

Deemed Provisions – Cl 67 Matters to be considered by local Government

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The proposal falls within the TPS2 definition of ‘Child Minding Centre’, which is defined as follows: <i>“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”.</i></p> <p>The Child-Minding Centre’ land use is a ‘SA’ land use in the ‘Residential’ zone which means, <i>“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.”</i></p> <p>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.</p> <p>In terms of the planning framework, the site falls within a unique position within the DAP and BDSP. Officers consider that the site is within a transitional position between the older and newer suburban area as well as the town centre designation to the west. As a result, the amenity of the area has evolved/changed over time. Moving away from the pattern of historic residential development and character elevated within the ‘Byford Old Quarter’. In this regard, subsequent to an assessment and consultation being undertaken, Officers consider that the development, by way of scale, intensity and form of development is considered to not adversely impact upon the amenity and character of the area. Its location on the edge of the Byford Old Quarter, with a more direct relationship to the western adjoining commercial development (by way of shared parking) and key intersection, the development location is considered to be acceptable.</p>			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will remain ‘Urban Development’. The proposal would still fall under the land use of ‘Child Care Premises’ which is defined as: <i>“means premises where –</i></p> <p><i>(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</i></p> <p><i>(b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided”.</i></p> <p>The relevant objectives of the ‘Urban Development’ zone under LPS3 raise the importance of the need to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. This has been undertaken through detailed structure planning within the Byford District Structure Plan and associated informing DAP.</p>			

As mentioned above, the site is considered by Officers to serve as a transitional role between the older and newer suburban area as well as the town centre designation to the west. The amenity and development expectation as a result through the framework has evolved gradually in this location moving away from the traditional new town / garden suburb movement which characterises the 'Byford Old Quarter'.

Within the 'Urban Development' zone, under the 'Child Care Premise' land use, such is classified as a discretionary ('A') land use and therefore capable of approval subject to the local government exercising its discretion after giving notice in accordance with clause 64 of the deemed provisions.

An 'A' 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. Subsequent to an assessment and consultation being undertaken, Officers consider that the development by way of form, scale and intensity is considered acceptable and to not adversely impact upon the amenity of the locality noting the location of the property and surrounding development.

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
<u>State Planning Policy 5.4 – Road and Rail Transport Noise (SPP5.4)</u>			
The site falling within proximity to South Western Highway, is subject to the requirements of SPP5.4. This seeks to ensure that noise received at noise sensitive premises (such as the proposed child minding premises) from major transit routes would not result in any adverse impact on the enjoyment of the use of the land or potential health risks.			
The applicant submitted a separate acoustic assessment (State Planning Policy 5.4 Acoustic Assessment) to assess noise received at the development from the South Western Highway transport corridor. The assessment modelled that a maximum noise level of 58 decibels will be received at the proposed premises. Accounting for future traffic intensity on South Western Highway, this is projected to increase to 60 decibels at maximum.			
The acoustic assessment provided by the applicant identifies a series of construction requirements that would ensure compliance with noise levels received can be achieved for the different rooms of the child minding building. These measures include brick walls with cavities, glazed windows and doors, as well as insulation of the roof that would exceed acoustic requirements. In summary, Officers consider that a condition of determination to ensure these recommendations of the acoustic assessment take place to ensure compliance with SPP5.4.			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:Local Planning Policy 1.6 – Public Art for Major Developments (LPP 1.6)

The objective of LPP1.6 is to facilitate the provision of meaningful public art to enhance the public realm and the community’s relationship with it. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

In this instance, commercial development is proposed within a residential setting, which by way of its natural form of development, can impact upon the amenity of the area. The area to the north, east and south currently comprises of residential development within the older ‘Byford Old Quarter’ area and newer ‘The Brook at Byford’ area. Any proposed public art is recommended to primarily address the commercial town centre area to the west of site, or ensure that the design is sympathetic to the residential character of adjoining areas.

