

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.

Lot 57 Briggs Road, Byford
Proposed Child Minding Centre
Form 1 – Responsible Authority Report
 (Regulation 12)

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Apex Planning	
Owner:	DRB Developments Pty Ltd	
Value of Development:	\$2.05 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic Director Development Services	
LG Reference:	PA23/172	
DAP File No:	DAP/23/02453	
Application Received Date:	10 March 2023	
Report Due Date:	26 June 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	<ol style="list-style-type: none"> 1. Developments 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. Updated Bushfire Management Plan 7. Council Report 	
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 resolves to:

1. **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 2 Town Planning Scheme No. 2.
2. **Approve** DAP Application reference DAP/23/02453 and accompanying plans (SK007) dated November 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning*

Schemes) Regulations 2015 and the provisions of the 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 (4) 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 except where amended by other conditions of this consent

Plans and Specifications	Development Plans dated November 2022 Updated Transport Impact Statement dated April 2023 Environmental Acoustic Assessment dated 20 February 2023 Updated Bushfire Management Plan dated 9 May 2023 Soil Site Evaluation Report dated 16 February 2023
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4. The maximum number of children on the premises shall not exceed 104.
5. The operating hours shall be between 6:30am and 6.30pm, Monday to Friday.
6. Prior to the issue of a Building Permit for the development, the land required for the future construction of Indigo Parkway and the public open space (multiuse corridor) where it exists on the subject land, is to be precipitated as a road reserve and reserve for recreation and drainage respectively by subdivision of the subject land, as depicted within the 'Area D Briggs Larsen Precinct Local Structure Plan', to the satisfaction of the Shire of Serpentine Jarrahdale.
7. Prior to the issue of a Building Permit or approval of earthworks / civil plans (whichever comes first), updated development plans shall be submitted to and approved by the Shire of Serpentine Jarrahdale which depict the following being undertaken as part of the development:
 - (i) A new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road;
 - (ii) The verge abutting the development site on the subject land being upgraded to an urban standard, to match the verge standard approved as part of the adjoining resident subdivision on the western side of the Briggs Road;
 - (iii) The landscaping and drainage design of the multiuse corridor, in order to reflect the continuation of the design elements located west of the subject land, namely central living stream, offline vegetated swales, lighting and pathways;

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior to 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 south side of the building;
 - (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 issue of a Building Permit, an updated Soil Site Evaluation report is to be submitted to and approved by the Shire of Serpentine Jarrahdale on advice by the Department of Health. The updated report is required to be:
 - (i) Modelled during the wettest season times of the year (mid-July-August);
 - (ii) Demonstrate that stormwater management does not interfere with the efficacy of the effluent disposal area;
 - (iii) A plan detailing the proposed building area, trafficable areas, parking bays setback to land application areas and exclusion areas.
13. 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, and the multiuse corridor. Once approved, the Landscape and

Revegetation Plan shall be implemented in its entirety and maintained thereafter by the operator, to the Shire's satisfaction.

14. 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.
15. 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.
16. 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.
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.
19. Within three months of the completion of the construction of Indigo Parkway and the eastern access road as depicted within the Subdivision Guide Plan of the 'Area D Briggs Larsen Precinct Local Structure Plan', the access arrangement onto Indigo Parkway will be required to be modified to exit only (left out) and a new full movement access/egress arrangement constructed to the access road to the east to the satisfaction of the Shire of Serpentine Jarrahdale.
20. Once the development is connected to sewer, the wastewater system is to be decommissioned to the satisfaction of the Shire of Serpentine Jarrahdale. The wastewater irrigation area is to be remediated prior to being used for any other purpose to the satisfaction of the Shire.
21. Prior to the issue of a Building Permit, a financial contribution of \$24,000 being made to the Shire, reflective of the costs to resurface the 160m section of Briggs Road relied upon for access by the development, with the contribution based upon the pro-rata generation of traffic emanating from the development.

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 Byford Area D Larsen Precinct Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Residential
Use Class and permissibility:	Child Minding Centre is an 'SA' land use in the 'Residential' zone
Lot Size:	2,392m
Existing Land Use:	Residential
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:

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

The development application is for a 'Child Minding Centre' on Lot 57 Briggs Road, Byford. The development proposes the construction of a new Child Minding Centre for 104 children, associated outdoor play areas, landscaping, signage and car parking.

Background:

Existing Development

The subject site forms part of Lot 57 Briggs Road which has a total area of 2.0124ha. The site is currently designated as 'Residential' within the 'Area D Briggs Larsen Precinct Local Structure Plan' (LSP). It is bound by Briggs Road to the east and the road reserve for the future Indigo Parkway to the north. The Oaklands Main Drain runs parallel to the northern boundary.



The subject site is developed with a single-storey semi-rural dwelling with associated outbuildings, located to the south-western portion of the lot. The remainder of the land consists of large open grassed paddocks with mature vegetation along boundaries to the north and east. Land to the west is undergoing progressive urbanisation with ongoing subdivisions to facilitate low-medium density housing and road infrastructure being constructed.

The site is also subject to an indicative subdivision plan which was prepared as part of the LSP which provides an indicative layout of how the site would ultimately be subdivided. This can be seen following:



