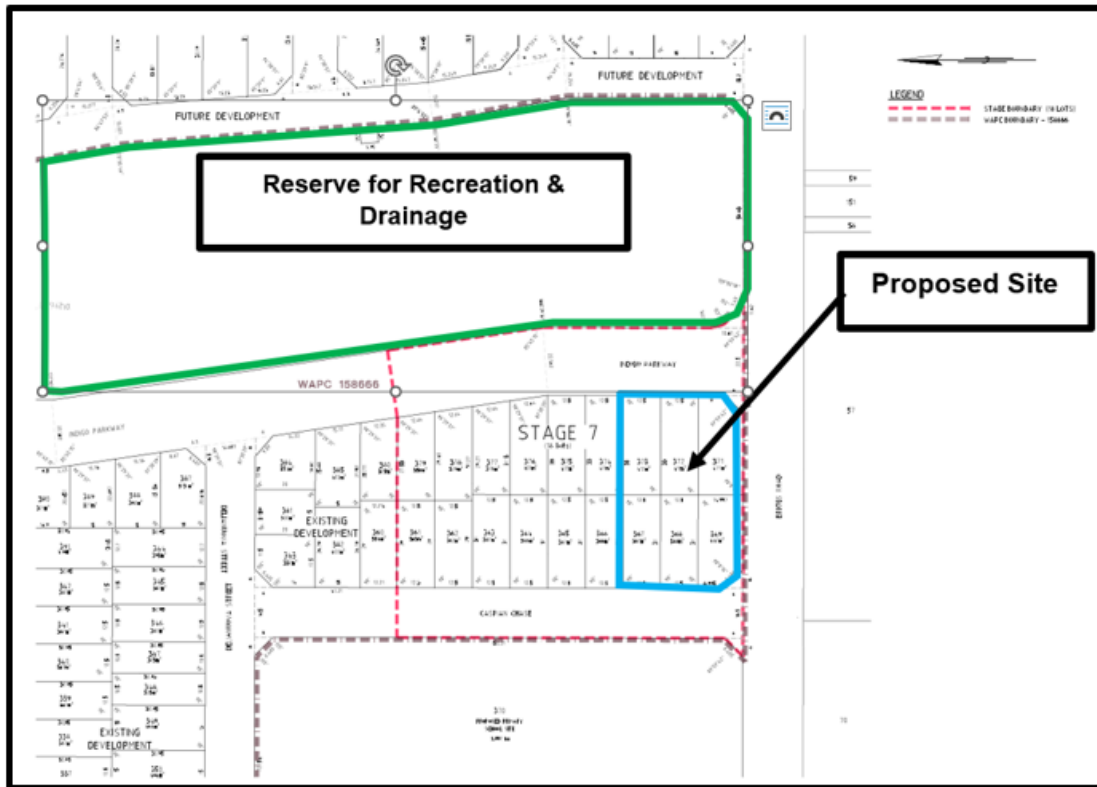
The development application is for a 'Child Minding Centre' on Lot 9511 Briggs Road, Byford. The development involves the construction of a Child Minding Centre, for 110 children, associated outdoor play areas, landscaping and car parking. The site consists of six approved lots forming part of the Byford Meadows Stage 7 subdivision, that would be amalgamated if development approval is secured.

Background:Existing Development

The subject site forms part of Lot 9511 Briggs Road which has a total land area of 11.3ha. The site is currently designated as 'Residential' within Lot 9500 Briggs Road, Byford Meadows Estate Local Structure Plan. The site is bound by Briggs Road to the east and future access roads being Indigo Parkway and Caspian Chase to the north and south respectively. The general locality is undergoing progressive urbanisation, with low-medium density housing and road infrastructure being constructed.

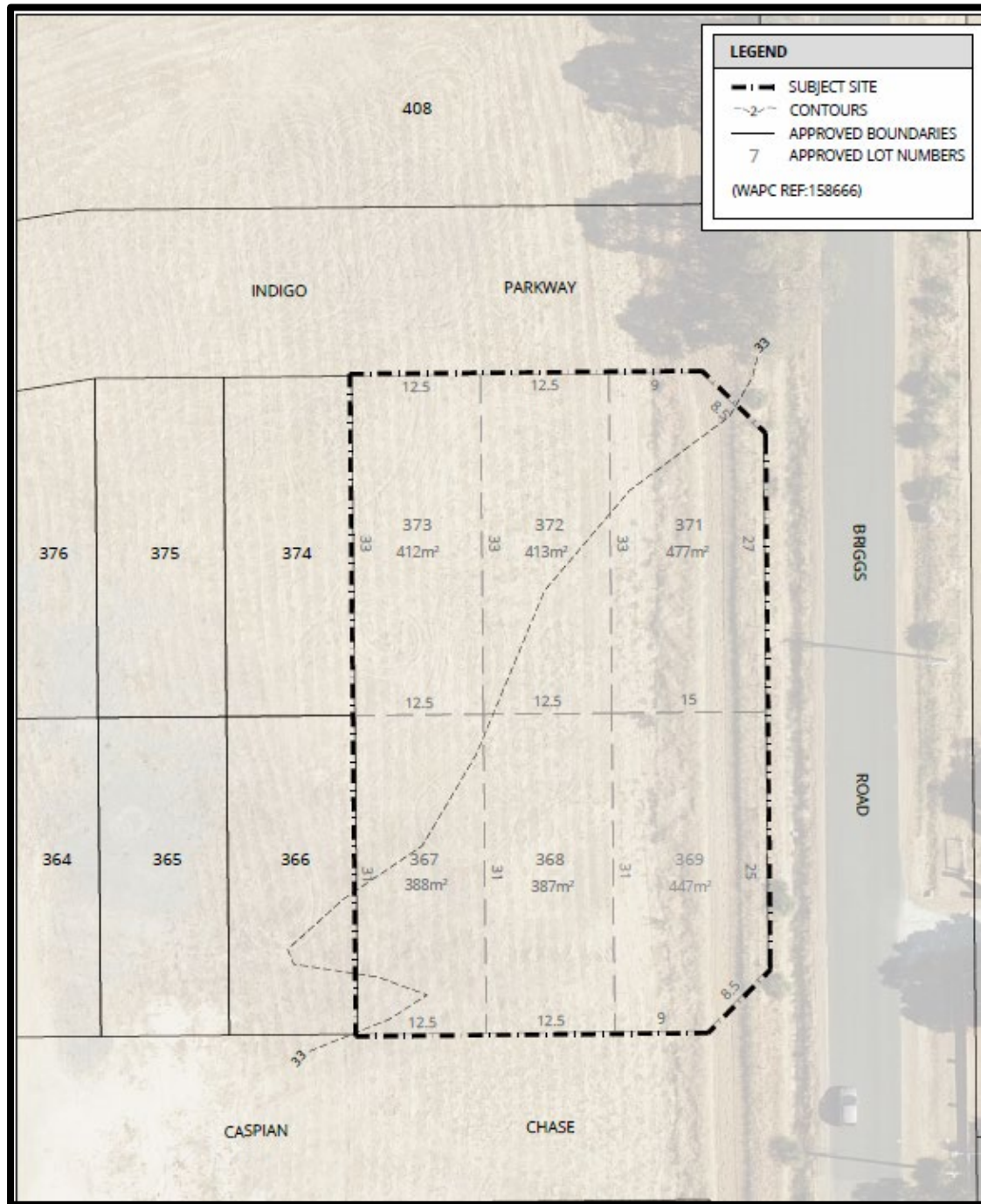


The site forms part of the Byford Meadows ‘Stage 7’ subdivision which has been approved and cleared by Western Australia Planning Commission (WAPC). The approved plan of subdivision below shows the area to be dedicated for public open space and drainage adjoining the site. The site is currently subject to ongoing subdivisional works which includes creating residential lots and includes the extension of Indigo Parkway and Caspian Chase to Briggs Road. Briggs Road is a gazetted road, Indigo Parkway and Caspian Chase are roads identified on the WAPC subdivision approval which will be constructed as part of ‘Stage 7’ of the subdivision as shown on the figure below.



Approved Plan of Subdivision

The plan below shows approved six land parcels bound by Indigo Parkway to the north, Briggs Road to the east and Caspian Chase to the south which is where the development is proposed.