To this end, 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 – Advertising (LPP4.11)

Local Planning Policy LPP 4.11 – Advertising sets out development standards and requirements for advertisements. The plans, as submitted, have not identified the form of make of any signage that would be placed on the exterior of the building of fences of the property. Officers consider therefore that any signage proposed by the applicant would be subject to the requirements of LPP4.11 and a separate Development Application process.

Local Planning Policy 2.4 – Water Sensitive Design (LPP2.4)

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 shall be provided prior to commencement of works. The SMP shall address the stormwater management and treatment system for managing stormwater quality and quantity from small, minor and major rainfall events. This would be included as a condition of approval if the development were to be approved.

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 due to the prominence of the position of the site, a high level of passive surveillance should be provided by the development to enable the fostering of positive activity within the locality. Officers note that a small section solid wall has been included, along the street frontage at the corner of Beenyup Road and Dundatha Drive. However, Officers note that the whole frontage along Beenyup Road will be developed with windows and the fence will be visually permeable creating passive surveillance within the design.

There will be less windows facing Dundatha Drive, although with the proposal indicated to encourage clients to utilise parking in the commercial development to the west, this will create a greater sense of activation within that space of pedestrians. So, with the increase of pedestrians in that space, it will assist in ensuring an element of 'designing out crime' can be achieved within the surrounding public realm.

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Byford District Structure Plan 2020

The purpose of this Structure Plan is to provide a "broad-district level planning framework for development" which provides the basis for the subsequent preparation of Local Structure Plans. The subject site is designated as 'Residential – Low (Suburban)' under the BDSP.

The site is noted as being on the edge of the 400m walkable catchment to the Byford Town Centre and within 400m of the future Byford Metronet Station. The site is characterised by its prominent position at the cross point of the 'Byford Town Centre', 'Byford Old Quarter' older residential area, the 'Byford by the Brook' newer residential area and the future local structure planning area.

The site is therefore considered to be located within a transitional position, between older and newer suburban, as well as town centre designated land.

Officers consider that the proposed 'Child Care Premises' is suitable in its location as it provides an interface between the commercial town centre and the residential character of the 'Byford Old Quarter'. Furthermore, the land use associated with the development is able to be considered within the 'Residential' zone. Officers therefore consider that the proposal is consistent with the BDSP.

Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area A – Old Quarter of the DAP, which predominantly features single storey residential dwellings commonly constructed with face brick, and weather board with iron roofing. The relevant key characteristics of the Old Quarter Character Area within the DAP are characterised as follows:

- The area rises gently from west to east at a rate of 4-5%.
- Modest, single storey dwellings are common, constructed of face brick, weatherboard and/or fibro, with tile or corrugated iron roofing.
- Some new dwellings, with the majority being in the order of 40 years old or more.
- Dwellings commonly have a front porch, verandah or window awnings.
- Roof pitch is approximately 25 degrees or more.
- Dwellings are set well back from the road with trees in the front and rear yards.

As discussed earlier in this report, the site's position is located in a transitional point between the Byford Old Quarter and the Town Centre area. The DAP also sets out the aspirations of the future built form of the character area and as such, an assessment against the DAP provisions under Character A is contained in the table below, with consideration being given to the site-specific context of this proposal:

