

## SUMMARY OF SUBMISSIONS

## PA24/188 - Lot 631, 108 Lawrence Way, Byford - MODAP - Child Care Centre

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Department of Education		<p>Thank you for your letter dated 8 April 2024 providing the Department of Education (the Department) with the opportunity to comment on the abovementioned proposal.</p> <p>The proposed Child Day Care Centre is within close proximity of Beenyup Primary School and therefore careful consideration in line with the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites (OP 2.4) is to be taken into account. It is imperative to ensure that no adverse impacts would result from the proposal on the school's amenity including traffic congestion during peak periods, compromised parking and access to the school, and the safety of its occupants.</p> <p>The Department has reviewed the information in support of the proposal and notes that it is generally consistent with the City's Local Planning Framework and relevant Local Planning Policies. Accordingly, the Department has no objections to the proposal subject to the following conditions being imposed as part of the approval:</p> <ul style="list-style-type: none"> <li>• A Traffic Management Plan being prepared and adopted as part of planning approval to ensure that all pick-up and drop-off of children associated with the proposed childcare be contained on-site; and</li> <li>• The establishment of a Construction Management Plan (CMP) to address noise, odour and dust emissions mitigation. The CMP is to include how car parking, delivery vehicles and traffic impacts associated with construction</li> </ul>	No Response Received	See Consultation with Government Agencies section of report

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		<p>will be managed so as not to jeopardise the safety of the school community, particularly during peak school drop off/pick up times given the anticipated increased trips on Lawrence Way and surrounding roads associated with the proposed development.</p> <p>Should you have any queries on the above, please contact [REDACTED], Senior Consultant – Land Planning on (08) [REDACTED] [REDACTED], or by email at [REDACTED]<a href="mailto:[REDACTED]@education.wa.edu.au">t@education.wa.edu.au</a>.</p>		
Department of Fire and Emergency Services		<p>I refer to your letter dated 8 April 2024 regarding the submission of a Bushfire Management Plan (BMP) (Version 2), prepared by Eco Logical Australia and dated 14 March 2024, for the above development application. The BMP is accompanied by a Development Application Report from the proponent (Rev 0) dated 21 March 2024 for the above development application (DA).</p> <p>This advice relates only to State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p>	No Response Received	See Consultation with Government Agencies section of report

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		<p>Assessment</p> <p><b>1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map</b></p> <table border="1" data-bbox="360 435 1010 805"> <thead> <tr> <th>Issue</th> <th>Assessment</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>Vegetation Exclusion</td> <td> <p>Evidence to support the exclusion of parts of Plot 2 as managed to low threat in accordance with AS3959 is required. Specifically:</p> <ul style="list-style-type: none"> <li>There is vegetation within the neighbouring property to the east which has been excluded without any evidence. Photo 5 is taken at the driveway entry to this property and shows unmanaged vegetation on the west side of the driveway.</li> <li>All road reserves have been excluded without evidence of management. The decision maker should be satisfied that all road reserves will be maintained as low threat by the Shire in perpetuity.</li> <li>There is a large area of pasture to the south (also within Plot 2). There is no evidence of an enforceable mechanism to ensure this area is managed to low threat in perpetuity. It is noted</li> </ul> </td> <td>Impact to BAL if vegetation cannot be excluded. Modification to the BMP is required.</td> </tr> </tbody> </table> <table border="1" data-bbox="360 823 1010 971"> <tr> <td></td> <td> <p>that classification of this area is for accuracy purposes only and would not impact the BAL rating.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p> </td> <td></td> </tr> </table> <p><b>2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</b></p> <table border="1" data-bbox="360 1090 1010 1364"> <thead> <tr> <th>Element</th> <th>Assessment</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>Location, and Siting &amp; Design</td> <td>A1.1 &amp; A2.1 – not demonstrated The BAL ratings cannot be validated for the reason outlined in the above table.</td> <td>Modification to the BMP required.</td> </tr> <tr> <td>Water</td> <td>A4.2 – not demonstrated It is unclear if the current reticulation system would meet the Water Corporation's 'No. 63 Water Reticulation Standard'. The hydrant on Quadrant Parkway is 140 metres away from the proposed development.  Additional information should be provided clarifying how compliance will be achieved.</td> <td>Modification to the BMP is required.</td> </tr> </tbody> </table>	Issue	Assessment	Action	Vegetation Exclusion	<p>Evidence to support the exclusion of parts of Plot 2 as managed to low threat in accordance with AS3959 is required. Specifically:</p> <ul style="list-style-type: none"> <li>There is vegetation within the neighbouring property to the east which has been excluded without any evidence. Photo 5 is taken at the driveway entry to this property and shows unmanaged vegetation on the west side of the driveway.</li> <li>All road reserves have been excluded without evidence of management. The decision maker should be satisfied that all road reserves will be maintained as low threat by the Shire in perpetuity.</li> <li>There is a large area of pasture to the south (also within Plot 2). There is no evidence of an enforceable mechanism to ensure this area is managed to low threat in perpetuity. It is noted</li> </ul>	Impact to BAL if vegetation cannot be excluded. Modification to the BMP is required.		<p>that classification of this area is for accuracy purposes only and would not impact the BAL rating.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>		Element	Assessment	Action	Location, and Siting & Design	A1.1 & A2.1 – not demonstrated The BAL ratings cannot be validated for the reason outlined in the above table.	Modification to the BMP required.	Water	A4.2 – not demonstrated It is unclear if the current reticulation system would meet the Water Corporation's 'No. 63 Water Reticulation Standard'. The hydrant on Quadrant Parkway is 140 metres away from the proposed development.  Additional information should be provided clarifying how compliance will be achieved.	Modification to the BMP is required.		
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**3. AS3959 construction standards including clause 3.2.3 adjacent structures**

