



## Metro Outer Joint Development Assessment Panel Agenda

**Meeting Date and Time:** Monday, 1 November 2021; 9:30am  
**Meeting Number:** MOJDAP/135  
**Meeting Venue:** Electronic Means

To connect to the meeting via your computer - <https://zoom.us/j/91774179273>

To connect to the meeting via teleconference dial the following phone number -  
08 7150 1149

Insert Meeting ID followed by the hash (#) key when prompted - 917 7417 9273

*This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.*

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## **Attendance**

### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Justin Page (A/Third Specialist Member)  
Cr Lauren Strange (Local Government Member, Shire of Serpentine-Jarrahdale)  
Cr Michelle Rich (Local Government Member, Shire of Serpentine-Jarrahdale)

### **Officers in attendance**

Mr Andrew Trosic (Shire of Serpentine-Jarrahdale)

### **Minute Secretary**

Ms Megan Ventris (DAP Secretariat)  
Ms Adele McMahon (DAP Secretariat)

### **Applicants and Submitters**

Mr Nathan Stewart (Rowe Group)

### **Members of the Public / Media**

Nil.

## **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

## **2. Apologies**

Mr Jason Hick (Third Specialist Member)

## **3. Members on Leave of Absence**

Nil.

## **4. Noting of Minutes**

Signed minutes of previous meetings are available on the [DAP website](#).



## **5. Declarations of Due Consideration**

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1, received on 20 October 2021.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

## **6. Disclosure of Interests**

Nil.

## **7. Deputations and Presentations**

The Shire of Serpentine-Jarrahdale may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

## **8. Form 1 – Responsible Authority Reports – DAP Applications**

### **8.1 Lots 15 & 16 (34 & 36) Beenyup Road, Byford**

Development Description:	Child Minding Centre
Applicant:	Rowe Group
Owner:	Liem Thanh Bui, Rose Marie Nguyen & Luke Broere
Responsible Authority:	Shire of Serpentine-Jarrahdale
DAP File No:	DAP/21/02042

## **9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil.



## 10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/210/01926 DR144/2021	City of Armadale	Lot 60 Centre Road, Camillo	Proposed 45 Grouped Dwellings	09/07/2021
DAP/21/02000 DR203/2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP/21/02016 DR207/2021	City of Joondalup	centre Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley	Child Care Centre	28/09/2021

## 11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

## 12. Meeting Closure





## Direction for Further Services from the Responsible Authority

Regulation 13(1) and DAP Standing Orders 2020 cl. 3.3

### Guidelines

A DAP Member who wishes to request further services (e.g. technical information or alternate recommendations) from the Responsible Authority must complete this form and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au).


The request will be considered by the Presiding Member and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query and response will published on the DAP website** as an addendum to the meeting agenda.

### DAP Application Details

DAP Name	Metro Outer
DAP Application Number	DAP/21/02042
Responsible Authority	Shire of Serpentine-Jarrahdale
Property Location	Lots 15 & 16 (34&36) Beenyup Road, Byford

### Presiding Member Authorisation

Presiding Member Name	Mr Ian Birch
Signature	
Date	19 October 2021
Response Due	<b>22 October 2021; 3:00pm</b>

### Nature of technical advice or information required\*

1	DAP query	Alternate recommendation for approval with conditions
	Response	Insert response to DAP query

\* Any alternate recommendation sought does not infer a pre-determined position of the panel.  
Any legal advice, commercially confidential or personal information will be exempt from publication.

# Form 1: Responsible Authority Report

(Regulation 12)

## Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to resolves to:

1. **Accept** that the DAP Application reference DAP/21/02042 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
2. **Approve** DAP Application reference DAP/21/02042 and accompanying plans (dated 25 July 2021) 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 Town 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 two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.
  - Revised Architectural Plans
  - Environmental Noise Assessment
  - Transport Impact Assessment
  - Landscape and Revegetation Plan
4. The maximum number of children on the premises at any one time shall not exceed 120.
5. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Saturday, unless otherwise approved by the Shire of Serpentine Jarrahdale.
6. A 2.5m strip along the northern boundary of the subject land, as well as a 3m by 3m truncation to Amy Street, being subdivided and created as road widening of Corbel Lane, at no cost to the Shire, prior to the issue of a Building Permit.