Subdivision Guide Plan

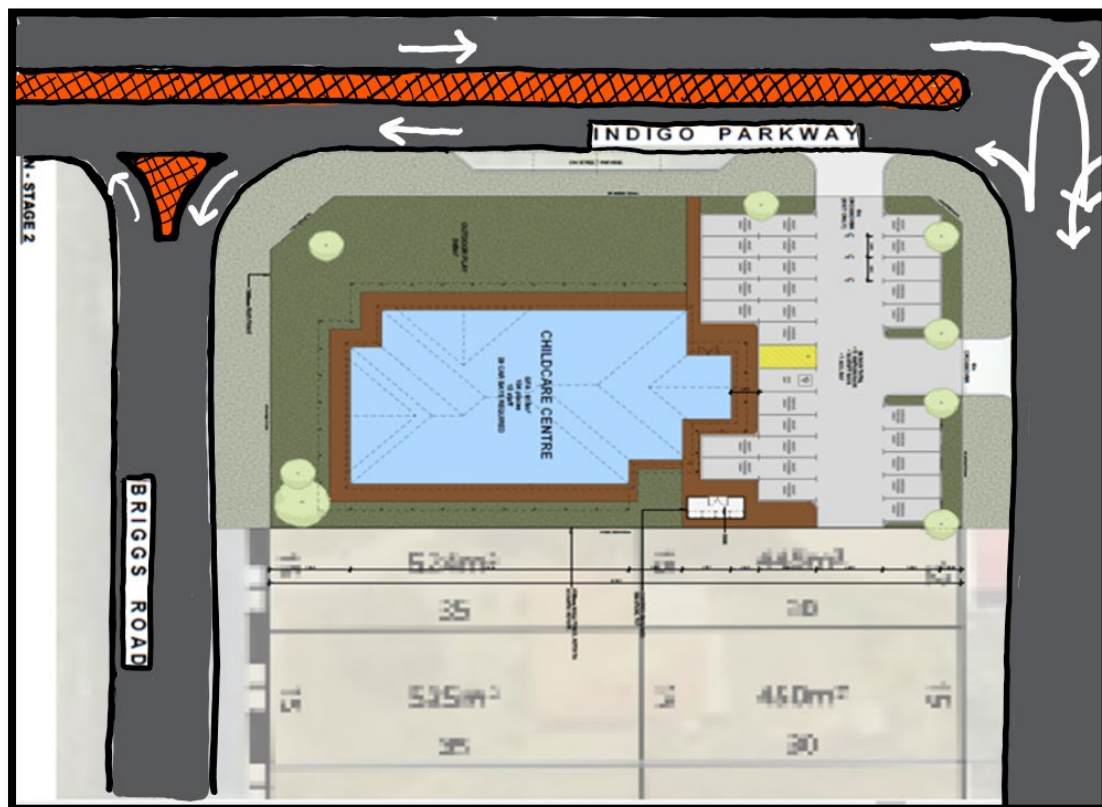
Proposed Development

The proposal seeks approval for the construction of a single storey purpose built 'Child Minding Centre'. The proposed development would occupy 2,392m² of the current overall land parcel of 2.024ha, which is identified as 'Residential' within the LSP for the site. The development is proposed to accommodate 104 children and 18 staff.

Vehicle access to the subject site is proposed to be in two stages. Stage 1 which is based on the current road network involves the construction of an interim driveway to Briggs Road. Stage 2 includes the ultimate development scenario as per the LSP, including the construction of Indigo Parkway (north of site) and an access road (to the east). This would result in a minor reconfiguration to access/egress arrangements of the site whereby Indigo Parkway will be an exit only (left out) and the access road to the east resulting in full movement. The two scenarios are shown following:



Stage 1



Stage 2

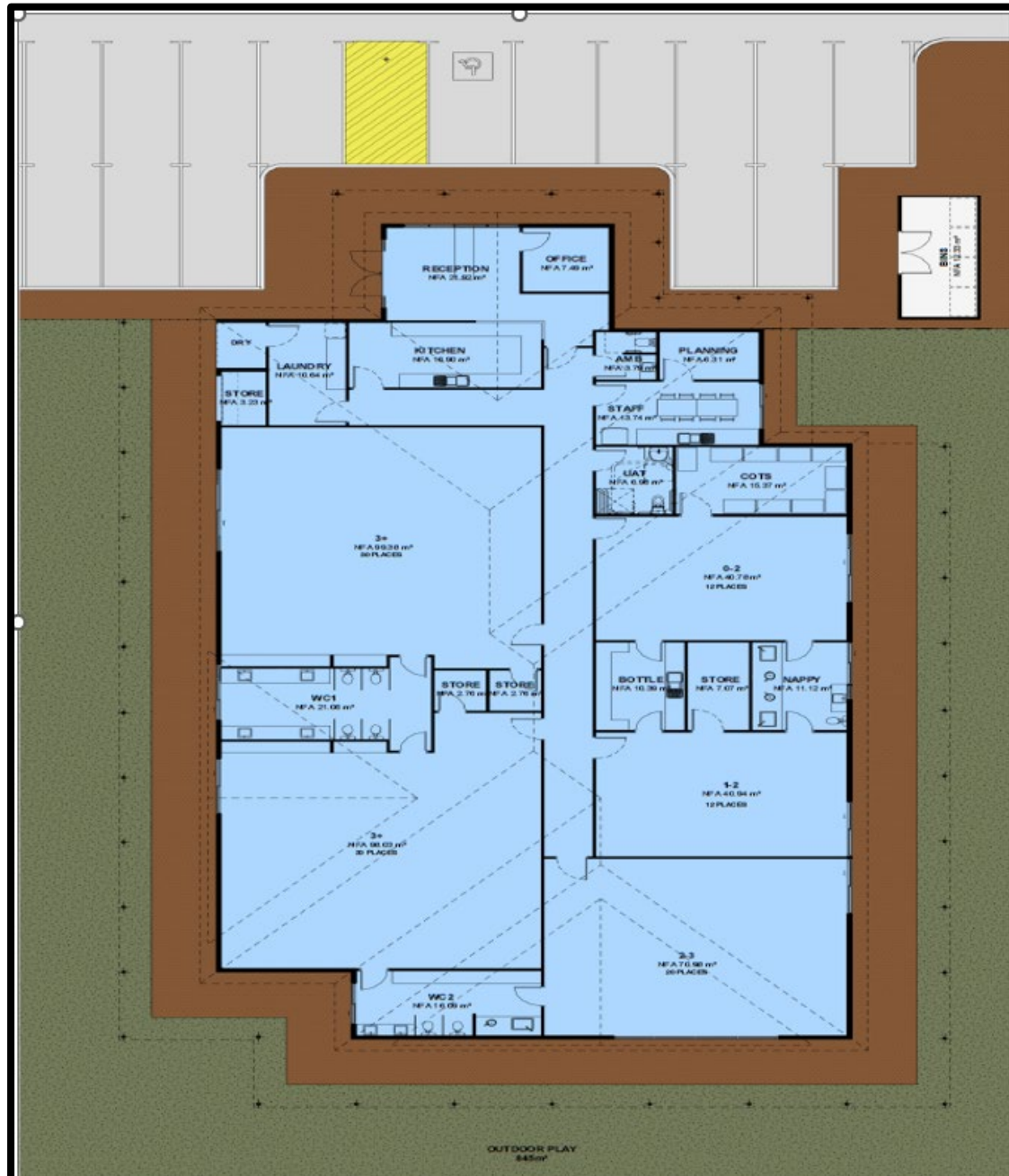
The Child Minding Centre is proposed to operate between the hours of 6:30am - 6:30pm Monday to Friday. The Child Minding Centre is expected to employ up to a maximum of 18 staff across the operations in varying shift times. The applicant provided information that the centre will accommodate children within the following age groups:

- 0-2 years: 24 places;
- 2-3 years: 20 places;
- 3+ years: 60 places.

Specifically, the proposal includes:

- Building comprising of a reception area, office, planning room, staff amenities, staffroom, kitchen, childrens toilets with storage areas, dining area, cots room, nap change/toilets, enclosure bin store, toilets, laundry and storage areas;
- Construction of Stage 1 car park with 31 car parking bays comprising of 12 spaces (visitors) for pick-up and drop-off, 18 staff car parking spaces including one universal access bay;
- Construction of a new six metre crossover on Briggs to provide direct full movement access to the stage 1 car parking area via an internal driveway;
- Construction of outdoor play areas with a total area of 845m² provided to the eastern, western and southern aspects of the building;

- Construction of 1.8m garrison style fencing long Briggs Road frontage and future Indigo Parkway along the northern boundary;
- Construction of 2.1 m high acoustic solid fence/wall of minimum (8kg/m²) surface mass along the outdoor play area's southern boundary abutting future dwellings;
- Perimeter landscaping (2m) along the northern and western car park boundary;
- A fully enclosed bin store along the western boundary.