DAP Requirement	Proposed Development
<p>Lot sizes (infill) Lots shall conform with the Residential Design Codes of Western Australia (R-Codes) for R20 i.e. minimum 440m² average 500m². (Lots within 400m of the intersection of Beenyup Road and the South West Highway, may be permitted to develop to the R30 code.</p>	<p>Complies – The application does not propose any infill development. The application proposes to amalgamate the two lots if planning approval were secured.</p>
<p>Lot Configuration</p> <p>Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.</p>	<p>Complies - The site does not adjoin a laneway.</p>
<p>Building Setbacks</p> <p>All buildings shall conform with the requirements of the R Codes for the R20 Code fronting the existing streets shall be set back to achieve consistency within the streetscape.</p>	<p>Complies – The proposed development is set back 6m from Beenyup Road and 2.8m from Dundatha Drive.</p> <p>Despite this building not being a residential building and the site not being subject to the R20 requirements of the R-Codes, the proposal would satisfy these identified setback requirements.</p>
<p>Dwelling Placement and Orientation</p> <p>All dwellings shall front the street to maximise casual surveillance of the street or open space, at least one room shall face the street. They shall be orientated along a north–south or east–west axis to maximise solar access.</p>	<p>Complies – A dwelling is not proposed.</p>
<p>Scale, Proportion & Built Form (infill)</p> <p>The existing built form, as described above, is of modest, single storey homes with porches, verandahs and/or awnings and steep roof pitches. New development shall complement this character. All new dwellings and/or additions to existing dwellings shall have:</p> <ul style="list-style-type: none"> - a porch, verandah or fixed window awnings to the front of the dwelling (mandatory); - Roof pitch of no less than 25 degrees. 	<p>Complies – The design of the 'Child-Minding Centre' makes a minor attempt to mimic the existing architectural designs of the dwellings in the immediate vicinity. The roof is of skillion design with a low pitch of degrees. The building applies a more modern design, however, includes feature awnings and verandahs. The colour palette of the development, being earthy tones and materials enables a level of consistency with the rural theme of the Byford Old Quarter, the backdrop of the Scarp and the overall development aim of the town centre.</p> <p>Officers consider that the development is therefore considered to strike a balance with the overall modern architectural design found in the newer residential development to the south and the town centre to the west, while incorporating elements</p>

	complimentary to the ' Byford Old Quarter' development to the north.
<p>Building Materials and Colour</p> <p>Colours that take inspiration from the local soils and vegetation are most appropriate.</p> <p>The following materials and colours are not supported:</p> <ul style="list-style-type: none"> • Walls of custom orb steel sheeting, or concrete tilt up panels. <p>Colours that are garish and/or sharply contrasting with neighbouring dwellings and the context of the dwelling.</p>	<p>Complies – The exterior of the building is proposed to be constructed copper 'earthy toned' cladding and dark toned feature brick walls. Officers consider that this would be sympathetic to the provisions of the DAP.</p>
<p>Corner Sites</p> <p>Due to their prominence in the neighbourhood, new dwellings situated on a corner lot must provide a frontage to both streets. This may be achieved by the use of feature windows, wrap-around verandahs, together with architectural detailing which reduces the visual impact of the façade. There should be no blank building facades facing either street.</p>	<p>Complies – The proposed development incorporates elements addressing both Beenyup Road and Dundatha Drive, including the pitch of the roof and the awning/verandah that wraps around the building.</p>
<p>Servicing (bin storage, clothes drying areas, air conditioning units etc)</p> <p>Bin storage, clothes drying areas, air conditioning units, water heating systems and other plant and/or equipment are to be located such that they are not visible from the street, and all noisy plant and equipment shall be located and insulated to minimise noise impacts on neighbouring properties.</p>	<p>Complies – a provision for bin storage has been located to Dundatha Drive, though is screened by a section of solid wall and the bike parking area.</p> <p>Air conditioning external fixtures are located within the site, facing the car park and away from the street frontages.</p>
<p>Landscaping</p> <p>Encouraging a more sustainable or environmentally friendly approach to development should be inclusive of the development of private gardens.</p>	<p>Complies – It is noted that the proposal involves the removal of approximately 9 mature trees within the car park of the development.</p> <p>The applicant has proposed a Landscape Plan and Revegetation Plan as part of a condition of determination. The commercial nature of the land use generates the requirement for the large building to be proposed, though this site maintains 69% open space, which reserves a considerable area in which landscape efforts can be made.</p>
<p>Paving</p> <p>The hard landscape component comprises mainly surface treatments in the form of footpaths, kerbs and crossovers and of course the general road pavement.</p>	<p>Complies – The subject site has existing footpath along the verges of Beenyup Road and (Amy Street). A single new crossover is proposed along Dundatha Drive.</p>