7. Plans submitted for a building permit are to demonstrate the following infrastructure upgrades being undertaken by the applicant, to the specifications and satisfaction of the Shire of Serpentine Jarrahdale:
  - Corbel Lane being upgraded to a 5m wide asphalt sealed, semi mountable kerbed and centrally drained standard, from Amy Street to Mary Street;
  - The new 2.5m southern verge of Corbel Lane created by condition (d) being upgraded as a semi mountable kerbed, 2.5m red asphalt strip, and flush kerb to demarcate the property line;
  - The footpath along the southern and eastern frontages of the lot being suitably upgraded and supplemented with shade trees at no greater spacings than 3m.
  - Once the plans are approved, the full infrastructure upgrades are to be undertaken by the applicant prior to occupation of the development.
8. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Noise Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.
9. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
10. A minimum of one (1) 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.
11. The Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
12. 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.
13. Prior to issuing 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.
14. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.
15. Prior to issuing of a Building Permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government)
16. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.

**Beenyup Road, Nos. 34 & 36 (Lots 15 & 16) Byford  
Child Minding Centre**

**Form 1 – Responsible Authority Report**  
(Regulation 12)

<b>DAP Name:</b>	Metro Outer Joint Development Assessment Panel	
<b>Local Government Area:</b>	Shire of Serpentine Jarrahdale	
<b>Applicant:</b>	Rowe Group - Mr Nathan Stewart	
<b>Owner:</b>	Liem Thanh Bui, Rose Marie Nguyen & Luke Broere	
<b>Value of Development:</b>	\$2.1 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	Shire of Serpentine Jarrahdale	
<b>Authorising Officer:</b>	Ashwin Nair Manager Statutory & Compliance	
<b>LG Reference:</b>	PA21/646	
<b>DAP File No:</b>	DAP/21/02042	
<b>Application Received Date:</b>	14 July 2021	
<b>Report Due Date:</b>	28 September 2021	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1. Initial Development Plans 2. Revised Development Plans 3. Schedule of Submissions and Applicant Response 4. Environmental Noise Assessment 5. Traffic Impact Assessment 6. Waste Management Plan 7. Genius Demand Analysis 8. Landscape and Revegetation Plan 9. Council Minutes	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

**Responsible Authority Recommendation**

That the Metro Outer Joint Development Assessment Panel resolves to:

- Refuse** DAP Application reference DAP/21/02042 and accompanying plans (dated 25 July 2021) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Metropolitan Region Scheme , and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, subject to the following reasons:

**Reasons**

- The development is considered to be an inappropriate scale that is incompatible with the 'Residential' character and will detrimentally impact on the preservation of the amenity of adjoining and nearby landowners.

2. Noise generated from the development will adversely impact upon the existing amenity of the general locality and the adjoining neighbouring properties.
3. The commercial nature of the development is not considered compatible with the low density of residential development (R20 - 35) within the immediate locality.
4. Insufficient information has been provided to demonstrate that the onsite parking is sufficient for the proposed development.
5. The proposal does not comply with the Shire of Serpentine Jarrahdale Byford Townsite DAP in regard to the expected overall built form outcome which not considered to be sympathetic to the surrounding residential area.

## Reasons for Responsible Authority Recommendation

### Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
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 Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Byford Townsite Local Development Plan
Use Class and permissibility:	Residential – Discretionary 'SA'
Lot Size:	Lot 15: 1295.939m <sup>2</sup> Lot 16: 1295.891m <sup>2</sup>
Existing Land Use:	Single House and vacant land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

### Background:

#### Existing Development

The subject site comprises of two land parcels with a total area of 2591.93m<sup>2</sup> located within the 'Byford Old Quarter'. The site is bound by Beenyup Road to the south, Amy Street to the east and by unconstructed Corbel Lane to the north. Lot 15 to the west is developed with residential single dwelling and outbuilding, Lot 16 to the east is vacant.

The general locality predominantly comprises of modest residential dwellings constructed of face brick with tile or corrugated iron roofing. There is an existing 'Child Minding Centre' and Primary School both located approximately 100m to the north as shown in Figure 1 below. The locality also comprises of new in fill residential development. The site is nestled within the Byford Old Quarter, at a mid point between the Darling Scarp to the east and South Western Highway to the west.



Figure1: Aerial Photo

## Proposal:

The proposal seeks approval to construct a single storey building, purpose built 'Child Minding Centre' on Lot 15 and Lot 16 Beenyup, Byford. The proposed building would be constructed of concrete panels with timber aluminium look cladding and colourbond roof. Vehicle access to the site is proposed via a new crossover to the north eastern boundary of the subject site off Amy Street.