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

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

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
- Byford Area D Briggs Larsen Precinct Local Structure Plan

Local Planning 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 28 days from 20 March 2023 to 17 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, 12 submissions consisting of six objections, three letters of concern and three letters of support were received. The objections and concerns relate to the following summarised issues, which are discussed in the relevant headings of the report and form part of the Officer assessment:

- Safety concerns due to potential localised traffic congestion from the proposal and from the future school and child care centre to the east;
- Traffic movements on the existing road network and potential unsafe traffic and pedestrian environment;
- An upgrade to the Briggs Road and Thomas Road intersection considered to be narrow and in poor condition to support additional traffic;
- Upgrade or widening of Briggs Road to be able to cater for additional traffic movements and potential congestion concerns;
- Inappropriate development in a semi-rural locality earmarked for R60 future residential dwellings thereby reducing the dwelling yield forecast in Byford;
- Lack of footpaths and street lighting along Briggs Road to support the development;
- Increased number of Child Minding Centres within the locality;
- Premature development is not in line with proper and orderly planning due to lack of the appropriate road infrastructure and reticulated sewerage to support the premises;
- Inconsistency of the proposed access way with the ultimate road network presented within the subdivision concept plan that does not provide direct lot access to Indigo Parkway;
- Potential for the intersection of Briggs Road and Indigo Parkway becoming an uncontrolled intersection for cars and pedestrians trying to cross Briggs Road;
- Proposal is not consistent with the Department of Planning, Lands, and Heritage (DPLH) Draft position statement: child care premises with regards to co-location;

Referrals/consultation with Government/Service Agencies

Department of Health (DoH)

The application was referred to the Department of Health who provided no in principle objections to the proposed Child Care Premises subject to ensuring the following are provided during the planning approval process.

Water Supply and Wastewater Disposal

In relation to the management of wastewater, the proposal is to install an onsite wastewater treatment system and disposal area. Unfortunately, the proposed location does not meet the Government Sewerage Policy 2019 objectives, that require a 100-metre setback from winter creeks or the seasonal brook. In addition, the site and soil evaluation (SSE) was not undertaken during the

wettest time of the year, but rather the warmest time of the year, being mid-January. This could significantly influence the minimum design criteria of the effluent disposal area.

DoH appreciates the lot is currently of significant size and should be able to manage wastewater onsite. Therefore, the department supports the proposal subject to ensuring the following are provided during the planning approval process.

As deep sewerage is surrounding the proposal, the DoH recommends connection to deep sewerage as the preferred option and seek costings and schedules for this option vs onsite wastewater treatment options and schedules; If it is not financially viable to connect to deep sewerage.

- Another specific site and soil evaluation (SSE) report is required for the above proposal that should be undertaken by a qualified consultant that is conducted during the wettest seasonal time of the year only (Mid-July/August) as per AS/NZS 1547:2012 requirements.
- As the proposed lot is within an environmentally sensitive area, the secondary treatment system (STS) should be engineer Certified detailing the requirements as specified on the DoH website certification for installation of wastewater treatment systems.

To ensure the stormwater catchment and diversion/disposal does not influence or interfere with the efficacy of the effluent disposal area.

- A plan detailing the proposed building envelopes, all trafficable areas, parking bays and land application area/s with setbacks, exclusion zones and measurements shown for the proposal.
- Each onsite wastewater treatment system and disposal area requires a formal application to be submitted to the respective local government for assessment and that will be forward onto the DoH for approval.

Public Health Impacts

- The site was a former farmhouse and out-buildings and portion of cleared bushland used for grazing. The submission provides no information on the age and construction of the existing buildings, the presence or absence of hazardous materials (including asbestos, fuel tanks, agricultural chemicals etc) or the measures to prevent the release of hazardous materials during any proposed demolition prior to development, causing land contamination.
- The site is not registered on the Department of Water and Environmental Regulation contaminated sites database. However, the proponent is advised to obtain a Basic Summary of Records to complete their enquiries
- Consideration should be given to the setback of the facility from the main road. There are currently no guidelines for setbacks of child-care premises from busy roads but there is consistent evidence of adverse short and long-term health outcomes in children exposed to traffic-related air pollution (TRAP). The DoH recommends a setback of at least 50m for the main buildings and play areas. The DoH also recommends vegetation barriers between the road and the site.

Food Act Requirements

- *All food related areas (kitchen, preparation areas, etc.) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.*

Department of Water and Environmental Regulation (DWER)

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

Government Sewerage Policy

Lot 57 Briggs Road is within a sewage sensitive area, as it is located with the Peel-Harvey coastal plain catchment. The requirements of the Government Sewerage Policy (GSP) (DPLH, 2019) apply including site requirements for on-site sewerage disposal.

It is acknowledged that a Site and Soil Evaluation (SSE) was included within the application and comments pertaining to the SSE. The SSE lacks detail to demonstrate Lot 57 can manage on-site wastewater treatment and disposal prior to the availability of reticulated sewerage associated with urbanisation of the surrounding area. It is recommended that the SSE is provided to the Department of Health for assessment.

Stormwater Management

DWER 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). Stormwater management within the site should be in accordance with Lots 57, 58 and 70 Briggs Road and Lots 53, 81, 83, 100 and 105 Larsen Road, Byford Local Water Management Strategy (360 environmental, October 2020).

The Department recommends that the first 15mm of stormwater runoff passes through a water quality treatment process, such as rain gardens or tree pits, before infiltration. Flush kerbing between the carpark and surrounding garden beds will assist in capturing stormwater.

Water Supply

Lot 57 is not currently connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot if the proposed water main extension on Briggs Road/future Indigo Parkway (Byford Meadows Estate) has not been completed.

The proposed development area is located within the Serpentine Groundwater Area (Byford 3 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction would be subject to licencing by the Department.

Noise Assessment Report

To be discussed in the noise assessment section of the report.

Water Corporation

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

- *The proposed development does not appear to affect Water Corporation assets. If our assets are affected, the developer may be required to fund new works, or the upgrading of existing works and protection of all works associated with the Water Corporation. Water Servicing is available to the site, Wastewater servicing is not however. The proponent has stated in their planning report that will utilise onsite effluent disposal which is suitable for a lot of this size under the State Sewerage Policy.*
- *This proposal will require approval by our Building Services section prior to the commencement of works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued.*

Department of Fire and Emergency Services (DFES)

DFES provided a submission requiring further clarification within the Bushfire Management Plan in relation to the following matters:

- Classification of vegetation within Plot 2 and Plot 3 and detail specifically how the Class G Grassland classification was derived.
- Correct reflection of the BAL ratings subject to correct vegetation classification
- Inconsistency of the APZ distance throughout the BMP

In response to concerns raised the applicant provided a revised BMP addressing concerns. Offices consider that the revised BMP complies with the policy measure outlined within the *State Planning Policy 3.7: Planning in Bushfire Prone Areas*.