<p>Walls and Structures</p> <p>This incorporates public hard landscaping features, and features on private properties such as landscaping walls, steps, retaining walls, etc.</p> <p>Walls and structures should be constructed of appropriate materials.</p> <p>Limestone or limestone like constructions should not be permitted except where they are not visible from the street. Appropriate materials are timber, metal, red brick and granite or laterite rock constructions. These materials are consistent with the natural environment of the locality.</p>	<p>Complies – The applicant has included a small section of colourbond fencing and retaining walls that will be visible from the street. However, there is a large portion of the street view of the development that would be complimented by landscape screening and view of the building itself, which bears brick feature walls, a metal skillion roof design and cladding and poles supporting the skillion roof, which are of earthy tones, consistent with the natural environment of the locality.</p>
<p>Street Trees</p> <p>Street trees are an integral part of Byford. Where subdivision occurs, street trees shall be planted by the developer at a rate of 10 per 100m, or proportional amount depending on the width of the subdivided lot. The type of street trees to be planted shall be determined by Council to ensure consistency within the street.</p>	<p>Complies – The proposed site plan from the applicant identifies the planting of more than ten (10) new street trees. A Landscape and Revegetation Plan shall be required as a condition of determination.</p>
<p>Fences</p> <p>Front fences in Byford are not common, and therefore new front fencing is not encouraged.</p> <p>a) No fences over 1.2m high in front of the building setback.</p> <p>In the case of corner lots, fencing over 1.2m shall only be permitted in front of the secondary street building setback, as determined by Council and at its discretion.</p>	<p>Non-Compliant – Although the application proposes the construction of visually permeable fence with an approximate height of 1.8m, this is not considered to significantly depart from the intent of this provision. Officers consider the development will still provide for an unobstructed view of the development, when viewed from the road.</p> <p>Importantly it should be noted that, the proposed style of fence is required to ensure the safety of the children of the child minding premises. Therefore, an important requirement.</p> <p>It should also be noted that the proposed fence would not be inconsistent with the overall character of the area, considering some properties on Beenyp Road have front fences higher than the 1.2 metres.</p>

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
<p>Clause 67 of the Deemed Provisions, specifically (m) relates to the form of the development that is required to be assessed.</p> <p>TPS2 does not specifically set out development standards for development in the 'Urban Development' zone. Part VII of TPS2 does however provide general development standards.</p> <p>The objective of provision 7.1 – General Appearance of Buildings and Preservation of Amenity seeks to ensure architectural style, height, bulk colour, use of materials and the general appearance of buildings are harmonious with existing buildings and the amenity of the locality.</p> <p>The material externality of the proposed 'Child Minding Centre', as shown in the above image, features a colourbond roof with an earthy toned 'copper' underling, rendered white walls, with feature sections of dark toned brick walls and 'copper' toned cladding. The form of development comprises modern design elements and features which reflect the existing forms of development within the Byford Old Quarter',</p> <p>Officers consider the development reflects the evolving nature of the immediate locality, noting the site is located within a transitional area between the old and new area of Byford. It also, adjoins a commercial development to the west. The development is therefore considered to strike a balance between the existing forms of development within the area and considered to compliment the existing streetscape.</p> <p><u>Development Requirements:</u></p> <p>Table 11 of TPS2 sets out site requirements for selected uses in the Residential Zone. The provisions relating to 'Child Minding Centre' proposals are assessed as follows:</p>			
Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Beenyup Road)	7.5m	6m – to the building 4.15m – to the verandah	No

Rear (South lot boundary)	7.5m	17.75m	Yes
Side (Dundatha Drive and East lot boundary)	3.0m	Dundatha Dr – 2.8m East – 3.85m	No 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	0.31	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.31	No

In terms of the front setback adjoining Beenyp Road, the development proposes a minor variation. The existing setback distances of development along Beenyp Road, east and west is generally varied. Development to the north and east are residential and to the west is commercial development. The setback variation proposed to the above requirements is considered minor in nature and not considered to adversely impact upon the existing streetscape. To address the variation however, the applicant has proposed landscaping along this boundary to improve the visual appearance of the building when viewed from the street. 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.