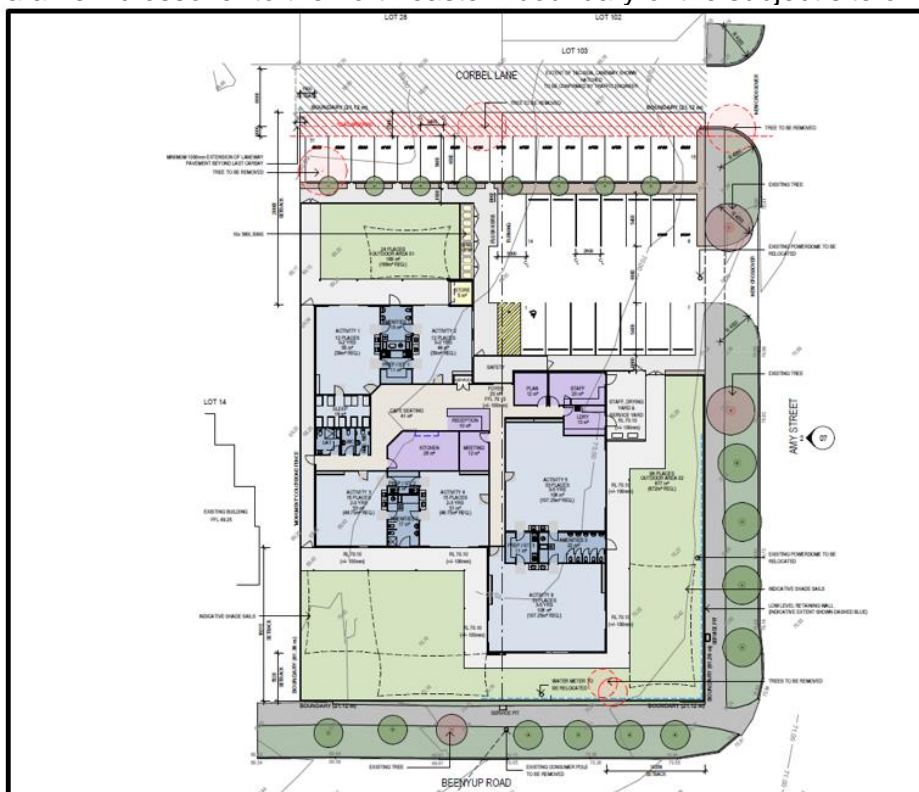


Figure 2: Site Plan

The applicant provided information that the centre will accommodate up to 120 children falling within the following age groups:

- 24 babies (less than 24 months old);
- 30 toddlers (24 – 26 months old); and
- 66 kindergarten age children (greater than 36 months old).

Specifically, the proposal comprises of the following:

- Demolition of the existing single dwelling and all structures on Lot 15;
- Construction of a 'Child Minding Centre' building with a floor area of 800m<sup>2</sup> across Lot 15 and Lot 16;
- Building comprising of five activity rooms/playrooms, kitchen, staff room, reception, foyer, meeting rooms, prep rooms, amenity rooms, sleeping room, laundry, amenities, café seating area;
- Construction of a car park with 31 car parking bays comprising of 12 spaces for pick-up and drop-off, 19 staff car parking spaces including one (1) universal access bay, a shared space vehicle;
- Construction of two new crossovers from Amy Street to provide access to the car parking area and Corbel Lane way;
- Widening, construction and upgrading of the Corbel Lane way abutting to the development to the Shire standard, constructed and drained at the full cost of the applicant;
- Construction of solid fence (up to 2 metres) along the western boundary;
- Operation hours of the centre proposed from 6:30am to 6:30pm, Monday to Saturday;
- Employment of up to 19 full-time staff members on-site at any one time;
- Construction of outdoor play areas with a total area of 846m<sup>2</sup> provided to the north western, south western and south portions of the subject site as shown in Figure 2 above;
- Building setback 5.02m from the primary street and 1.5m from the eastern boundary;
- The proposed development incorporating landscaping within the subject site.

Full details of the initial proposal are contained within **attachment 1**.

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

## **Consultation:**

### Public Consultation

The application was advertised for a period of 21 days from 21 July 2021 to 11 August 2021 to surrounding landowners within a 200m 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. In addition, a notice of the development proposal on a sign was placed on site for the same period.