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

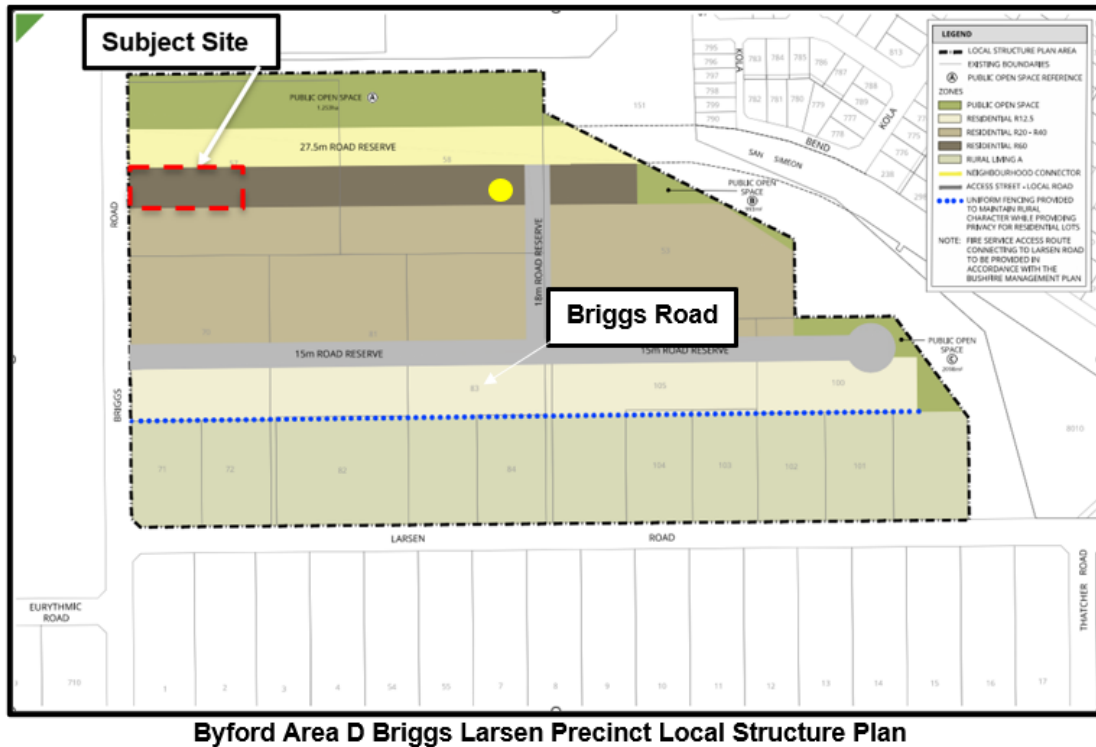
Not Applicable

Swan Valley Planning

Not Applicable

Other Advice

Not Applicable



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 consistent with the residential designations of the structure plans. SA 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, height, orientation intensity and form of development is consistent with the current and intended future amenity of the area. In addition to the future primary school and child minding centre to the west, the locality will be characterised by land uses that attract a higher level of activity compared to other locations within the structure plan area thereby forming an edge to the neighbourhood. Placement of these higher activity generating land uses on the edge of the neighbourhood allows effective management of current and future amenity for the area.

Officers further consider that the design of the development is sympathetic to the existing and the future residential development as it seeks to incorporate design elements such as verandahs, soft tones, pitched roofs and gable

features 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.

During the consultation period, concerns were raised regarding the land use permissibility of a child minding premises within the 'Urban Development' zone. In that regard, Officers consider that the proposed land use is consistent with the stated purpose and intent of the 'Urban Development' zone, as guided by the relevant structure plans.

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) would remain zoned 'Urban Development'. The proposal will 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 a discretionary use, subject to advertising within the 'Residential' zone of the structure plans as discussed above.

The land use is consistent with the stated purpose and intent of the 'Urban Development' zone, as guided by the relevant Structure Plans. 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

Location:

During the consultation process, concerns were raised in relation to the compatibility of the child minding centre in this locality. One of the objectives of Planning Bulletin 72/2009 - Child Care Centres is to *"locate child care centres appropriately in relation to their surrounding service area"*.

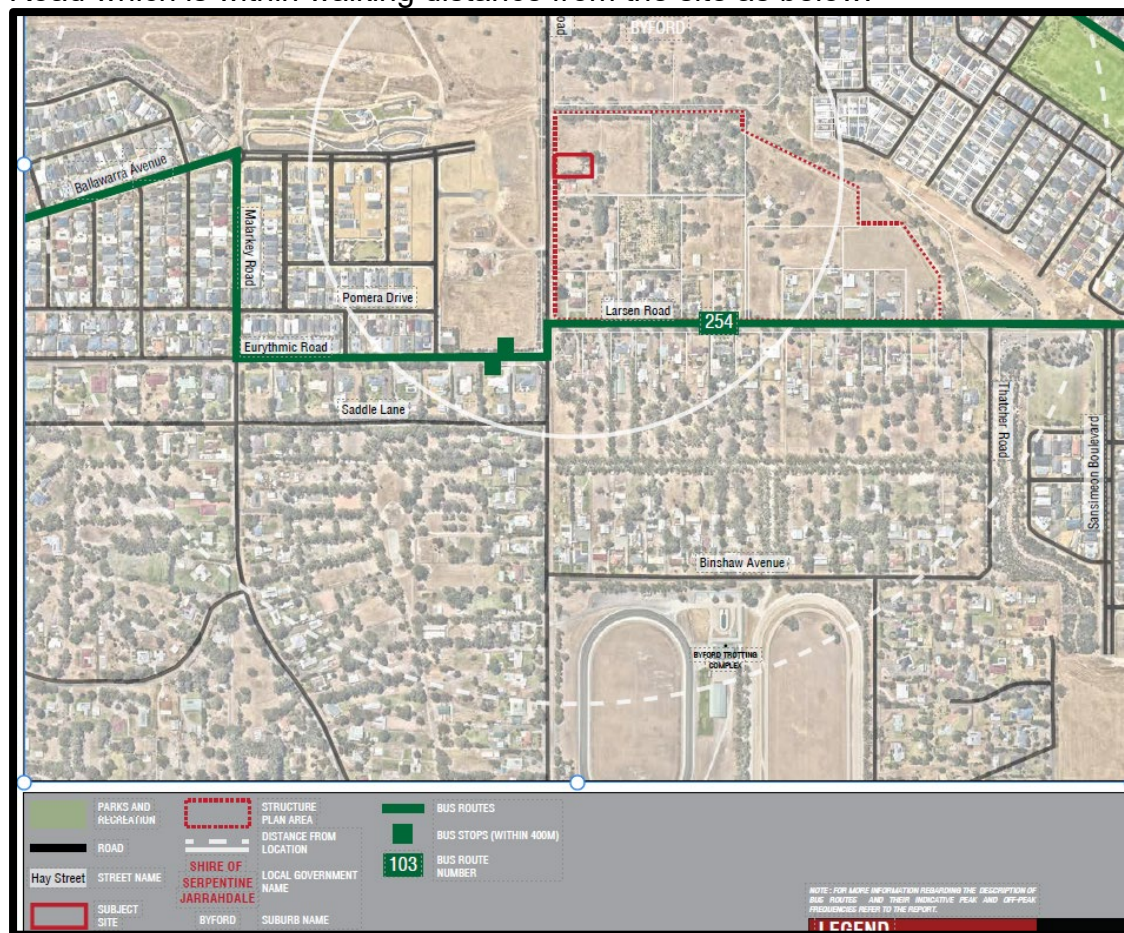
The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate 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 centers 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 in close proximity to land identified for a future school site to the west and is located approximately 400m 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 which is within walking distance from the site as below.