In respect of the side boundary, a minor variation has also been proposed to Dundatha Drive of 0.2m. Officers consider that this minor variation poses no adverse impacts to the amenity of the streetscape, considering the development on this side fronts a carpark, adjoins a 1.8m high colourbond fence to the south and forms the secondary street boundary for the adjoining development. Officers consider there will be no impacts on the streetscape resulting from this minor variation.

In terms of the site coverage, the minor variation is not considered to present the development as bulky or overbearing when viewed from the street or adjoining properties. The immediate locality already comprises of a range of forms and scale of development. For example, development to the west comprises of large commercial buildings which presents as a large building mass on Beenyp road. Development to the north and south comprises of residential developments ranging in densities and scale. There does not appear to be a consistent form of development within this area. As such, the minor variation is not considered to pose an impact upon the amenity of the area.

n) the amenity of the locality including the following –	YES	NO	N/A
I. Environmental impacts of the development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. The character of the locality			
III. Social impacts of the development			
Comment:			
<u>Amenity</u>			
During the consultation period neighbouring residents raised concerns in relation to noise impacts of the proposal on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the 'Child Minding Centre'. One of the objectives of Planning Bulletin 72/2009 is to <i>"minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas."</i>			

The applicant submitted an Environmental Acoustic Assessment (EAA) as part of the development application, to demonstrate that the activities associated with the proposal comply with the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

In terms of noise generated from activities of the proposal, the submitted EAA assessed emissions from the outdoor child play area, mechanical plant (air conditioning units, plant/extraction fans) and car doors opening/closing activities against the assigned levels of the Regulations. The report identified that emissions from these activities received at the sensitive receptors to the north, south and east of the site, meet the assigned levels under the Regulations. However, Officers note that noise generated from the closing/opening of car doors and the outdoor play area were at the upper end of the assigned level threshold. This was also raised within a number of the submissions received.

In relation to car doors, the applicant as part of the revised proposal has moved drop off and pick up activities to the adjoining commercial property, drawing noise away from the immediate sensitive receptors. Officers consider that this will significantly reduce the noise of this activity received at the nearby sensitive receptors significantly. Notwithstanding the fact that the emissions from the development already complied with the assigned noise levels of the Regulations.

In terms noise generated from the outdoor play areas of the proposal, the applicant's noise report is modelled on worst case scenario. Therefore, noise generated from the development is modelled at the high end of the spectrum for this type of activities for child minding centres. This is generally to ensure compliance is achieved on a worst-case scenario. The development in real time operations will likely generate noise at lower decibels development.

Notwithstanding this, the applicant on the northern boundary has proposed to construct a garrison fence, comprising of a visually permeable noise screen (Perspex) to assist in reducing noise emissions with this activity to sensitive receptors to the north. In terms of the east and southern side, 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, recommend appropriate flooring to reduce vibrations of noise travelling during playtime and limit the hours of play. Officers consider this will ensure the development respectfully interacts with nearby sensitive receptors.

More broadly however, it should be noted due to the location of the development adjoining existing commercial development to the west and its proximity to South Western Highway, the general locality is not currently afforded a pristine level of residential amenity than that of a property located within centre of the 'Byford Old Quarter. Noise emissions from the nearby activities and noise from the transport corridor currently reflect the existing background noise levels of the area. Therefore, with this in mind, Officers consider the development will not adversely detract from the existing amenity of the area currently afforded to occupiers of the area.

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

Nine mature trees are proposed for removal, though Officers have recommended that a Landscape Management Plan be required as a condition of determination.

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Risks and safety impacts associated with increase to traffic in the locality are considered within the following clauses below.

s) the adequacy of –	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
I. The proposed means of access to and egress from the site; and			
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			

Comment:

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 100 children, a minimum of 20 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 23 bays, including 20 standard bays, one loading bay and two bays dedicated for Acrod parking.

Officers note that although the parking requirements onsite meet the TPS2 requirements, the availability of these bays during AM/PM peak times are likely to be impacted upon by the take up of parking bays by the 20 employed staff, potentially leaving a reduced availability of on-site parking for patrons.