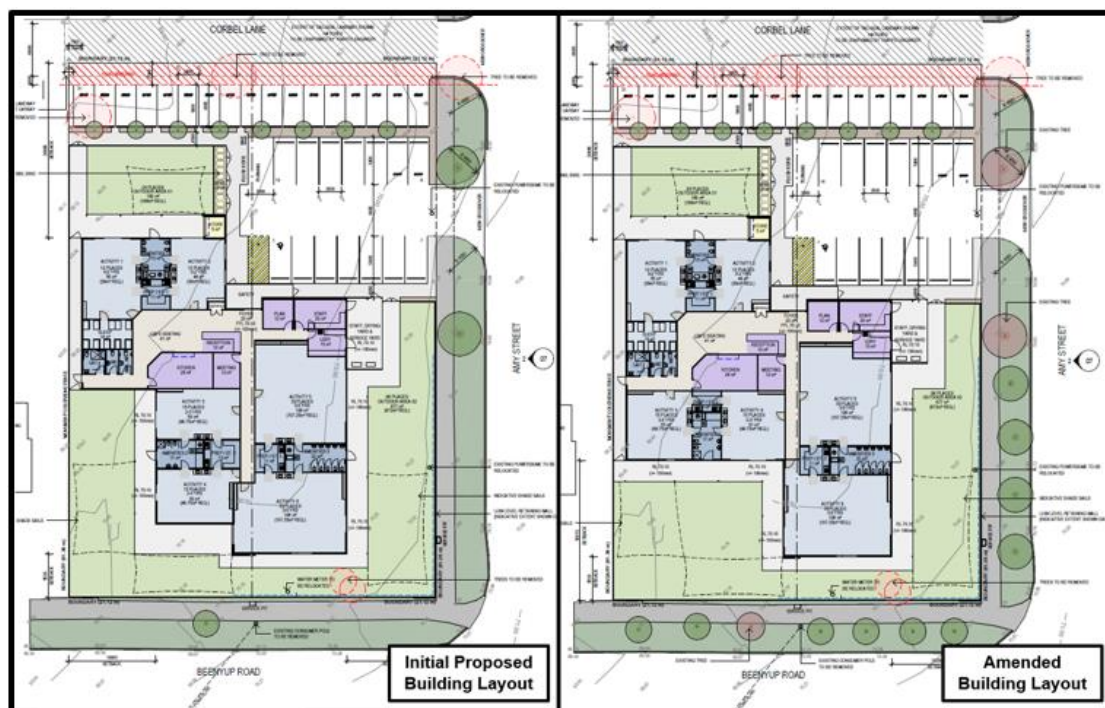
At the conclusion of the consultation, 11 submissions consisting of seven objections, two letters of concern and two letters of support were received. The objections and concerns relate to the following



issues, which are discussed in the relevant headings of the report and form part of the Officer assessment:

- Potential noise from the 'Child Minding Centre';
- Potential noise impacts due to increased traffic movements on the road network;
- Suitability of the subject site to accommodate up to 120 children;
- Sufficient Child-Minding Centres in the locality to cater the need;
- Insufficient parking;
- Upgrading of Corbel laneway and signage.

In response to objections received during the consultation period, particularly with noise concerns, the applicant provided an amended site plan and elevations which can be viewed within **attachment 2**. These plans were subsequently re-advertised for a period of 14 days from 26 August 2021 to 11 September 2021. The initial site plan and amended design, subject to this application, is shown in Figure 3 below.



**Figure 3 Site Plans**

The amended layout shows the relocation and reorientation of two outdoor play space areas abutting the western neighbouring property being Activity Rooms No. 3 and 4. The applicant provided information that the rationale to move child play areas was to minimise the extent of the outdoor play space that abuts the western lot boundary and potentially noise impact on the amenity of the neighbouring property. Activity Rooms No. 3 and 4 were to be reoriented to face Beenyup Road.

As seen in the table below, the breakdown of internal areas for the various activity areas remained the same except for a small increase of floor area for activity rooms and slight reduction of planning room.

Areas	Initial Layout	Amended Lay out
Activity Rooms (1-6)	415m <sup>2</sup>	419 m <sup>2</sup>
Outdoor Areas	846m <sup>2</sup>	846 m <sup>2</sup>
Kitchen	28m <sup>2</sup>	28 m <sup>2</sup>
Reception area and Foyer	30m <sup>2</sup>	30 m <sup>2</sup>



Areas	Initial Layout	Amended Lay out
Meeting and planning	24m <sup>2</sup>	23 m <sup>2</sup>
Laundry	13m <sup>2</sup>	13 m <sup>2</sup>
Amenities and Prep rooms	89m <sup>2</sup>	89m <sup>2</sup>
Sleeping Room	18m <sup>2</sup>	18 m <sup>2</sup>
Café Seating	41m <sup>2</sup>	41 m <sup>2</sup>
Staff Room	20m <sup>2</sup>	20 m <sup>2</sup>
Other Amenities	15m <sup>2</sup>	15 m <sup>2</sup>
Bin Area and Store	15m <sup>2</sup>	15 m <sup>2</sup>

The applicant has also provided amended elevations plans which be viewed within **attachement 2** and discussed in the built form section of the report.

At the conclusion of the second round of advertising, six submissions consisting of five objections and a submission from the Department of Education were received. The objections and concerns relate to the following issues:

- Potential noise from the 'Child Minding Centre';
- Increase of traffic movements during the peak periods within the locality;
- Safety concerns due to traffic congestion from the proposal and from the primary school;
- Insufficient parking to cater for additional staff;
- Increase of Child-Minding Centres within the locality.

The applicant's response to submissions received during consultation is included in **attachement 3**.