In this regard, Officers are satisfied that that the proposal is compatible with the adjoining land uses. However, as the site is located with the emerging area of Byford which is still undergoing urbanisation in accordance with the approved LSP, there are no pedestrian footpaths that enable residents from the nearby catchment areas to walk to the subject site. A footpath on Briggs Road would be extended from Eurythmic Road to Indigo Parkway consistent with this objective of the Bulletin. Officers consider that this needs to be addressed as part of a recommendation to the MODAP, in order to provide safe pedestrian access as noted to be a key consideration under the planning bulletin. A

condition is therefore recommended to ensure a new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road.

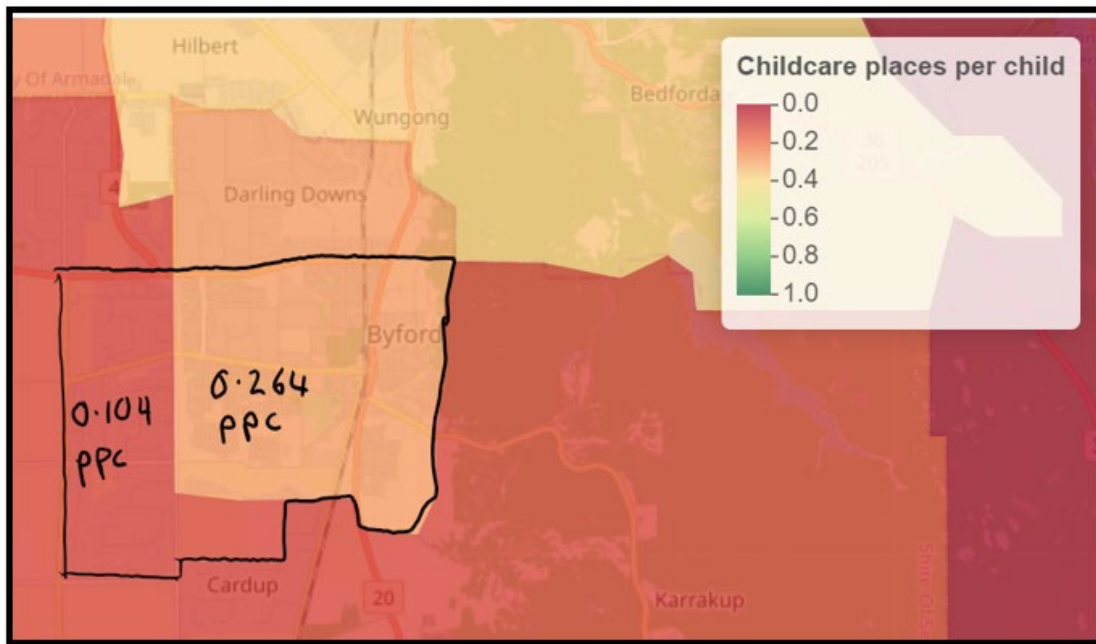
The bulletin also states that it is important in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In this regard, the development has been designed in such a way that the outdoor play area is located such that noise impacts to the adjoining future properties are reduced, by minimising the extent of playscape along the southern boundary and locating the youngest age groups in this area. The proposal demonstrates a configuration of development to moderate and manage as best possible noise impacts associated with the development. Noise is also later discussed in the report

During the consultation period, concerns were raised regarding the increasing number of child minding centres in the locality having an excess of four within 1km of the proposed. 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.

Notwithstanding this, it is important for Council to consider the current situation pertaining to a lack of available childcare places, measured as a portion of theoretical places available per child. A recent study undertaken by Victoria University mapped the whole of Australia to determine supply gaps in the provision of childcare. It found that:

1. About 9 million Australians, 35% of the population, live in neighbourhoods classified as *childcare deserts* – populated areas where there are more than three children per childcare place.
2. The map below shows the accessibility of childcare across Australia. Areas in orange and red indicate suburbs more likely to have childcare deserts.

This reveals in respect of Byford:



Map showing childcare places per child

About two thirds of the suburb has only 0.26 childcare places available per child, with the remaining one third about 0.1 places per child. This is a significant issue, given the Shire is the fastest growing local government in Western Australia, and Byford the third fastest growing suburb in total numbers recently reported. Byford experienced the fourth largest number of new born children in WA in 2022 (394), as also recently reported in the regional growth statistics of the ABS. Lack of access to childcare correlates with primary carers having a lack of employment opportunities (particularly mothers). This has an adverse economic impact on both household and local income generation potential.

Overall, the proposal is considered consistent with Planning Bulletin 72/2009.

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 104 children, a minimum of 21 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 on-site parking bays including one disabled access bay for Stage 1 and a total of 29 on-site parking bays including one disabled access bay for Stage 2. Two bays will be removed for Stage 2 to allow for addition of a crossover for the future access road.

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, plus 1:1 employee	104 18	10.4 (11) bays 18 bays	13 18
Total			31	31

The proposal complies with the parking requirements under LPS3 for both the Stage 1 and Stage 2 scenarios. 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 accessible via a footpath along Briggs Road, which forms a recommended condition of approval.

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	7.5m to building 4.5 to verandah	Yes
Side (Future Indigo Parkway)	3.0m	9.8m to verandah 12.75m to building	Yes
Rear (Future access road)	7.5m	20m	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	0.26	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.38	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 overdeveloped. The development features three outdoor playscapes fronting Briggs Road, future Indigo Parkway and future access (east) street frontages that will ameliorate the bulkiness of the building. The minor variation is not considered to present the development as bulky or overbearing when viewed from the street frontage due to the design of the

building particularly the open verandahs which reduces the building bulk. The proposed permeable fencing along Briggs Road and Indigo Parkway boundaries will maintain a sense of openness between the street and the development, removing the presence of bulk.

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 set of elevations, as viewed from the north (Indigo Parkway) east (Briggs Road) west future access road and from the south abutting future residential properties.



In terms of the visual impacts of the development, the proposed building which covers an area of 615m² incorporates design elements intended to reflect residential development within the immediate locality, noting the site is designated as under the LSP. The design elements include the use of timber looking decking boards, coloured feature walls, composite cladding, linear textured sheets, brickwork features and Colourbond roof sheets.

The contemporary style building is architecturally designed in response to its corner location. The verandahs, soft colour tones, and gable features will add visual interest to street frontages. The built form and playscapes are oriented

toward key street frontages. The scale, height, orientation and appearance of the development is sensitive to the existing and future characteristics of the locality.

The site is designated as R60 under the LSP. During the consultation period concerns were raised with regard development to the compatibility of the proposal within a semi-rural locality which earmarked for R60 future residential dwellings and its potential to reduce the dwelling yield forecast in Byford. 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 R60 density requirements, especially in terms of setbacks and open space to further ensure the development is sympathetic to the existing and future residential development within the locality. The proposal has been designed 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	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

Acceptable Development	Performance Based	Officer Comment
near or within activity centres.		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 as identified on the LSP.
<p>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.</p> <p>Potentially incompatible uses (taking into account design and layout) may include, for example, outlets selling petroleum, fast-food, and alcohol or tobacco products.</p>	Where child minding 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		
<p>Parking meets the requirements of the Local Planning Scheme, and 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</p>	<p>Suitably demonstrates that there is sufficient parking onsite in the form of a 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>Acceptable - Proposal is compliant with TPS2 and draft LPS3 car parking requirements.</p> <p>Refer to parking section of the report.</p>

Acceptable Development	Performance Based	Officer Comment
dwellings and outdoor play spaces.		
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 will be constructed to link the with the existing network.</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 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</p>	<p>Outdoor play areas are arranged so as to demonstrate such will not adversely impact sensitive receptors. This is confirmed by an acoustic impact assessment and subsequent noise management plan.</p>	<p>Acceptable - The outdoor play areas are located such that noise impacts to the adjoining future properties is reduced by minimising the extent of playscape along</p>

Acceptable Development	Performance Based	Officer Comment
<p>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>Noise levels are demonstrated to be consistent with the level of amenity currently afforded to an area.</p>	<p>the southern boundary and locating the youngest age groups in this area.</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 - 6:30am 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 activities (including</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.	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 size 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 surrounding the subject site (sensitive receptors).

