

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

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The proposed development is considered to be generally consistent with the aims and provisions of the Scheme. The proposal falls within the TPS2 definition of ‘Child Minding Centre’, which means:</p> <p style="padding-left: 40px;"><i>“Child Care Centre – means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended) but does not include a family care centre as defined by those regulations, or an institutional home”.</i></p> <p>The Child-Minding Centre’ land use is a ‘SA’ land use in the ‘Residential’ zone which means, “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.”</p>			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The proposed development is considered to be generally consistent with the Draft Local Planning Scheme No.3 and the Local Planning Strategy. The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will remain ‘Urban Development’. The proposal would still fall under the land use of ‘Child Care Premises’ which is defined as:</p> <p style="padding-left: 40px;"><i>“means premises where –</i></p> <p style="padding-left: 80px;"><i>(a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or</i></p> <p style="padding-left: 80px;"><i>(b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided”.</i></p>			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Planning Bulletin 72/2009 – Child Care Centres. The proposal is generally consistent with the provisions of the bulletin. 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 discussed in the report the overall, the proposal is considered consistent with Planning Bulletin 72/2009.</p>			

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

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

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

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
<ul style="list-style-type: none"> • Local Planning Policy 1.6 – Public Art for Major Developments (LPP 1.6) • Local Planning Policy 4.11 – Advertising Policy (LPP4.11) • Local Planning Policy 2.4 – Water Sensitive Design (LPP2.4) • Local Planning Policy 24 (LPP24) – Designing Out Crime Local Planning Policy 4.16 – • Landscape and Vegetation Policy (LPP4.16); • Policy 1.4 – Public Consultation on Planning Matters; • Local Planning Policy 4.24 - Child Minding Centres (LPP4.24) <p>The proposal has been assessed against these policies as discussed in the main report.</p>			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
<ul style="list-style-type: none"> • Byford District Structure Plan 2020 • Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3; • Local Planning Strategy. <p>As discussed in the main report the proposal is compatible to the future residential development as it seeks to incorporate design elements to the building which, when viewed from the street, would appear residential in form.</p>			

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

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

Development:

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

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

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: As discussed in the main report Officers consider that the development, by way of scale, intensity and form of development is consistent with the current and intended future amenity of the area.

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

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

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

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

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

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

Comment: The proposed access arrangements are generally in accordance with the current and future planning framework.

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

Comment: A Traffic Impact Statement has been provided, which demonstrated traffic generation and predicted volumes can be adequately accommodated on the existing road network. The proposed development will not increase the traffic volume on any particular section of the road by more than 100 vehicles per hour.

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

Comment: The proposed development is conveniently located. The site is serviced by Transperth bus routes on Eurythmic Boulevard west of Briggs Road, approximately 350 metres walking distance from the site. There is a section of Briggs Road, that is designated as ‘Very Poor’ according to the 2023 asset data capture. 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

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.

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

Comment:

w) the history of the site where the development is to be located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The history of the site has been detailed in the report.			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is intended to provide for child minding centre needs of the direct community. The current situation pertaining to a lack of available childcare places, measured as a portion of theoretical places available per child has been discussed in the main report.			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Submissions received have been discussed within the report.			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Department of Education (DoE), Department of Water and Environmental Regulation (DWER), Water Cooperation and Main Roads Western Australia (MRWA have no in principle objections to the proposal.			

Zb) any other planning consideration the local government considers appropriate	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			