Issue	Assessment	Action
Building Construction Standards	<p>Class 9 buildings should be afforded significant protection from the impacts of a bushfire due to being occupied by people who may need assistance, or be unable, to evacuate the building in the event of a bushfire. In response, revised provisions in the National Construction Code will apply in May 2025.</p> <p>The proposed changes include but are not limited to; minimum separation between buildings, and separation from allotment boundaries, carparking areas and hazards. It is suggested the decision maker consider applying the proposed higher construction and design standards to the proposed development.</p> <p>Further information regarding the proposed changes can be found here:  <a href="https://consultation.abcb.gov.au/engagement/ncc-2022-public-comment-draft/supporting_documents/NCC2022VolumeOnePCD.pdf">https://consultation.abcb.gov.au/engagement/ncc-2022-public-comment-draft/supporting_documents/NCC2022VolumeOnePCD.pdf</a></p>	Comment only.

**4. Policy Measure 6.6.1 Vulnerable and High-Risk land uses**

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (BEEP)	<p>The referral has included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.</p>	Comment only.

**DFES Built Environment Branch Comment**

As the proposed building is Class 9b, plans will need to be provided to DFES Built Environment Branch for assessment, as required by Regulation 18b of the Building Regulations 2012 (as amended). It is noted that as the drawings indicate this building will exceed 500m2 total floor area, fire hydrant/hose

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		<p>coverage will need to be provided to this building. From the information available it does not appear that compliant hydrant coverage can be achieved from the existing street verge hydrants, therefore an on-site feed hydrant assembly meeting DFES Operational Requirements and AS2419 may be required.</p> <p><b><u>Recommendation – compliance with acceptable solutions not demonstrated – modifications required</u></b></p> <p>It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development has not demonstrated compliance to the following:</p> <ol style="list-style-type: none"> <li>1. Element 1: Location,</li> <li>Element 2: Siting and Design, and</li> <li>Element 4: Water.</li> </ol>		
	1	<p>I object to yet another Daycare Centre being built in Byford.</p> <p>We have more than enough to accommodate. Build as and when required no beforehand.</p>	<p>The proposed land use of “Child Care Premises” is listed as an “A” use in the City’s Local Planning Scheme No.3. As such, the land use is capable of approval subject to the discretion of the Local Authority. Overall, the proposed use is demonstrated to be consistent with the objectives of the zone and therefore warrants approval.</p>	<p>Noted. The proposal is assessed in accordance with the Local Planning Scheme No.3 to determine compatibility of the land use. Clause 67 of the Regulations does not consider demand to be a valid planning consideration.</p>
	2	<p>I write to support this development application for the proposed child care centre.</p>	<p>Support of this development is noted, and appreciated. We agree that the proposed use will</p>	<p>Noted.</p>

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		This centre is a much needed resource for the Byford community and will provide essential child care placements for families in the Byford suburb.	provide a critical community resource for families in the area.	
	3	We don't need another say care centre.	<p>The proposed use will provide a critical community resource for families in the area.</p> <p>The proposed land use of "Child Care Premises" is listed as an "A" use in the City's Local Planning Scheme No.3. As such, the land use is capable of approval subject to the discretion of the Local Authority. Overall, the proposed use is demonstrated to be consistent with the objectives of the zone and therefore warrants approval.</p>	Noted. The proposal is assessed in accordance with the Local Planning Scheme No.3 to determine compatibility of the land use. Clause 67 of the Regulations does not consider demand to be a valid planning consideration.
	4	<p>I will not be impacted by the proposal. But seriously. These day care centres are getting as bad as doctors surgery and bottle shops in Byford.</p> <p>Develop it in Mundijong. Not here. The ones here are not at capacity yet.</p> <p>The boom for houses and young families will slow down here soon</p>	<p>The proposed design and layout of the development has considered the local context and surrounding development to ensure an appropriate built form and interface to the surrounding locality. The proposed development is also supported by the necessary technical reporting to demonstrate the sites suitability for this location from a traffic, acoustic and bushfire perspective.</p>	<p>Noted. The proposal is assessed in accordance with the Local Planning Scheme No.3 to determine compatibility of the land use.</p> <p>The proposal is considered to meet all the relevant statutory framework and appears compatible to the locality.</p> <p>Clause 67 does not consider future forecasts as a matter to be considered.</p>
	5	<p>Byford has already too much childcare centres that need to be filled with not enough childcare educators in the sector.</p> <p>Fill the other childcare centre first and provide more educators before opening up a new centre.</p>	<p>The proposed development will provide an important service to the growing residential population for Byford. This facility will be suitably staffed and operated in accordance with the Department of Education requirements.</p>	<p>Noted. The proposal is assessed in accordance with the Local Planning Scheme No.3 to determine compatibility of the land use.</p> <p>It is expected that the proposal will not be at full capacity at the</p>

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