To address noise, the applicant submitted an Environmental Noise Assessment (ENA) in accordance with the *Environmental Protection (Noise) Regulations*

1997 (the Regulations). The report assesses noise emissions from indoor and outdoor child play areas, car doors closing in the car park, 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 8.2 was used to predict noise emissions from the development at all noise receivers (sensitive receptors identified as shown below and demonstrated within the ENA).

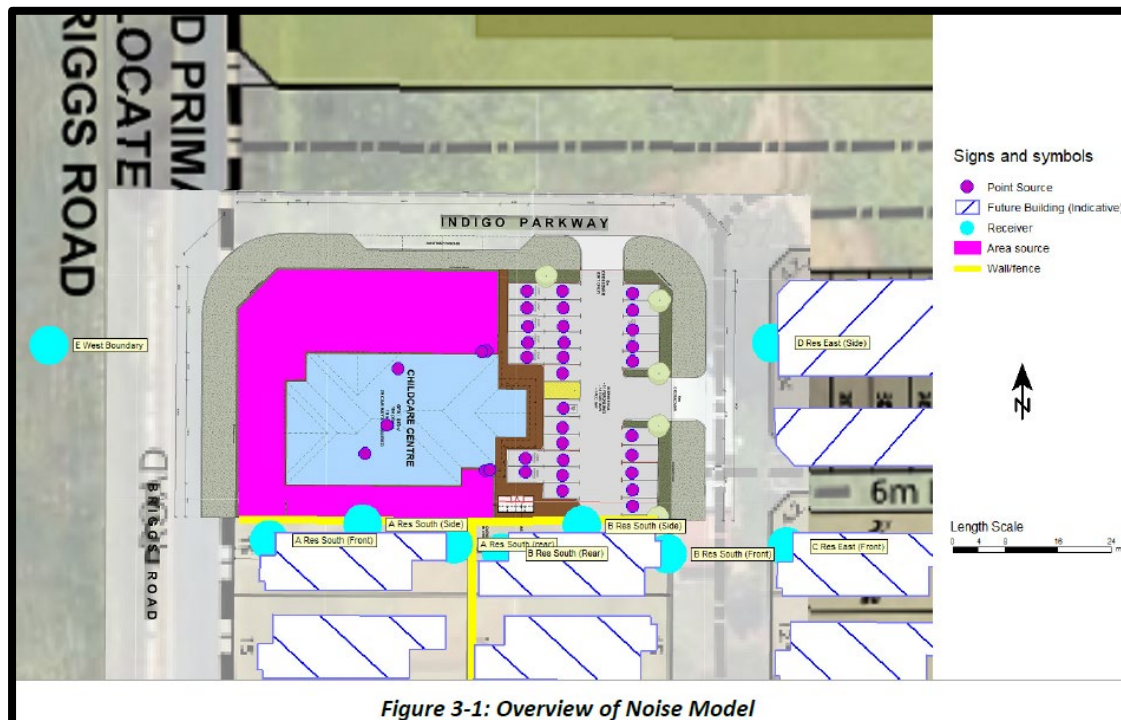
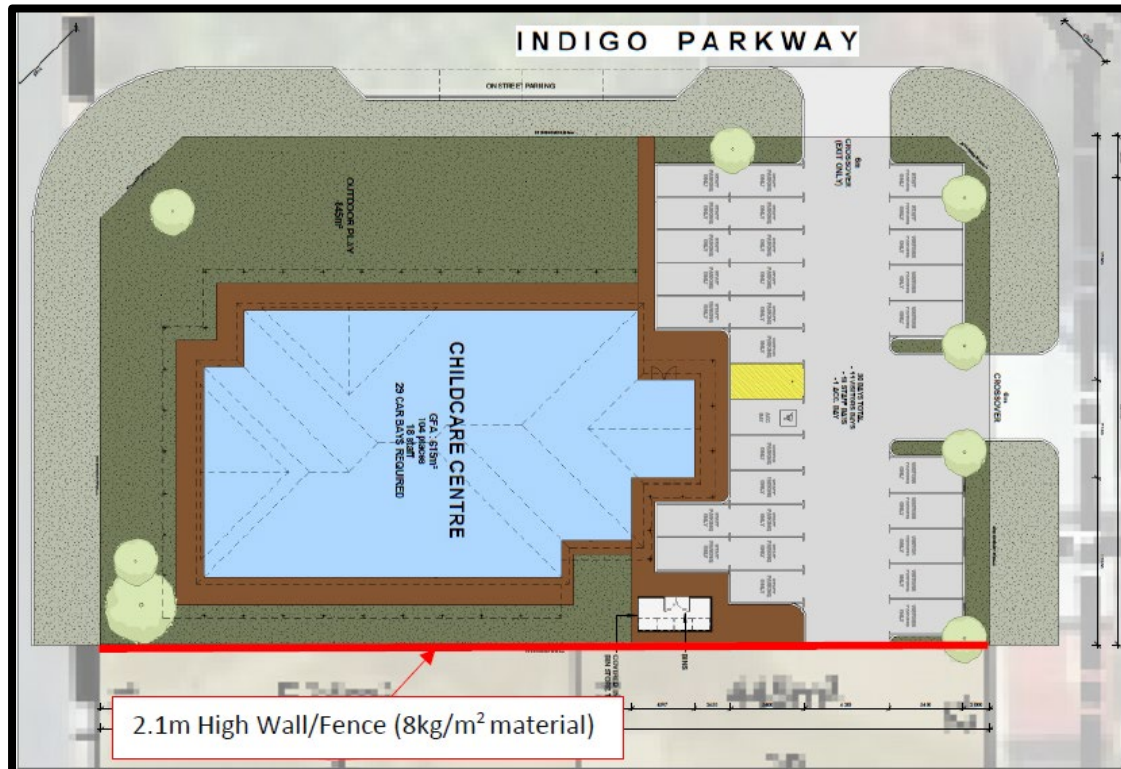


Figure 3-1: Overview of Noise Model

The predicted noise levels received at the future residential properties (sensitive receptors) within the ENA for the major noise sources, have been tabulated in Tables 4.1 to 4.3 of the ENA. 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 ENA 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 based on the worst-case scenario of all children of any age group of children playing simultaneously within the outdoor play areas shown in the site plan. The noise modelling has been based on construction of a 2.1m solid wall along the southern boundary enclosing the southern outdoor play area and carpark as shown in the site plan following.