To address this, the applicant has amended the proposal to dedicate 6 car parking bays within the adjoining commercial site to the west at Lot 101 (1) Beenyup Road, for reciprocal use, which is owned by the applicant. A Technical Memorandum was submitted by the applicant's traffic engineer providing parking utilisation details of the proposal and subsequent pedestrian infrastructure upgrades required to allow for improved pedestrian connectivity between the sites.

The assessment identified that the AM/PM drop off and pick up activities associated with child care premises is typically modelled on a seven minute average periods. It indicates that if six bays of the adjoining car park were allocated to patrons of the proposed development, it can accommodate on average 51 vehicles per hour. The submitted TIS projects that during peak periods of the child care premises, there would be at most 42 vehicles attending the site over the full three-hour peak AM period. This would generate 14 vehicles attending site on average per hour. Officers therefore consider that based on these traffic projections that the offsite six bays in addition proposed 23 bays onsite is considered to meet the parking demands of the proposed development.

The applicant's parking utilisation plan also identifies that a legal agreement will be established for a reciprocal parking arrangement, enabling the use of bays to the west of the site by customers of

the proposed child minding centre. This is able to be achieved as the owner of the subject site also owns the adjacent commercial property to the west. This will form a condition of approval, with the Shire to be a party to such agreement to ensure its security of application in perpetuity.

As part of the reciprocal arrangement, the applicant has proposed pedestrian infrastructure upgrades to improve pedestrian connectivity and safety to the site. This includes a walk ramp and staircase from the car park towards Dundatha Drive. Officers also consider a further treatment on Dundatha Road between the sites in terms of a pedestrian crossing be included as part of any proposed infrastructure upgrades. This will be recommended as a condition of approval.

An additional supportive factor relating to this site is that public transport is located conveniently nearby, with the 254 bus route running past the property and a number of other routes running along South Western Highway, in close proximity to the site. As previously identified, the site is within a walkable distance of the future Byford Metronet Station. This ties in with the overall objectives of the BDSP and Planning Bulletin to promote pedestrian walkability within proximity to the site. Officers consider that it is likely that a large portion of the catchment for this child minding premises would be located within the newly established 'The Brook at Byford' area to the south of the site. This leads Officers to consider that some customers may walk to the premises rather than drive. An existing footpath links to the south corner of the site along Dundatha Drive, providing this pedestrian link to the southern residential estate.

Officers consider that the parking requirements have been met and that the additional bays provided through a reciprocal parking arrangement will ensure that during peak hours, parking and road safety can be maintained. Importantly, it is considered that the use of the six bays will not impact the operational requirements of the existing commercial development as the peak demand times for those uses differ from the proposed development.

In terms of Draft LPS3, the parking requirements for the proposed development is one bay per 10 children accommodated, and one bay per employee. The application proposes 23 bays onsite which includes two bays dedicated for Acrod parking, one for servicing/unloading. The applicant also, through a parking utilisation study (as detailed above), has demonstrated that the use of six off site bays located at the adjoining property to the west will sufficiently cater for the parking demand of the development. Officers are satisfied with the proposal in this regard.

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Traffic

Clause 67 of the Deemed Provisions, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and also relate to whether the traffic generated by the proposal would be suitable considering the local road network. To address this, the applicant has submitted a Traffic Impact Statement (TIS).

The TIS identifies that the category of vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as similar staff and waste vehicles. Vehicle access to the subject site is proposed via a crossover on the western lot boundary from Dundatha Drive. Beenyup Road is classified as a Local Distributor Road and Dundatha Drive is classified as an Access Road under the Main Roads Western Australia (MRWA) road hierarchy, being assigned a speed limit of 50 km/h.