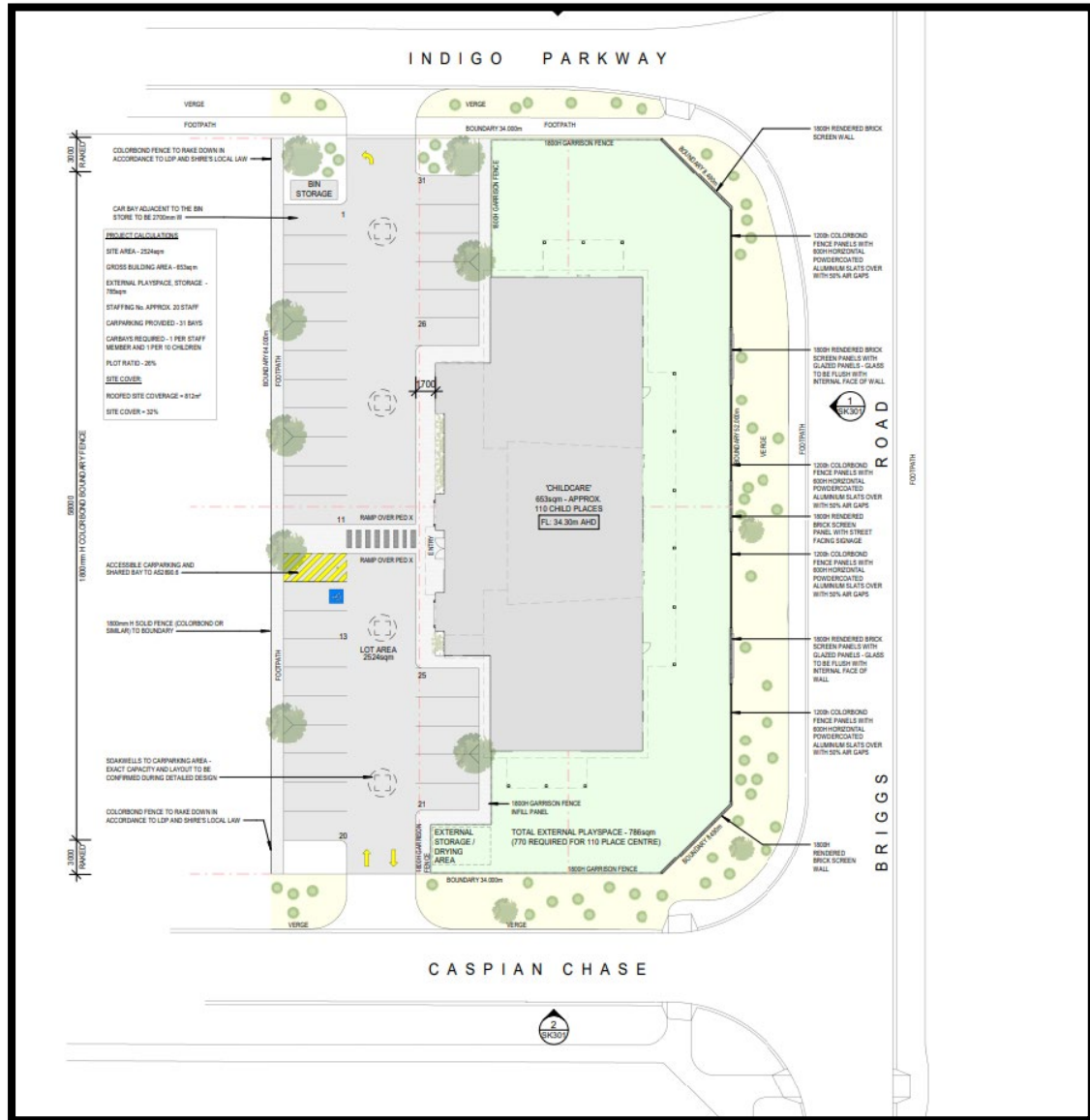


Proposed Development

The proposal seeks approval for the construction of a single storey purpose built ‘Child Minding Centre’. The proposed development would occupy 2,524m² of the current overall land parcel of 11.3ha, which is being gradually subdivided consistent with the adopted structure plan.

The proposed building will have a total internal area of 653m², together with 786m² of outdoor play space provided to the northern, eastern, and southern aspects of the building, as well as the associated car parking area. The proposed building would be constructed of rendered blockwork panels, face brick, timber looking cladding with a colourbond roof.

Vehicle access to the subject site is proposed via a single full movement crossover on to Caspian Chase to the south of the site which is required to be constructed as part of this development. A crossover to the north which will facilitate a left/out movement only onto Indigo Parkway will also be required to be constructed.



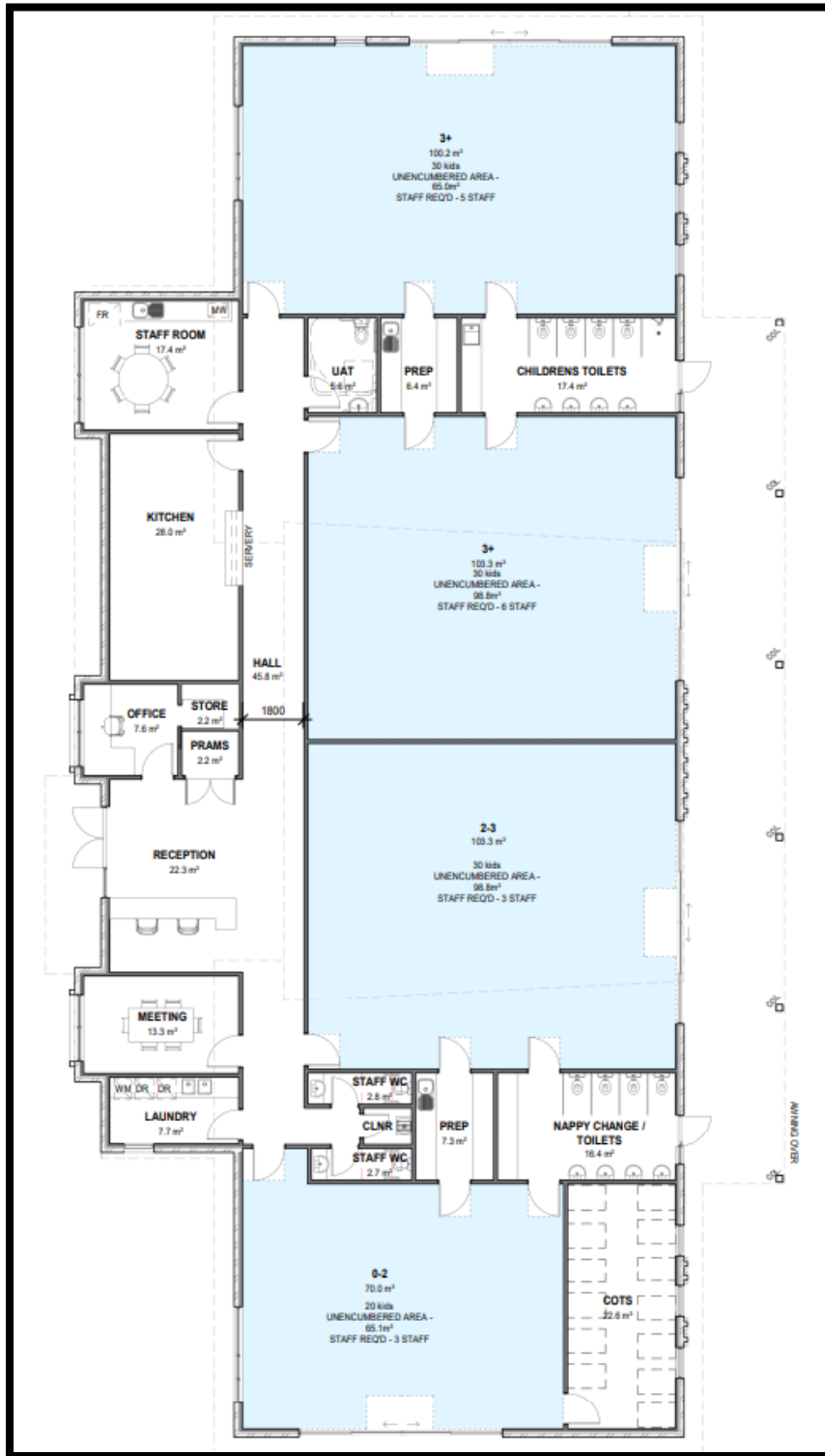
The proposed Child Minding Centre is designed to accommodate a maximum capacity of 110 children and is intended to operate between the hours of 6:30am - 7:00pm Monday to Friday. The Child Minding Centre is expected to employ up to a maximum of 20 staff across the operations in varying shift times.