The applicant has provided information that whilst the proposed facility would open at 6.30am which is before 7:00am (i.e. during the night period as set in the Regulations) for drop offs, the outdoor play area would only be used after 7:00am thereby restricting outdoor play times. In addition, the applicant has provided information that play time would generally be staggered and therefore not all children would be playing outside at once for extended periods of time. As such, Officers are satisfied that outdoor play area noise received at the neighbouring future residences to the south from the outdoor play area would comply with the assigned and maximum noise levels. The proposal has been designed in such a way that the large footprint of the outdoor play area is located to the north which abuts the future Indigo Parkway and public open space. As such, Officers are satisfied that outdoor play area noise received at the neighbouring future residences to the south and east from the outdoor play area would comply with the assigned and maximum noise levels.

The assessment of noise emitted from the mechanical plant was based on the assumptions relating to the number, location, size and type of mechanical plant. In that regard, the ENA demonstrates that all existing noise receivers predominantly sensitive receptors, comply with the assigned levels under the Regulation. Officers note that adjusted predicted noise levels at future sensitive receptors located to the south meet the threshold limit of the assigned levels which arguably presents a risk of exceedance. To ensure full compliance, the applicant has provided information that mechanical plant noise (specific AC unit types) is to be reviewed by a qualified acoustic consultant during detailed design, to ensure that noise attenuation is applied to achieve compliance with the future sensitive receptors to the south. This will include measures such as acoustic shielding 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 doors opening and closing, ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations based on the construction of a 2.1m high solid wall to the south.

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

- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group, regardless of windows being open or closed; and
- Any music played within the internal activity areas would be 'light' music with no significant bass content and played at a relatively low level.

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

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.

As discussed above, vehicle access to the subject site is proposed in two stages based on the current road network and the future road network which includes the delivery of roads through the gradual subdivision of land within the LSP area. Vehicle access for Stage 1 of this development is proposed via a single full movement crossover on Briggs Road via an internal driveway to the carpark area as shown below.



The proposed six metre wide crossover on Briggs Road will provide access to the main car park consisting of 31 bays (inclusive of one ACROD bay) as shown in the previous image.

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 in 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 and the future Indigo Parkway. Briggs Road is an Access Road and Indigo Parkway a Local Distributor Road. Based on the approved LSP covering the site, Indigo Parkway will thus be upgraded to a Local Distributor Road, with a cross section comprising a single lane of traffic in either direction and central median for boulevard tree planting and drainage management.

Consistent with the planning for Byford and protection of the Byford Trotting Complex, Briggs Road is not intended to function as a Local Access Road, for access into and out of the Byford Trotting Complex.

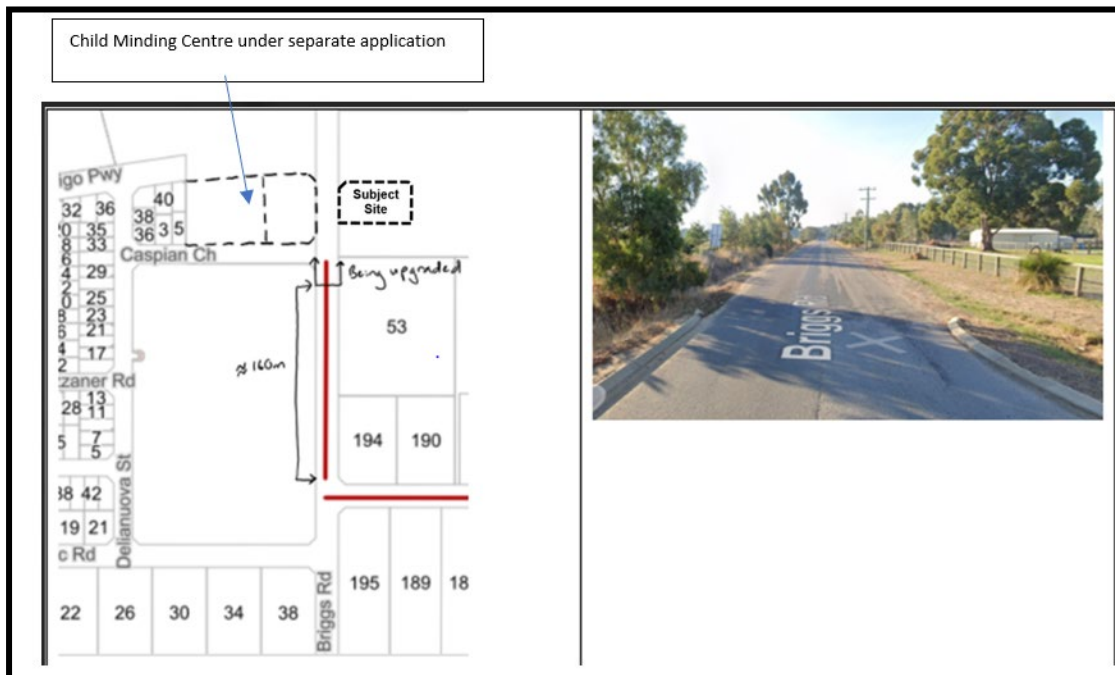
Existing Network

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 452 vehicle trips per day within the local catchment. The AM peak period generating 83 vehicle trips to the site and a PM peak flow of 73 trips generated. The focused distribution of traffic flows associated with the development is expected to be as follows:

- 60% to/from the north via Briggs Road
- 40% to/from the south via Briggs Road



section of Briggs Road, that is designated as 'Very Poor' according to the 2023 asset data capture. The section of concern is shown following:



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. Officers are of the opinion that the road upgrade at least needs to comprise resurfacing, similar to the recent resurfacing of Briggs Road completed by the Shire south of Larsen Road. Accordingly, a condition is recommended to require a financial contribution to resurfacing of the road, based upon the following formula:

- A. Cost to resurface 160m section: \$120,000
 - B. Number of child care centres proposed: Two
 - C. Portion of traffic emanating south: 40%
- Formula to calculate financial contribution: (A/B) x C
- Upgrade contribution: \$24,000**

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. A financial contribution towards this, based on generated traffic, is recommended to be conditioned.

Upgrade of Footpath

As shown in the following image, the site will be isolated from a safe pedestrian path, and Officers consider that this needs to be addressed as part of approval of the development, by including a footpath on the eastern verge of Briggs Road that connects south to the existing network along Larsen Road.



As such, a condition has been included to secure the required footpath infrastructure that adjoins the frontages of this lot, which also extends to link to the footpath network (existing) on Larsen Road. This is important in order to facilitate safe pedestrian access to the proposed development. Consistent with the planning framework to ensure that all modes of transport are catered for.

Future network

In the longer term, various proposed changes to the surrounding road network will redistribute the child minding 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.



Based on the long-term changes to the road network depicted in the previous diagram, a median is expected to be constructed on Indigo Parkway, allowing only LILLO movements from/to Briggs Road. It is considered that that in the longer term traffic would be evenly distributed through the creation of roads from the gradual subdivision process of the LSP area as depicted within the subdivision concept plan. Furthermore, as a result of the construction of Indigo Parkway in an eastbound direction towards the town centre.