Issue Raised	Officer Comments
<p><b>Noise</b></p> <p>120 children will generate noise from the child playing areas</p> <p>Noise emissions from the development would impact on the existing amenity</p> <p>Cumulative noise concerns from the existing child care minding centre in Clifton Street and the Byford Primary School</p>	<p>The predicted noise generated from the development has been assessed in the applicant's Environmental Noise Assessment (refer <b>attachement 4</b>). Whilst the noise assessment demonstrates that acceptable noise levels can be met, Officers consider that noise emissions generated from the development to pose an unreasonable impost on the existing amenity of the area. Officers consider that making a decision purely on meeting the assigned levels of the Regulations does not reflect proper and orderly planning. This is discussed further in the assessment section of the report.</p>
<p><b>Traffic</b></p> <p>Increase of traffic moments and the proximity to the existing Byford Primary School which generates significant number of vehicular movements</p> <p>Safety concerns to students who walk to school arising from the increased traffic</p>	<p>A Transport Impact Statement (TIS) was provided with the application demonstrating that the existing road network can cater for the additional traffic generated by the development. <b>attachement 5)</b></p> <p>Notwithstanding the findings of the report concluding that the road network has the capacity</p>

Issue Raised	Officer Comments
<p>movements and potential congestion especially during the peak periods</p>	<p>to accommodate the extra traffic, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality. This is discussed further in the assessment section below.</p>
<p><b>Parking</b>  Insufficient parking bays to cater for 120 children and additional staff</p> <p>Insufficient parking would potentially lead to verge parking along neighbouring existing residential properties</p>	<p>Officers consider that although the parking requirements have been met, there are still concerns that insufficient information has been provided to demonstrate that the development will be able to deal with the peak hour demand and overall trips generated by the development. This is discussed further in the assessment section below.</p>
<p><b>Scale of the centre</b>  Suitability of the centre of the scale in the residential zone.</p> <p>Scale of the centre is more suited to a commercial zone</p> <p>The centre is not big enough to accommodate 120 children, insufficient space.</p>	<p>Officers consider that the proposed bulk and scale of the development presents a commercial design that is not sympathetic with the surrounding residential context. It is considered that the proposal will impact the amenity of the surrounding properties.</p> <p>The overall design and materials proposed do not replicate the existing residential dwellings, thereby imposing on the existing built form.</p> <p>This is discussed further in the assessment section below.</p>
<p><b>Demand</b>  Over supply of Child-minding Centres in locality</p> <p>Existing child care centre on Clifton Street.</p>	<p>Generally, the existence of similar childcare centres is not a valid planning matter. However, the applicant also provided a demand analysis study (<b>attachment 7</b>) which concluded that there is a need for an early learning centre in this locality currently and in the future.</p> <p>The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy. While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances do not relate to this proposal. These matters have been discussed in the assessment section of the report.</p>
<p>Upgrading of Corbel Lane Way is required</p>	<p>The applicant has provided a site plan showing sufficient land set aside for the upgrade of the Lane Way to the satisfaction of the Shire. The applicant has provided information that the lane way will be ceded to the Shire if the application were to be approved.</p>

Issue Raised	Officer Comments
Devaluing of properties as a result of the proposal	The impact on property values is not a valid planning consideration that should be taken into account as part of decision-making.

The comments received in support of the proposal were:

- The development will modernise the design of the street and would make great and efficient service for the close by locals.

#### Referrals/consultation with Government/Service Agencies

The application was referred to the Department of Education who provided a no in principle objections to the proposed Child Care Premises subject to the following matters being given due consideration.

#### Land Use

- *The proposed Child Care Premises is considered acceptable in principle as the siting of such a use within close proximity of a primary school is consistent with the State Government's EduCare commitment. The EduCare commitment seeks to provide more child care, before and after school and holiday care within close proximity of each new public primary school site. Whilst Byford Primary School is an-existing school, the benefits associated with locating child care premises adjacent to existing school sites is consistent with the intent and objectives of the EduCare commitment.*
- *Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and a separate application has been submitted for a potential third Child Care Premises within the area at nos. 13-15 Beenyup Road). It will be the responsibility of the Shire of Serpentine Jarrahdale (Shire) and the JDAP to consider whether the number of Child Care Premises within the area would be consistent with the intent and objectives of the Shire's Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).*

#### Traffic Impact Statement

- *The Department notes that at peak drop-off/pick-up times, primary schools generate a significant number of vehicular movements in and around the sites. It is therefore critical to ensure that any development within close proximity of a school does not compromise the ability for staff, students and parents to safely and efficiently access the site.*
- *In this instance, the Traffic Impact Statement fails to provide any detailed commentary on the impacts on the Local Access Streets surrounding the application site and the Byford Primary School site. The proposal has therefore failed to demonstrate that the local street network will be able to adequately accommodate for the projected increase in vehicular movements generated by the proposed Child Care Premises.*
- *To address these concerns, the Department requests that additional information is provided prior to a determination being made on the application. The additional information should demonstrate that traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times. It should also consider the traffic generated from the Primary School, as well as the existing and proposed additional Child Care Premises at Nos. 13-15 Beenyup Road.*