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

- 0-2 years: 20 places;
- 2-3 years: 30 places;
- 3+ years: 60 places.

Specifically the proposal comprises:

- Building comprising of an, reception area, office, meeting room, staff amenities, staffroom, kitchen, childrens toilets with storage areas, dining area, unencumbered areas, cots room, nap change/toilets, sleep rooms, prep rooms toilets, change rooms, laundry and storage areas;
- Construction of a car park with 31 car parking bays comprising of 11 spaces for pick-up and drop-off, 20 staff car parking spaces including one universal access bay;
- Construction of a new crossover on Indigo Parkway to provide left out access out of the car parking area;
- Construction of a new crossover on Caspian Chase to provide full movement access to the car parking area;
- Construction of outdoor play areas with a total area of 786m² provided to the northern, eastern and southern aspects of the building;
- Construction of 1.8m high Colourbond solid fence along the western boundary abutting the main the car park;
- Construction of 1.8m garrison style fencing along the street boundaries, and 1.8m rendered brick screen wall along Briggs Road frontage;
- Perimeter landscaping along the car park boundary to west and on the road reserves.



Full details of the proposal are contained within attachments.

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

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *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 Plans

- Byford District Structure Plan 2020
- Lot 9500 Thomas Road, Byford 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 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy 4.24 - Child Minding Centres (LPP4.24)

Consultation:

Public Consultation

The application was advertised for a period of 21 days from 13 March 2023 to 3 April 2023 to surrounding landowners within a 500m 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.

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

- An upgrade to the Briggs Road and Thomas Road intersection considered to be narrow and in poor condition,
- Upgrade or widening of Briggs Road to be able to cater for additional traffic movements and potential congestion concerns

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

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 proposal and provided the following advice:

The Department is generally supportive of childcare facilities located within proximity to public schools, however careful planning consideration needs to be given to the potential impact that these facilities may have on nearby schools in terms of safety and amenity.

The subject site is located adjacent the future Byford North Central Primary School (Primary School) site. Given the minimal impact this proposal will have to the surrounding road network and parking in the area, it is anticipated that the proposed development will have no adverse impact on the future Primary School site.

In view of the above, the Department has no in principle objections to the proposal. No submission has been received to date.

Department of Water and Environmental Regulation (DWER)

The application was referred to DWER and no objections to the proposal were raised. DWER however recommended for the car park stormwater drainage system to be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2022).

Department of Fire and Emergency Services (DFES)

DFES has recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the justification to support the exclusion of Plots 8 and 9 to the west and management of vegetation within the public open space. The BMP currently excluded these plots and identified vegetation within them as a low threat.

Water Cooperation

The application was referred to Water Corporation who provided no in principle objections to the proposal and provided the following advice:

Please be advised that the site is not currently serviced with water or wastewater. Delivery of reticulated water and wastewater infrastructure is required to satisfy conditional approval of proposed subdivision WAPC 161405. Water and wastewater reticulated infrastructure will be designed and delivered in accordance with current long-term scheme planning suitable for servicing the proposed child minding centre.

Department of Planning Land and Heritage Westport Division

The Transport Planning section of the Department has no formal comments to provide as the subject section of Thomas Road to the north is now under the control of Main Roads WA.

Main Roads Western Australia (MRWA)

The application was referred to MRWA who had no objections to the proposal.

A summary of the submissions including applicant comments can be viewed in attachments.

Design Review Panel Advice

Not applicable

Swan Valley Planning

Not applicable

Other Advice

Not applicable

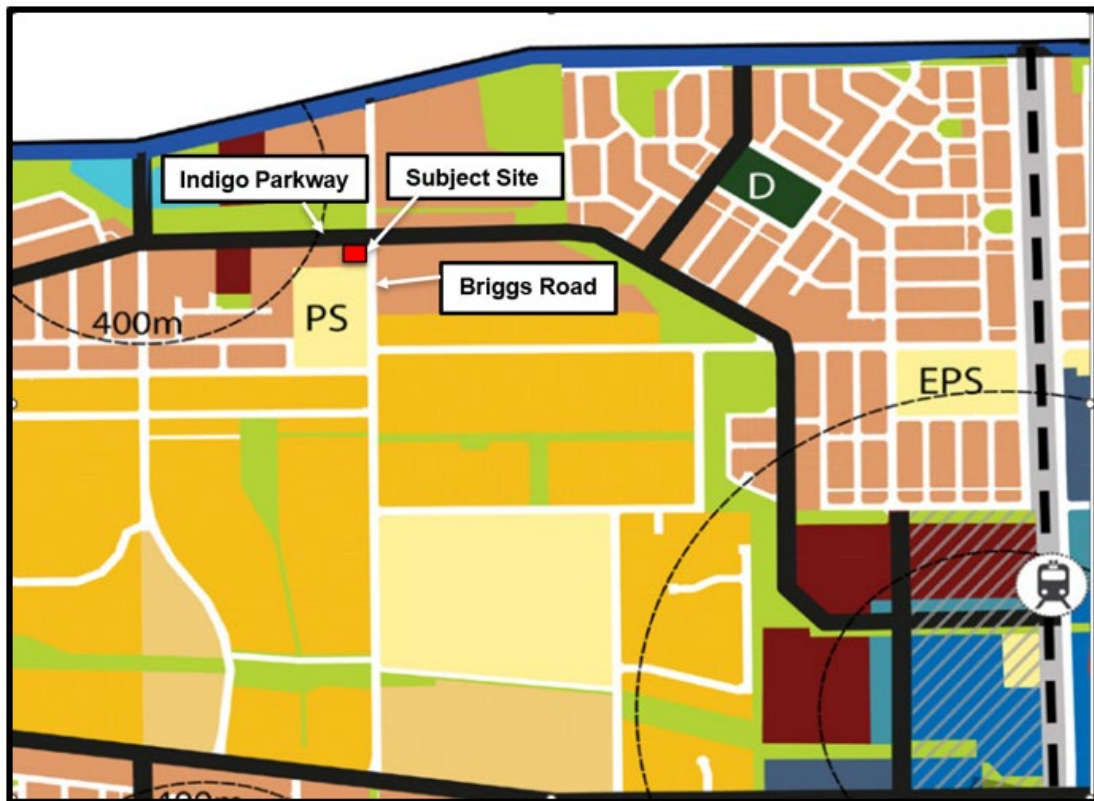
Planning Assessment:

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), Local Planning Strategy (LPS), Byford District Structure Plan 2020, Lot 9500 Thomas Road Local Structure Plan and State Policy and Local planning policies.

Town Planning Scheme No. 2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective 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 Lot 9500 Thomas Road, Byford 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:



Byford District Structure Plan



Lot 9500 Thomas Road, Byford Local Structure Plan

Land Use

The proposal falls within the TPS2 definition of ‘Child Minding Centre’, which 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. The site forms an edge to the neighbourhood, where in combination with the future primary school, will be characterised by a higher level of activity compared to other locations within the structure plan area. Placement of these higher activity generating land uses on the edge of the neighbourhood will see an effective management of current and future amenity for the area.

Officers further consider that the design of the development is compatible with the future residential development as it seeks to incorporate design elements to the building which, when viewed from the street, would appear residential in form. This will provide a high degree of compatibility with adjoining and nearby medium residential density developments located within the broader locality of the Byford Meadows and Redgum Brook estates.

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. The design is considered to reflect such objectives.

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 adjoins a future school site to the south and is located approximately 400metres from the Byford Meadows Neighbourhood Centre precinct within a medium density housing environment. It is serviced by Transperth bus routes on Eurythmic Boulevard west of Briggs Road, approximately 350 metres walking distance from the site. The proposal includes construction of a footpath around the car park that would be linked to a footpath along Indigo Parkway to the north, to be constructed as part of the ongoing Stage 7 subdivision works. In addition, a footpath on Briggs Road would be extended from Eurythmic Road to Indigo Parkway as identified within the structure plan area. The site would then be accessible once the footpath network is fully established as the area continues to be developed through the ongoing subdivisions. The footpaths would provide infrastructure to enable residents from the nearby catchment areas to walk to the subject site consistent with this objective of the Bulletin.