The TIS identifies that the AM and PM peak periods for the early learning centre is between 7am to 10am and 3pm to 6pm, respectively. Based on a capacity of 100 children, the TIS projects the following peak hour trip generation volumes:

Trips Generated To/From the Site During Peak Times			
Time	Trips to the site	Trips out of the site	Total trips within period
AM Peak	42	38	80
PM Peak	33	37	70
Total Peak hour trips	75	75	150

Based on these movements during the peak times, the development is not considered to adversely impact upon the local road network. The peak periods generate less than 100 vehicles an hour to the site which is not considered to lead to servicing issues on the road network which is currently considered to be working below its full capacity.

Officers however, had concerns over the initial access and egress arrangements proposed. The arrangements sought a left in left out arrangement only. This to avoid a potential conflict point for drivers due to the existing full movement configuration (left in and left out, right in right out) for the adjoining commercial development directly to the west. This configuration although addressing the matter of conflict with the adjoining development, enables an opportunity for patrons of the site to undertake an illegal U-turn manoeuvre through the existing full movement intersection to gain access to the site for the purpose of parking and drop off. This is especially noting that a number of the patrons of the development are likely to be coming from the south.

The applicant to address this has now proposed the adjoining commercial development in providing for parking to be used by patrons of the development. This has worked to not only disperse the AM/PM peak hour flows removing the concentration of vehicles on site, it has provided for a full movement option to cater for patrons from all directions. Removing the likelihood of illegal U-turn movements being undertaken. Officers are now satisfied with the traffic movements of the development.

Traffic signal operation

While not specific to this application, Officers have noted that the current traffic signals at the intersection of Beenyup Road/Abernethy Road and South Western Highway do not provide a dedicated right turn signal for westbound vehicles seeking to travel north along South Western Highway. With the completion of the recent road upgrades along Abernethy Road, there appears an opportunity to request Main Roads WA (MRWA) to review the traffic signal operation, and explore potential reconfiguration of the signal so that right turn movements under dedicated green arrows could be pared for both east bound and west bound traffic.



This may particularly assist with the early morning peak hour filtering and clearing of traffic. Officers recommend a formal request of MRWA to investigate this.

u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Elements of consideration for pedestrian access are highlighted in the above clauses. Officers note the applicant has provided bicycle storage areas, though 'Child Care Premises' developments do not have requirements for the parking of bikes.

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Submissions from the community in response to this application have been documented in the summary of submissions, along with the applicant's response. The concerns raised in the submissions for this proposal have been addressed throughout the body of the Council Report.

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

The submission from the Department of Education was documented in the summary of submissions and addressed in the body of the Council Report.

Zb) any other planning consideration the local government considers appropriate	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment:</p> <p><u>Planning Bulletin 72/2009 – Child Care Centres</u></p> <p>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:</p> <ul style="list-style-type: none"> a) <i>locate child care centres appropriately in relation to their surrounding service area;</i> b) <i>minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;</i> c) <i>minimise the impact the surrounds may have on a child care centre; and</i> d) <i>consider the health and safety of children attending the child care centre within the confines of the planning system.</i> <p>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 on the border of the Byford Town Centre. It is serviced by a Transperth bus route and would be located within a walkable 400m catchment of the future Byford Metronet Station. It is also noted that the catchment for customers to this development would likely include the recent 'The Brook at Byford' subdivision to the south. Officers consider there currently is walkable infrastructure available to enable these residents to walk to the subject site. As will be discussed further in this report, Officers will require an improvement to the pedestrian infrastructure by the applicant, which will also ensure consistency with this objective of the Bulletin.</p> <p>The bulletin also states that it is crucial in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In regard to the level of impact the proposal may have on the amenity of the locality, Officers consider that the area the development is proposed to be located within is an area characterised by proximity to the commercial areas of the Byford Town Centre and South Western Highway – being on the edge threshold of this area. This site as mentioned previously is considered within a transitional position. Officers have undergone an assessment process of the key impacts of this development, being noise and traffic, which are not considered to adversely impact upon the existing amenity of the area. This is addressed in the relevant sections further into this report.</p> <p>During the consultation period, concerns were raised regarding the increasing number of 'Child Minding Centres' in the locality and whether a demand analysis study had been undertaken. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy. While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances do not relate to this proposal.</p>			