### Car Parking and Access

- *The Applicant's report indicates that the number of car parking bays provided complies with the requirements of draft LPS3. However, the report advises that the Child Care Premises will operate with a minimum of 19 staff on site at any given time, whereas the car parking ratio of draft LPS3 requires one bay per staff member for the maximum number of employees on the premises at any given time.*
- *It would therefore appear that the proposal does not comply with LPS3 if more than 19 staff members are likely to be on site at any given time. The Department would not be supportive of the proposal relying on the on and off-street car parking embayments associated with the school site being used to accommodate for overflow car parking generated by the Child Care Premises. The Department would therefore request that a condition of approval be imposed which would either:*
  - *Require the requisite number of car parking bays to be provided on site and/or the maximum number of children on site at any given time being reduced; or*
  - *Require a car parking management plan being submitted and implemented prior to the initial occupation of the development. A car parking management plan should ensure that the proposed number of bays are appropriately managed so as to not have a reliance on the school's on and off-site car parking bays.*

### Waste Management

- *The Waste Management Plan submitted in support of the proposal indicates that waste and recycling bins will be moved by staff to the Amy Street verge and collected twice per week (four collections in total). Whilst the Department has no in principle objections to this, it is requested that a condition of approval is imposed which would require collections to occur outside of the Byford Primary School's peak drop-off /pick-up times to ensure that there is no conflict between vehicles accessing the school site and waste collection vehicles.*

### Construction Management

- *Due to the application site's close proximity to Byford Primary School, it is important the school is not burdened by the impacts associated with construction works. Therefore, it is requested that a condition of approval is imposed which would require a Construction Management Plan to be submitted prior to any works being undertaken on site. The Construction Management Plan should address the following matters:*
- *Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays surrounding the Byford Primary School site during peak drop-off/pick-up times.*
  - *How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Byford Primary School.*

### **Legislation and Policy:**

#### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Metropolitan Region Scheme*

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Draft Shire of Serpentine Jarrahdale Local Planning Strategy

#### State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- Planning Bulletin 72/2009 – Child Care Centres;
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses;

#### Structure Plans/Activity Centre Plans

- Byford Structure Plan
- Byford Townsite Local Development Plan

#### Local Policies

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy 4.18 – Street Tree Policy (LPP4.18)

#### Design Review Panel Advice

Not applicable

#### Swan Valley Planning

Not applicable

#### Other Advice

The proposal is for a single storey development on two lots. A condition for amalgamation of the site is recommended as a condition of approval. The subject site abuts an unconstructed Corbel Lane way to the north and this would need to be constructed and upgraded if the development were to be approved.

#### **Planning Assessment:**

The proposal has been assessed against the relevant legislative requirements of the Shire of Serpentine Jarrahdale No. 2, Draft Local Planning Scheme No.3 (LPS3) and Draft Local Planning Strategy (LPS), Byford District Structure Plan 2020, Byford Townsite Detailed Area Plan (DAP) and State Policy and Local planning policies

## Town Planning Scheme No. 2

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as 'Residential' within the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Local Development Plan (LDP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed land use can be considered within the designation within the Structure Plan and Local Development Plan.

Both documents refer to the subject site falling within the 'Byford Old Quarter' and for development to be sympathetic to the existing rural character and pattern of development within the area. The BDSP states as follows:

*"The area east of South Western Highway and north of Beenyup Road is referred to as the Byford Old Quarter or Blytheswood Park, being the original estate concept for Byford influenced by the garden city movement. The area includes traditional larger lots and is contained by a green belt. The spatial development pattern is still relevant as this presents a desirable alternative to urban sprawl. This area is also the historical development approach for Byford that should be celebrated as part of the Shire's heritage."*

The relevant objective of the LDP relating to development within the area states:

*"To minimise the impact of subdivision and development on the existing character, natural environment and amenity of the area"*

In this regard, Officers consider that the proposal, in its current scale and intensity, is likely to impact upon the existing amenity of the area and is incompatible with the expected form of development of the abovementioned documents. The addition of new development to the Byford Old Quarter, while inevitable over time, should reflect a pattern, scale, layout and intensity that is consistent with the character intended to be preserved. The quintessential pattern of low density, consistently fronted and modestly developed lots of the Old Quarter, is a perceivable aspect of the character that will be changed should this development be approved. This change is considered to detract from the prevailing and intended future character for the Byford Old Quarter.