Subdivision Guide Plan

Based on the future scenario it is unlikely that the development will increase traffic on any particular section of road by more than 100 vehicles per hour. Provided the previously mentioned condition of a contribution to upgrading the 160m section of Briggs Road occurs, the development is unlikely to have an adverse impact on the road network in the future.

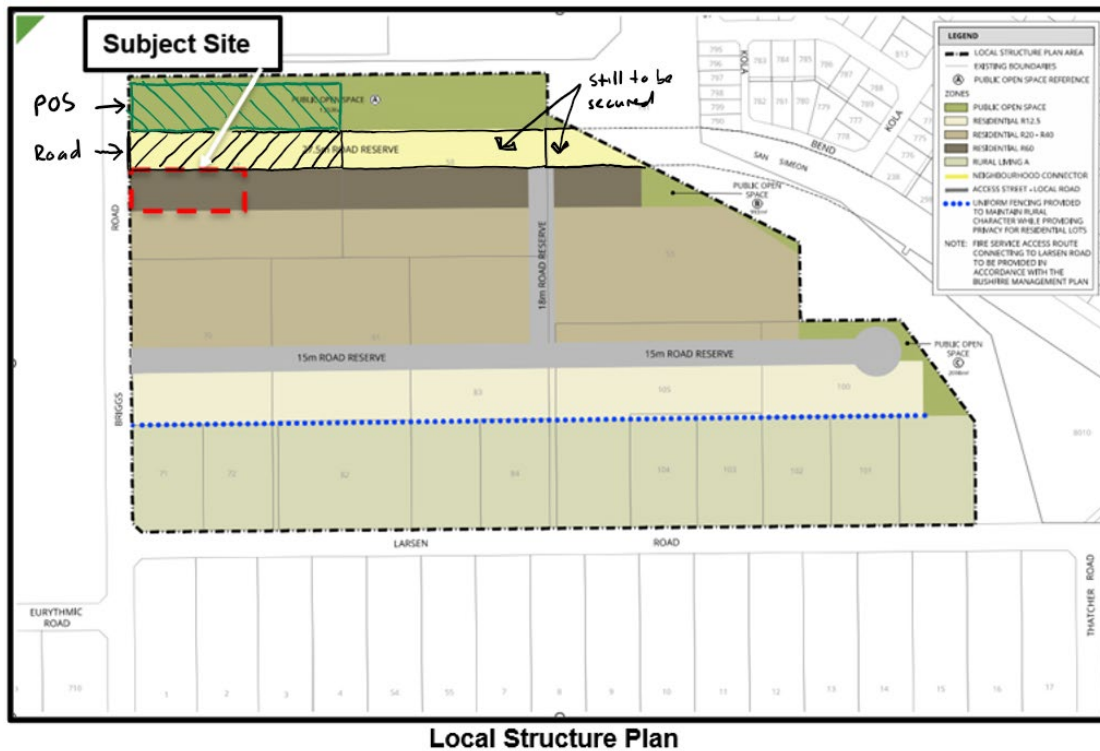
In terms of the Stage 2 access/egress arrangements, the development would be accessed via a full movement crossover to the future eastern access road and an exit only crossover to Indigo Parkway. A condition of approval ensuring the works associated with the modified access/egress arrangements are undertaken at the completion of both Indigo Parkway and the access road.

Ceding of land for Indigo Parkway and Public Open Space (POS)

The role of the structure plan is to attempt to coordinate landowners in subdividing their land, such that land parcels may be subdivided jointly in a coordinated process to layout in a logical manner where roads, POS and development will occur.

It is expected that the road reservation required for the extension of Indigo Parkway and POS Reservation as shown within the LSP is secured through the process of subdivision or a development application, which ever precedes the other. Officers consider that as development of the site has occurred first, ceding of the land for the purposes of a road reservation and the POS corridor is required to occur as part of this process. The POS portion of the land will include provision for drainage, and the portion of road reserve will likely be required for coordinated construction of the Indigo Parkway link around the 2025/2026 financial year. This is conditioned accordingly and shown in the following image.

It is conditioned to construct the POS, whereas it is not conditioned to construct Indigo Parkway given all land required for the link is yet to be secured. The remaining land portion to be secured are also shown following:



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 in 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 and will be conditioned accordingly.

Government Sewerage Policy (2019)

This policy set out the guidelines relating to the provision of sewerage services through the planning and development of land. The policy generally requires connection of new subdivision and development to reticulated sewerage to protect public health and amenity.

The site is not proposed to be connected to deep sewerage surrounding the subject site which can be readily connected. The applicant has proposed an interim alternative effluent disposal system until such a time when the site is fully developed due to costs associated with the deep connection. During the consultation period concerns were raised regarding the lack of reticulated sewerage to support the development and the potential health impacts of the proposed alternative effluent disposal system.

The application and the accompanying Site Soil Evaluation (SSE) report was referred to the DoH. The DoH have recommended connection to deep sewer as their preference, however, are satisfied that the site can manage wastewaters onsite. The DoH have requested an updated SSE to be submitted which is undertaken during the wettest seasonal time of the year (mid-July-August) as per Australian/New Zealand Standard 1547:2012 requirements as part of a condition of approval. Furthermore, more specific details of the development to wastewater management areas (irrigation areas) of the site and confirmation that stormwater and wastewater management will not interact.

To address DoH comments, a condition has been recommended requiring an updated SSE to be submitted to reflect DoH comments. The SSE to be submitted to the Shire for approval on advice by the DoH. It should be noted that subject to a separate approvals process, the wastewater system will have to be approved by the DoH in conjunction with the Shire. This provides a second assessment process to ensure the system is compatible with the land and broader area.

In terms of future sewer connection, once land within the LSP area begins to be subdivided and sewer moves closer to the LSP area, the wastewater treatment system will be decommissioned, and the development will be connected to sewer. Currently the closest connection is 330m away from the development. A condition requiring the irrigation area of the development to be remediated to the satisfaction of the Shire once the development has been connected to sewer.

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. The development contribution area was introduced by way of Amendment 108 to TPS2, and recently updated under Amendment 208.

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. The condition of approval for the applicant to contribute towards the costs of providing common infrastructure is expected to address concerns that were raised during the consultation period.

Conclusion

This report is presented to Council to endorse a Responsible Authority Reports for the Metro Outer Development Assessment Panel for a 'Child Minding Centre' development in the western portion of Byford. 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.

Alternatives

This section should identify whether the proposal is capable of being determined differently to the Officer Recommendation.

If so, discuss the key elements and matters that are required to be considered by the decision-maker in forming that view (if the scheme provides for variations, it may be helpful to refer to criteria under that clause/s).

A summary of the considerations required to exercise discretion should be included. These should refer to the relevant scheme, policy or other provisions and the circumstances where this may be applied. This discussion may refer to the entire decision or, if an approval, to one of more of the recommended conditions.

An alternate recommendation may be sought by a DAP member under Regulation 13. The overview is important to ensure DAP members, along with other stakeholders, are aware of any specific matters that may need to be addressed if an alternative to the recommendation is to be considered.

Reasons for Officer Recommendation

Provide a brief summary of key issues and provide clear and succinct reason(s) for the Officer Recommendation. It should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting. If the recommendation is for a refusal, this section could be used to amplify the reasons in the recommendation if required.