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 has been designed in such a way that outdoor play areas have been located furthest away from the future residential dwellings. The proposal demonstrates a configuration of development to moderate as best possible noise impacts associated with the development.

Car Parking

Clause 67(s) of the Deemed Provisions requires consideration be given to the adequacy of provision for parking of vehicles. As such, a car parking assessment has been undertaken against the requirements from TPS2 and draft LPS3.

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 110 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 31 bays, onsite bays, (including one [1] universal bay), to the west of the proposed childcare building.

In terms of draft LPS3, the table below summarises the parking requirements:

Land Use	Parking Requirement	No of Children/Staff	Parking Required	Proposed Bays
Child Minding Centre	1:10 children,	110	11 bays	11
	plus 1.1 employee	20	20 bays	20
Total			31	31

The proposal complies with the parking requirements under LPS3.

Officers have also considered that public transport is conveniently located nearby the subject land, leading to this mode of transport being available for use by families and

staff alike. The bus stops would be easily accessible via existing formal footpaths and pedestrian crossing facilities once the area is fully subdivided and fully developed.

Development Requirements

Clause 7.10 and table 2 of TPS2 sets out the development standards and site requirements for development. Consideration has been given to the requirements as they apply to the 'Residential' zone, which the land is designated as under the LSP.

Table 11 TPS2 set out site requirements for selected uses in the 'Residential' Zone

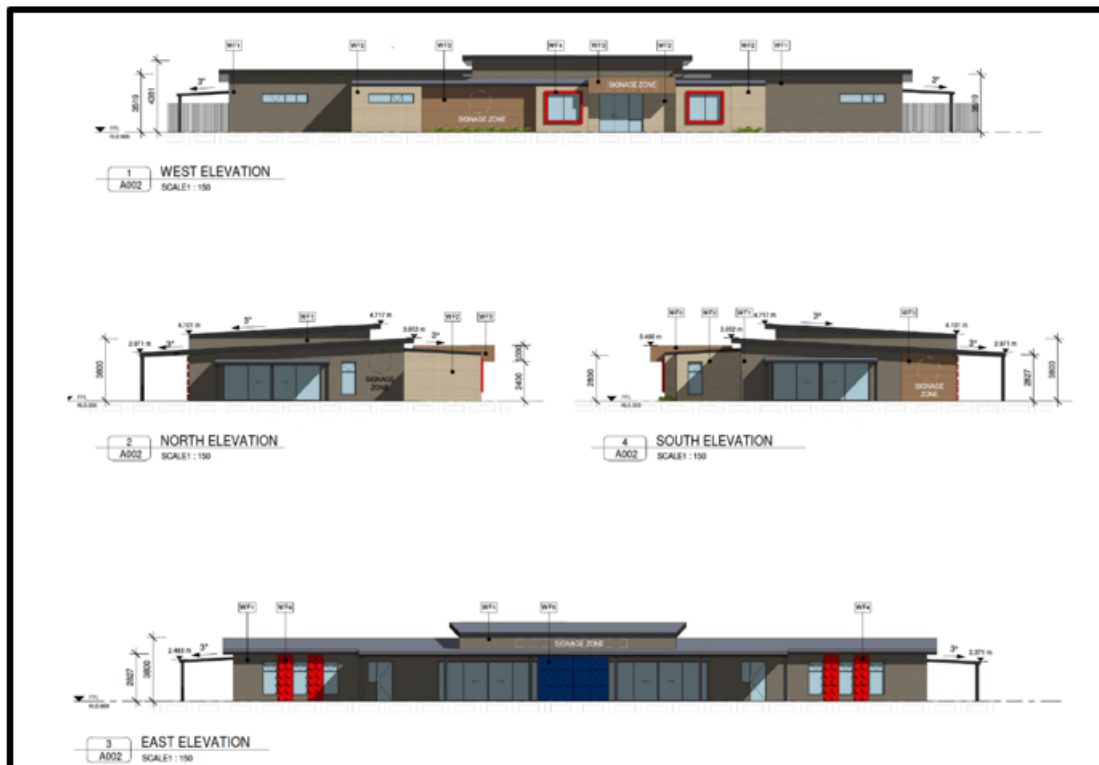
Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Briggs Road)	7.5m	7.8m	Yes
Side (Indigo Parkway)	7.5m	14.5m	Yes
Side (Caspian Chase)	3.0m	9.0m	Yes
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.25:1	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.32	No

The development slightly exceeds the prescribed site coverage requirements of TPS2. Officers have considered that the slight exceedance on the site coverage would not adversely impact on the available open space or appear as if the site is over developed. The development features outdoor playscapes fronting Briggs Road, Indigo Parkway and Caspian Chase street frontages providing for separation between the building and public realm along these street frontages, ultimately reducing the presence of the building. The minor variation is not considered to present the development as bulky or overbearing.

Form of Development

Part VII of TPS2 provides general development standards. Clause 7.1 of TPS2, relating to the general appearance of buildings and preservation of amenity, requires consideration of architectural style, colour, use of materials and the general appearance of buildings to ensure the exterior design is not out of harmony with existing buildings or likely to impact the amenity of the locality.

Below are the first set of elevations, as viewed from the west , north (Indigo Parkway) south (Caspian Chase) and from the east (Briggs Road).



Elevations Plans

In terms of the visual impacts of the development, the proposed building which covers an area of 653m² incorporates design elements intended to reflect residential development within the immediate locality, noting the site is located within a 'Residential' zone. The design elements include the use of timber looking boards, coloured blockwork, composite cladding, brickwork with contrasting colours and varied roof forms. These are accentuated at different areas to provide a building which reflects the rural tones of the Shire and which is aesthetically pleasing.

The design also proposes the brand 'Lego' artwork (painted red and blue panels) on the elevations which will add further interest to the building and a sense of playfulness. This is a theme contained within the Shire's Public Art Strategy and Masterplan document.

The site is subject to the Stage 7 Byford Meadows Local Development Plan which designates the site as R30. Although the development is not residential in nature and is not required to comply with the density designation, it has been designed to be sympathetic to the R30 density requirements, especially in terms of setbacks to further ensure the development is sympathetic to the existing and future residential development within the locality. It has also been designed to meet the Local Development Plan for the area which requires dwellings to address all street frontages to ensure surveillance of the street and to ensure an enhanced streetscape.

Local Planning Policy 4.24 - Child Minding Centres (LPP 4.24)

LPP4.24 seeks to provide guidance for child minding centres in relation to matters such as location, siting, design, traffic, and amenity. The objectives of the policy are as follows:

- *To provide guidance for the location of child minding centres to best take advantage of the surrounding natural environment and provide a compatible setting with the locality.*

- To ensure that amenity impacts, including noise and traffic, are managed appropriately.
- To promote a design of child minding centres which reflect the rural and natural character of the Shire.
- To provide guidance for the consideration of convenient access and layout.

LPP4.24 sets out particular criteria for child minding centres. Development that complies with the 'acceptable' criteria will generally be supported. Proposals falling within 'Performance Based' are required to demonstrate acceptability in relation to the specific criteria. The application has been assessed against the policy criteria below and generally complies.

Acceptable Development	Performance Based	Officer Comment
Location		
Child minding centres located within easy walking distance of activity centre or recreational nodes. Located within a walkable catchment for the local neighbourhood. Larger child minding centres being encouraged to locate near or within activity centres.	The chosen location is appropriate to the proposed scale of the child minding centre, and such location benefits from integration with the surrounding natural and built environment.	Acceptable - Proposal located within 400m of a Neighbourhood Centre. It is located within a walkable distance from existing and future residential development.
The location is close to or adjoins public open space.	Located within a walkable distance to a public open space/recreational area with good quality pathways.	Acceptable - Proposal abuts the Public Open Space to the North of Indigo Parkway.
Child minding centres are adequately separated from any incompatible nearby uses, with this supported by a suitably qualified risk assessment forming part of an application. Such risk assessment is to consider elements such as dangerous goods, hazardous materials and public health considerations. Potentially incompatible uses (taking into account design and layout) may include, for example, outlets selling petroleum, fast-food, and alcohol or tobacco products.	Where child mining centres are located within 200m of any incompatible use, such proposal demonstrates that the potential for adverse health impacts is removed. Such demonstration to be in the form of a suitably qualified consultant study.	Acceptable - No incompatible land uses within 200m of the subject site.
Parking		
Parking meets the requirements of the Local Planning Scheme, and	Suitably demonstrates that there is sufficient parking onsite in the form of a	Acceptable - Proposal is compliant with TPS2