## Land Use

The proposal falls within the TPS2 definition of 'Child Minding Centre', which is defined as follows:

*"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"*.

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*.

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. Subsequent to an assessment and consultation being undertaken, Officers consider that due to the size, scale and intensity of the proposal, the development is not compatible with the existing locality of the area, which is characterised by low density residential development, comprising of forms of development which reflects the traditional rural character of Byford.

Officers consider that although child minding centres can be found within the 'Residential' zones, the proposed development reflects a significantly larger, more intense operation, better located as part of, or immediately adjoining a Neighbourhood Centre. Such centres by their nature are designed with a supporting infrastructure network of roads and access streets that provide for flexible and efficient access, and have a supporting mix of primary and secondary uses which tend to create a

more active urban setting. This compares to the Byford Old Quarter, which is better described as suburban in its setting, with a limited land use mix and prevailing quiet residential amenity.

#### Draft Local Planning Scheme No.3 (LPS3) and Draft Local Planning Strategy (LPS)

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

*"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 relevant objectives of the 'Urban Development' zone under LPS3 is to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.

As mentioned above, through the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Local Development Plan (LDP), the planned development for the area is predominantly associated with low scale moderately sized residential development. Within these documents, there is a strong expectation that development within this area celebrates or is sympathetic to the traditional rural area of Byford, known as the 'Byford Old Quarter'.

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

An 'A' land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval. Subsequent to an assessment and consultation being undertaken, Officers consider that due to the size, scale and intensity of the proposal, the development is not compatible with the planned development for the area, being predominantly residential which seeks to preserve and maintain the traditional character of Byford.

#### Byford District Structure Plan 2020

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

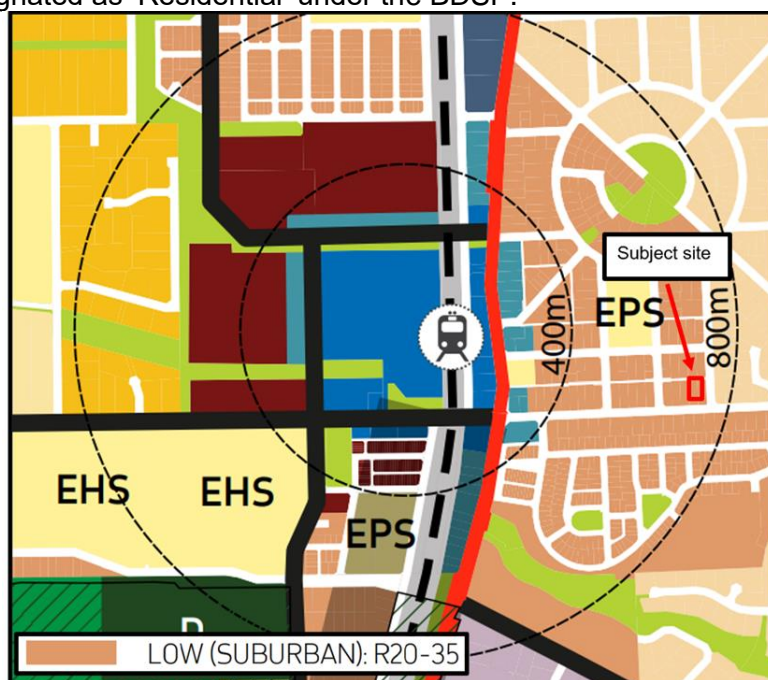


Figure:4 Byford Structure Plan 2020

It is noted as being on the very edge of the walkable catchment to the future Byford Metronet Station, and interfaces with lower dense development to the east. This establishes also a transitional role for the subject land.

#### Planning Bulletin 72/2009 – Child Care Centres

The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. The objectives of the policy are to:

- a) *locate child care centres appropriately in relation to their surrounding service area;*
- b) *minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) *minimise the impact the surrounds may have on a child care centre; and*
- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*

The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within easy walking distance and serviced by public transport. The proposal is located within a predominately residential area, but does not facilitate a through traffic movement due to the eastern edge of the Byford Old Quarter being hemmed in by the Darling Scarp. The closest bus stop, located in Clifton Street, is approximately 450 metres north west of the proposed development site. There is an existing foot path along Beenyup Road and Amy Street abutting the site.

The bulletin also states that it is crucial in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In regard to the level of impact the proposal may have on the amenity of the locality, Officers consider that the area the development is proposed to be located within is an area characterised by low density residential development, with low sized forms of development which reflect the traditional rural suburban character of Byford. The development by way of scale, noise and increased vehicle trips to the site and broader area will negatively impact upon the existing amenity of the area. Therefore, the proposal is not considered consistent with the Bulletin.