Acceptable Development	Performance Based	Officer Comment
<p>demonstrates how this meets the operational aspects of the development.</p> <p>Internal driveways having two-way movement.</p> <p>Landscaped parking areas in accordance with the Local Planning Scheme.</p> <p>Parking areas located so as to provide a separation between surrounding dwellings and outdoor play spaces.</p>	<p>traffic and parking assessment.</p> <p>Design and layout demonstrates safe movement of vehicles and pedestrians internally.</p> <p>Parking areas incorporate layers of landscaping and Water Sensitive Urban Design.</p>	<p>car parking requirements. Refer to parking section of the report.</p>
Traffic		
<p>Traffic generation poses an increase of no more than 10% of the current recorded daily volumes on the roads which the development adjoins. This is confirmed by a traffic impact statement.</p> <p>Development facilitates full movement access to and egress from the site.</p>	<p>Demonstrates that traffic impacts can be managed through the submission of a Traffic Management Plan. This demonstrates how traffic will be managed to not represent an adverse safety or amenity impact on the adjoining road environment.</p> <p>Demonstrate that access and egress to the site will not result in unsafe manoeuvring due to the lack of full movement access.</p>	<p>Acceptable - refer to the traffic section of the report.</p>
Infrastructure Requirements		
<p>Designated pedestrian footpaths from the street to the centre and the car park to the centre.</p>	<p>Demonstrate that pedestrians can safely navigate to and around the site, with dedicated pathways.</p>	<p>Acceptable - A condition will be imposed to ensure footpath abuts the frontage of the block and around the carpark.</p>
<p>Car parking visible from the street to discourage verge parking.</p>	<p>Signage or other means to discourage verge or unsafe parking.</p>	<p>Acceptable - refer to the car parking section of the report.</p>
Amenity		
<p>Outdoor play areas located in a safe place within the site, providing adequate shade, and</p>	<p>Outdoor play areas are arranged so as to demonstrate such will not</p>	<p>Acceptable - outdoor play area is located to the</p>

Acceptable Development	Performance Based	Officer Comment
<p>separated from noise sensitive premises.</p> <p>Waste service areas appropriately screened from public areas.</p> <p>Setbacks to side and rear boundaries and the orientation of openings to indoor play areas located to minimise noise impacts.</p> <p>Acoustic impact assessment submitted demonstrates how noise will be managed, particularly from:</p> <ul style="list-style-type: none"> - Indoor and outdoor play areas; - Car parking areas and the impulsive noise that comes from car access (especially staff arriving before opening and departing after closure), opening and closing of car doors, arrangement of car parking bays (staff versus visitor). 	<p>adversely impact sensitive receptors. This is confirmed by an acoustic impact assessment and subsequent noise management plan.</p> <p>Noise levels are demonstrated to be consistent with the level of amenity currently afforded to an area.</p>	<p>western portion of the site.</p>
<p>Hours of operation 7:00am to 7:00pm Monday to Friday.</p>	<p>Demonstrate that operation hours outside of these times would not impact amenity of the area through an acoustic impact assessment and subsequent noise management plan.</p>	<p>Performance - the proposed hours of 6:30.am - 7:00am operation comply. While staff and children arriving prior to 7:00am, the use of the outdoor play areas will not occur until after 7:00am to comply with the acoustic report.</p>
<p>Child minding centres are not subject to unacceptable noise that could impact the health and wellbeing of children.</p>	<p>An acoustic impact assessment and subsequent noise management plan demonstrate that noise external to the site would not adversely impact on the wellbeing of children.</p>	<p>Acceptable - refer to the amenity section of the report.</p>
<p>Sites in residential areas greater than 1,000m² in areas.</p>	<p>Demonstrate that sites in residential areas will be able to accommodate all</p>	<p>Acceptable - the site is greater than 1,000m²</p>

Acceptable Development	Performance Based	Officer Comment
A maximum site coverage of 60%, in order to mimic typical residential form and to provide future ability to recede back to a residential development should that occur.	activities (including parking and play areas) required on the site.	
Landscaping		
On site landscaping and landscape of all adjoining verge areas, in accordance with the Scheme, to provide an attractive setting and contribute to the streetscape.	A reduction in the on-site landscaping requirement is associated with additional verge landscaping.	Acceptable - Proposed landscaping is consistent with the policy. Refer to the built form section of the report.
Design		
Development has the appearance of natural materials i.e. recycled clay face brick, vertical and horizontal patterns of timber cladding, rammed earth construction, earth block features, natural stone elements for columns, sheltering gable roof. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas and positive outdoor space. Side setback and leftover building areas are not included for such purpose.	Demonstrate that the development includes natural features to elevate the rural and natural character of the Shire. Demonstrate that the proposal is in keeping with the surrounding built and natural environment. Development in residential areas mimics residential urban patterns (front yard, central placed building, driveway to one side and rear backyard).	Acceptable - refer to Built Form section of report.

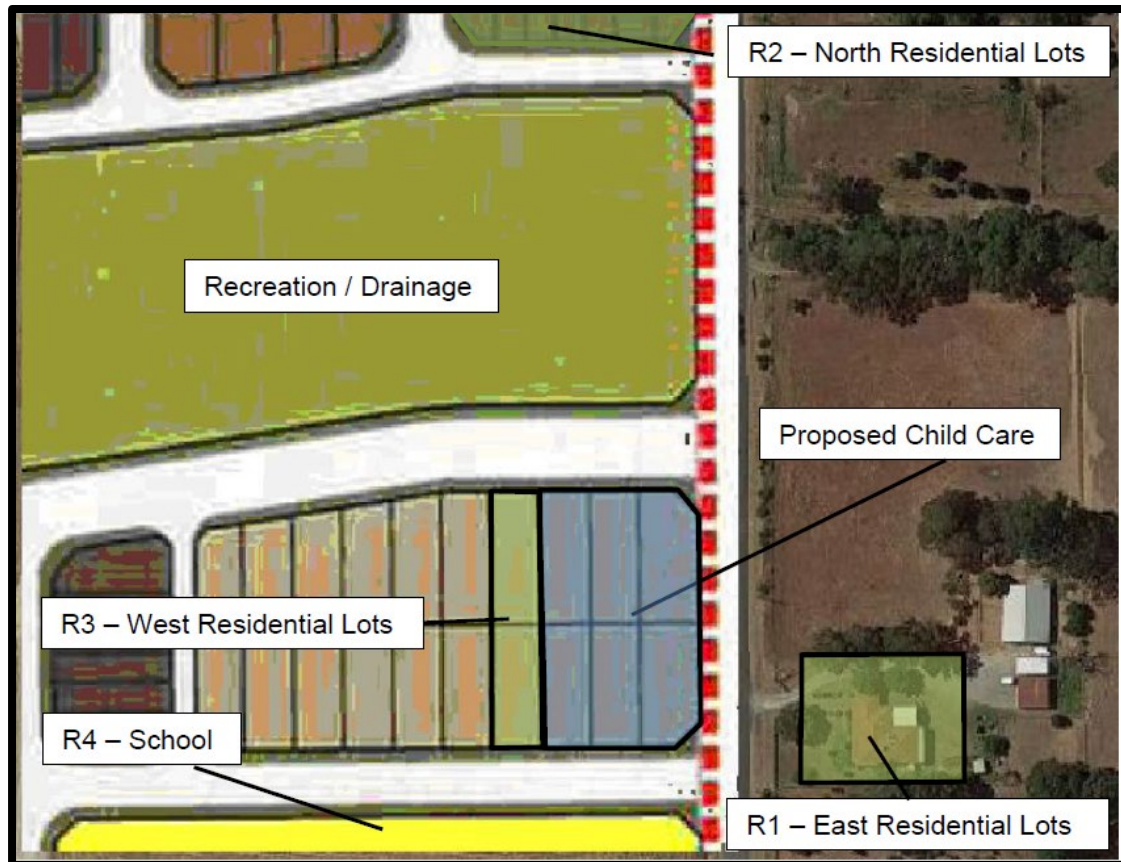
Amenity

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 future neighbouring residential dwellings to the west of the subject site (sensitive receptors).

To address noise, the applicant submitted an Environmental Acoustic Assessment (EAA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). This can be viewed within the attachments. The report assesses noise emissions from outdoor child play areas, car doors closing in the car park, car starting, car doors closing and mechanical plants (air conditioning units and exhaust extraction fans), against the prescribed standards the Regulations.

The Regulations set out the maximum allowable noise level that may be received at nearby sensitive receptors. In this case, computer modelling using the noise modelling program SoundPlan was used to predict noise emissions from the development at all

sensitive receptors identified as (R1-R3) and the educational establishment School; (R4) as shown below and demonstrated within the EAA.



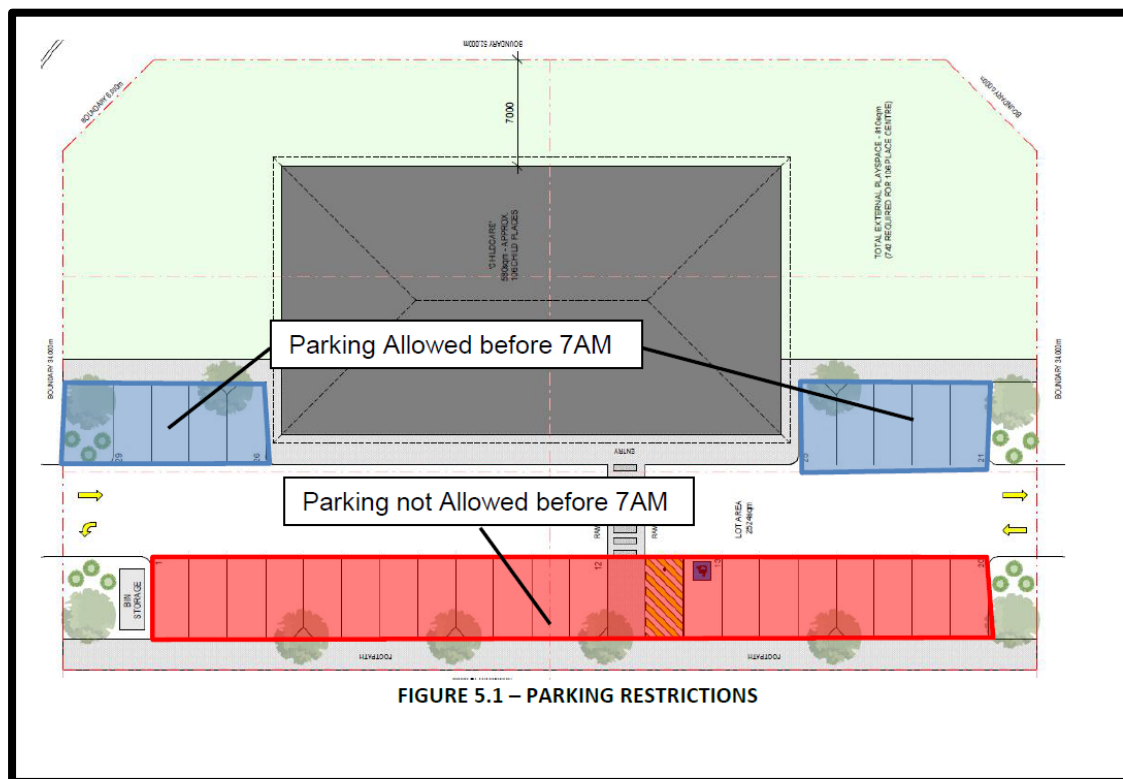
The predicted noise levels received at the future educational establishment (school), existing (R1) and future (R2 and R3) sensitive receptors within the EAA for the major noise sources, have been tabulated in Tables 6.4 to 6.9 of the EAA. The location of these sensitive receptors and noise receivers at this location have been captured in the above diagram.

In terms of the outdoor child play assessment, the EAA assessment demonstrates that all noise receivers will comply with the assigned levels under the regulations with zero exceedance. The acoustic modelling of outdoor play noise was made, based on the worst-case scenario of any age group of children within the outdoor play areas shown in the site plan. The noise modelling has been based on construction of a solid wall along the western boundary enclosing the carpark and surrounding the outdoor play area as shown in the site plan. The applicant has provided information that although the proposed facility would open before 7:00am (i.e. during the night period as set in the Regulations) for drop offs, however, the outdoor play area would only be used after 7:00am thereby restricting outdoor play times. As such, Officers are satisfied that outdoor play area noise received at the neighbouring future residences to the west from the outdoor play area would comply with the assigned and maximum noise levels.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that the future school and all existing and future sensitive receptors, comply with the assigned levels under the regulations Regulation. The applicant has provided information that the assessment of the mechanical plant noise (specific AC unit types) has not been modelled on the exact mechanical plant and therefore recommended the detailed design of the units to be reviewed to ensure that noise attenuation is applied to achieve compliance with the Regulatory requirement to the future sensitive

receptors. This will include measures such as acoustic shielding of the units on all sides by a suitable barrier. This has been conditioned accordingly and required to be met prior to the issue of a building permit.

In respect to car movements, engines starting, doors opening and closing within the car park, ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations for the existing nearby sensitive receptors. In order to achieve compliance for the future sensitive receptors from noise levels within the car park area, the applicant has provided information that parking bays to the west of the building (red) would not be permitted before 7:00am and bays to the south and north of the building (blue) will be reserved for staff and specifically those arriving before 7:00am only as shown in the diagram below.



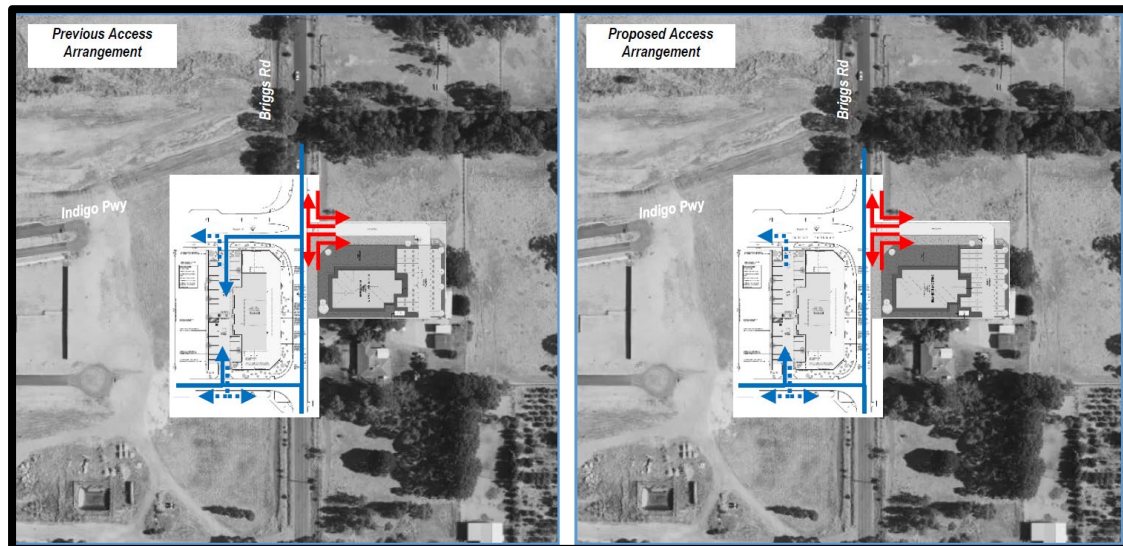
Overall, the ENA demonstrates that all noise receivers will comply with the assigned levels under the Regulations. Officers will be recommending a Noise Management Plan be submitted to address all activities associated with outdoor play and indoor child play to further reduce noise emissions from the development and to include the recommendations within ENA. Officers are satisfied that the development can be undertaken without adversely impacting upon the amenity of the locality.

Traffic and Access

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. During the consultation period concerns were raised over the impacts of increased traffic movements on Briggs Road and whether its current state would be capable to accommodate additional traffic generated by the proposal.

Vehicle access to the subject site is proposed via a single full movement crossover on Caspian Chase once constructed and initially a left in/left out movement crossover to Indigo Parkway once constructed to the north of the site. The north access/egress arrangement has been modified from the plans that were advertised, to respond to

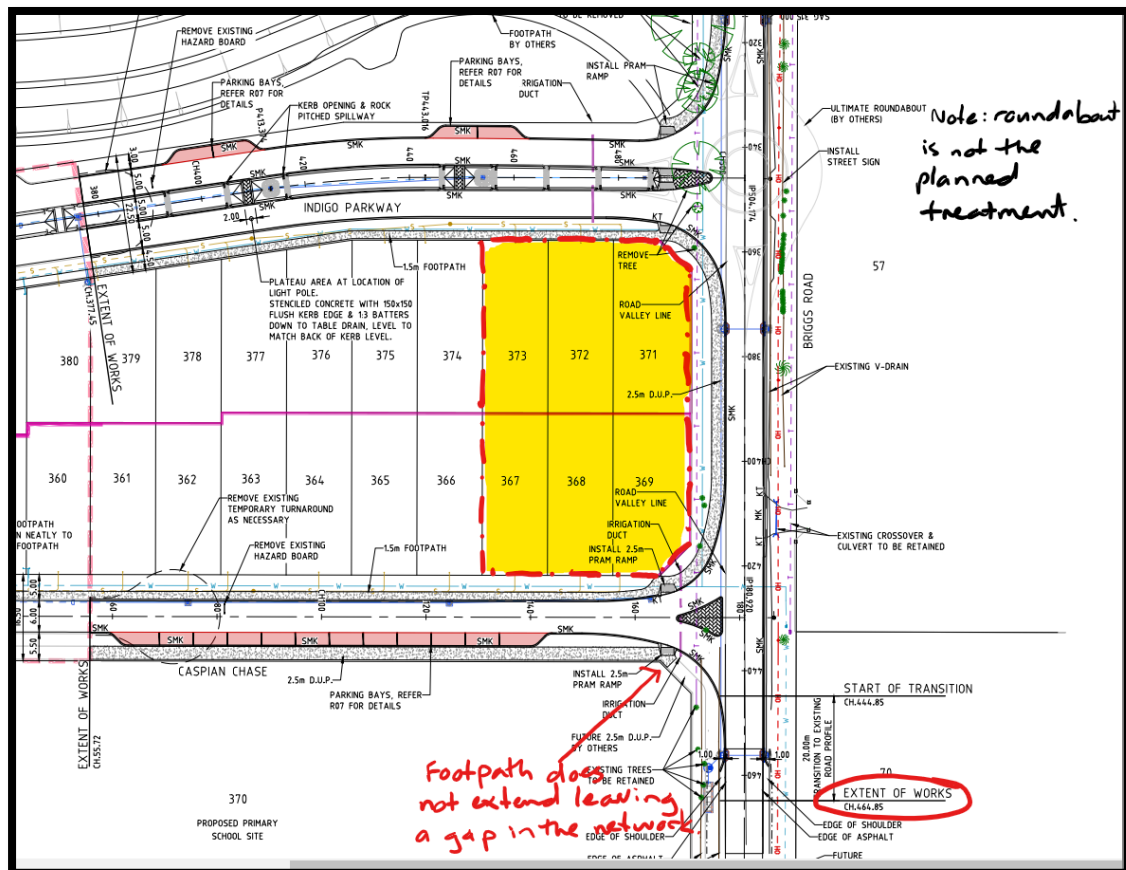
concerns regarding potential localised congestion. In this regard, to avoid possible queuing and congestion at the intersection of Briggs Road/Indigo Parkway for those vehicles wanting to access the site in a southbound direction on Briggs Road, the northern crossover has been modified to a left-out arrangement only. The proposed median strip as part of the design of Indigo Parkway at this section will also restrict the movement to left out only. This will divert vehicles to use the Caspian Chase full movement crossover, also removing potential conflict points with the access to the proposed adjoining child minding centre under a separate application as seen below. This will also address a concern raised during the public consultation.



Officers note that Caspian Chase and a portion of Indigo Parkway to Briggs Road are subject to the subdivision approval and will be constructed as T-intersections to Briggs Road as part of the Stage 7 subdivision approval of the Byford Meadows. A condition however, will also be imposed as part of this development to ensure the construction of the roads as the proposal also relies upon this. A condition will also be imposed to ensure the section of Briggs Road between Caspian Chase and Indigo Parkway is fully upgraded to an urban standard, given this will provide both interim and ultimate access to the centre for a portion of clients.



With respect to the subdivision works currently underway to create the site, this shows that the extent of planned footpath works will not connect to the existing path on Larsen Road. This is the basis for the recommended condition.



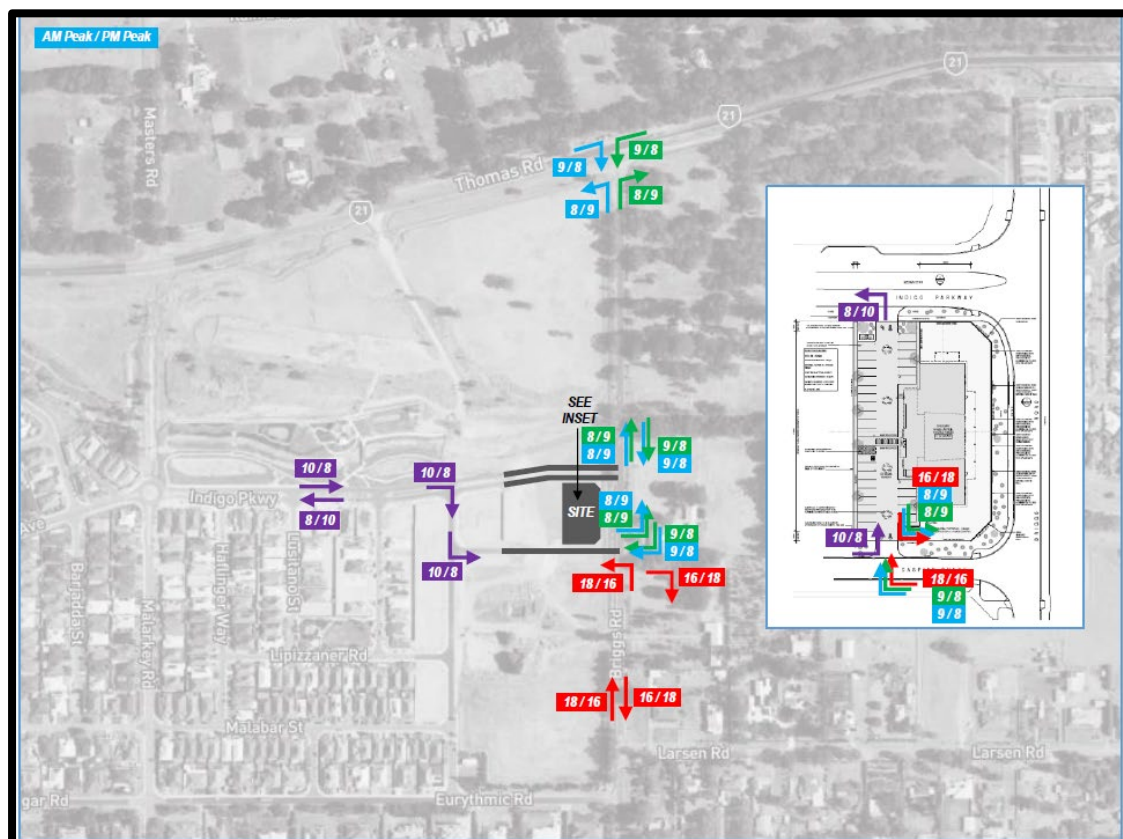
To assess the increased traffic movements on the road network and potential safety issues, a Transport Impact Statement (TIS) was provided with the application, which can be viewed within the attachments to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the existing and future surrounding local road network. This includes the current state

of Briggs Road, Indigo Parkway Way, and Caspian Chase. Briggs Road is a Local Distributor Road and Indigo Parkway is an Access Road. Based on the approved LSP covering the site, Indigo Parkway will be upgraded to a Local Distributor and Caspian Chase will be an Access Road. Consistent with the planning for Byford and protection of the Byford Trotting Complex, Briggs Road is not intended to function as a Local Distributor Road, and has been carrying traffic associated with movements between Thomas Road and Abernethy Road, due to the delays in realising the ultimate traffic network as development of Byford continues. These issues are discussed following, including the rationale for various conditions dealing with road upgrades.

Existing Network

The findings on the volume of traffic likely to be generated by the proposal to the site, based on the existing network was estimated using available trip generation rates from the Institute of Transportation Engineers (ITE). The TIS identifies that the development will generate 450 vehicle trips per day within the local catchment. The AM peak period generating 86 vehicle trips to the site and a PM peak flow of 87 trips generated. The movements to the site with to and from the site as follows and as depicted on the diagram:

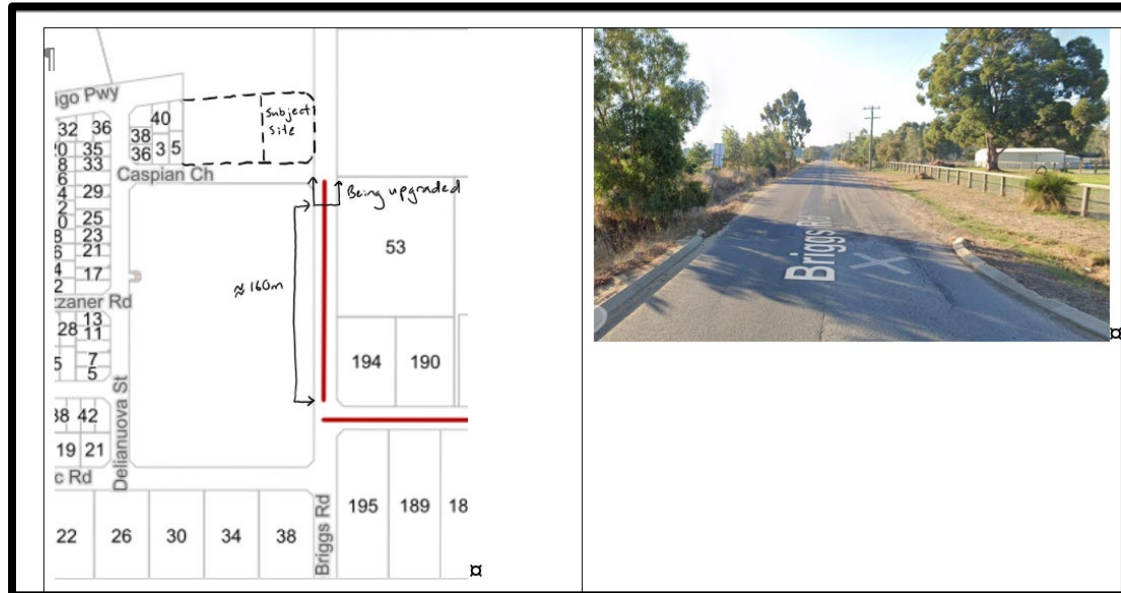
- 40% north along Briggs Road split evenly in both directions along Thomas Road
- 40% south along Briggs Road / Larsen Road / Eurythmic Road
- 20% west along Indigo Parkway



The predicted AM/PM trip generation peak periods fall under the ‘moderate impact’ category according to WAPC Transport Impact Assessment Guidelines.

This moderate impact, however, will in the opinion of officers exacerbate the section of Briggs Road which is not being upgraded to a suitable standard to accommodate the planned increase in traffic. There is a 160m section of Briggs Road south of

Caspian Chase, that is designated as 'Very Poor' according to the 2023 asset data capture. The current engineering drawings that will create the subject site, result in upgrades north of Caspian Chase, but not south. The section of concern is shown following:



As the approved engineering drawings within the attachments for the adjoining subdivision do not indicate the upgrade to this section of Briggs Road, officers are of the opinion that the road upgrade standard north of Caspian Chase, needs to be continued south of Caspian Chase by 160m to eliminate the risk posed by the very poor section of road.

Without a suitable upgrade, the very poor section of Briggs Road will, in the opinion of officers, be a risk exacerbated by the intensification of traffic proposed by the development. Accordingly, a condition is recommended to require the upgrade to this section of road, in order to create an acceptable road and pedestrian infrastructure outcome.

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.”

In Officers assessing this aspect of the TIS, the actual deteriorated section of Briggs Road does not represent a current infrastructure standard that can safely manage the planned increase in traffic. To address this aspect, a road upgrade is needed to enable the proposed development to safely operate based on the expected traffic demands which show in the interim period 40% of traffic coming from the south.

Future network

In the longer term, various proposed changes to the surrounding road network will redistribute the child care centre traffic. This is based upon the approved Byford DSP,

which depicts the ultimate network structure which aims to avoid traffic flows running through the Byford Trotting Complex along Briggs Road and Malarkey Road.

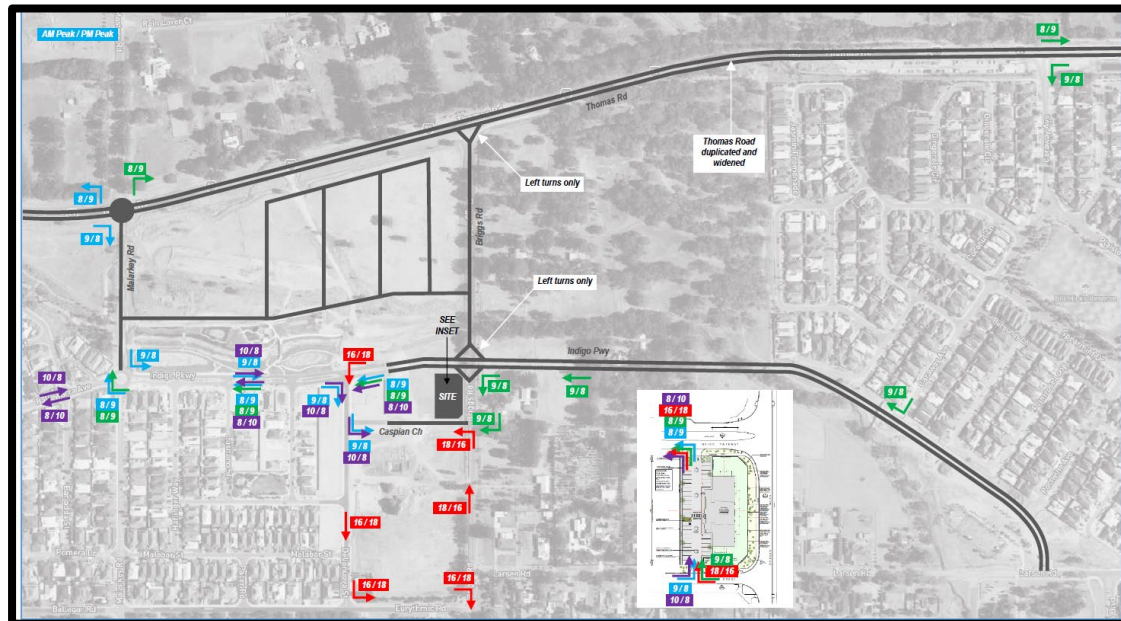
The changes to the network in the future are as follows:

- Thomas Road / Briggs Road intersection will be modified to only allow left turns.
- Briggs Road north of Abernethy Road will be modified to limit through traffic in the Byford Trotting Complex.
- Malarkey Road will be extended north to Thomas Road, and new roundabouts will be constructed on Thomas Road at Malarkey Road/Master Road and Kardan Boulevard.
- The Thomas Road / Plaistowe Boulevard intersection will be signalised.
- The median strip along Indigo Parkway will be extended across Briggs Road to block right turns and through movements along Briggs Road.

The long-term changes to the road network is depicted in the diagram below:



The estimated distribution over the long-term traffic network is seen below:



As shown, the proposed development will not increase the traffic volume on any particular section of the road by more than 100 vehicles per hour and provided the previously mention condition of upgrading the 160m section of Briggs Rd occurs, the development is unlikely to have an adverse impact on the road network in the future.

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.

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 stormwater 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 which can be viewed within the attachments states that on completion the proposed childcare center is expected to achieve a compliant BAL-29 or lower outcome, under the vegetated scenario.

As a Child-Minding Centre is a vulnerable land use, the application has been referred to DFES for assessment. DFES has recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the justification on the classification of vegetation plots on the west that have been excluded and management of vegetation within the Public Open Space. The BMP currently excluded these plots and identified vegetation within them as a low threat. Officers consider vegetation within the public open space would be maintained to an appropriate APZ standard by the Shire.

Development Contributions (DCA1)

This development falls within the development contribution area DCA1 (Area A) and as such is required to contribute towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan.

Under a Development Application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot "yield" for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a development condition needing to be met prior to the issue of a Building Permit.

Conclusion:

Officers consider that the development is consistent with the planning framework, provided conditions are imposed to address the relevant incidental matters that relate to the proposed development. 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 submissions 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.

Officer Recommendation

Reasons for Officer Recommendation