During the consultation period, concerns were raised regarding the increasing number of 'Child Minding Centres' in the locality and whether a demand analysis study had been undertaken. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy. While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances do not relate to this proposal.

Notwithstanding this, the applicant also provided a demand analysis study which concluded that there is a need for an early learning centre in this locality currently and in the future. The study considered projected population growth and other proposed centres in the Byford area.

#### Car Parking:

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 120 children, a minimum of 24 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 31 bays, including one (1) universal bay.

Officers note that parking availability onsite could be significantly impacted upon by the take up of bays by the 19 employed staff, leaving only 12 available for patrons. It is noted earlier that public transport is not conveniently located nearby the subject land, leading to this mode of transport being unlikely to be utilised. This creates a reasonable degree of planning uncertainty as to whether a centre of up to 120 children, and 19 staff, arriving at similar times of the day can occur in a safe



manner. Officers consider that a parking utilisation study should have been completed to demonstrate that the proposed development can achieve a safe operational outcome in respect of parking, drop and pick up activities, noting the prevailing character and amenity of local streets does not see any parking or access spill out in to such streets. For example, a parking utilisation study would help determine if the peak am/pm trips (84) and daily vehicle movements (420) can be efficiently accommodated.

The applicant has provided following table which summarises the parking requirements for the proposed development under LPS3:

LAND USE	PARKING REQUIREMENT	NO. OF CHILDREN / STAFF	PARKING REQUIRED	PARKING PROPOSED
Child Minding Centre	1:10 children, plus	120	12	12
	1:1 employee	19	19	19
Total	-	-	31	31

Officers consider that although the parking requirements have been met, there are still concerns that insufficient information has been provided to demonstrate that the development will be able to deal with the peak hour demand and overall trips generated by the development.

During the consultation period, these concerns were shared by the Department of Education. The DoE also raised concerns that the development did not cater for additional part-time staff on the premises that may be required.

#### Development Requirements

Table 11 TPS 2 set out site requirements for selected uses in the Residential Zone

Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Beenyup Road)	7.5m	5.02m	No
Rear (Corbell Lane)	7.5m	20.65m	Yes
Side (Western neighbour)	3.0m	1.5m	No
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.32	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.32	No

The front and side setbacks of the building are not consistent with Site Requirements of TPS2, which requires a minimum front and rear setback of 7.5m and a 3m side setback. The proposal also exceeds the minimum site coverage.

Officers acknowledge that the development slightly exceeds the prescribed site coverage requirements of TPS 2. The 0.3m site coverage provision reflects the maximum amount of area permitted to be developed upon. This is not a given; site coverage should be considered in context of the scale of development located within the surrounding area to ensure compatibility. In this regard, development within the locality of the subject site, is considered as low scale, moderately sized residential development, with traditional rural character. A development proposal of a commercial nature, which is at the higher end of the site coverage threshold, is considered to impact upon the amenity of the established area.

In terms of the front setback, the proposed development is set back 5.02m from Beenyp Road. The development is also proposed to be a setback of 10.2m from Amy Street, which does not achieve consistency with the existing streetscape. Dwellings along Amy street to the north and east generally have a front setback of 4m. Although the proposed setback of 10m has been increased to allow outdoor play areas further away from the western boundary, it is considered to detract from the existing streetscape.

Officers also consider that the solid wall proposed along Beenyp Road boundary and Amy Street boundary will adversely dominate the existing residential streetscape. Officers consider that the development, in terms of scale, is considered to impact upon the amenity of the area as it is considered out of character from the existing form of development within the area.

#### Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area A – Old Quarter of the DAP, which predominantly features single storey residential dwellings commonly constructed with face brick, and weather board with iron roofing. The DAP also sets out the aspirations of the future built form of the character area and as such, an assessment against the BDAP provisions under Character A is contained in the table below:

<b>DAP Requirement</b>	<b>Proposed Development</b>
<b>Lot sizes (infill)</b> Lots shall conform with the Residential Design Codes of Western Australia (RCodes) for R20 i.e. minimum 440m <sup>2</sup> average 500m <sup>2</sup> . (Lots within 400m of the intersection of Beenyp Road and the South West Highway, may be permitted to develop to the R30 code.	<b>Complies</b> – The application does not propose any infill development. The application proposes to amalgamate the two lots if planning approval were secured.
<b>Lot Configuration</b> Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.	<b>Complies</b> - The site abuts a Right of Way (RoW) Corbel Laneway on its northern boundary, which provide access to the car park to the development. The RoW is proposed to be widened for a depth of 2.5m as shown on the site plan forming part of this assessment. The applicant has provided information that the lane way will be ceded to the Shire.
<b>Building Setbacks</b> New buildings constructed fronting the existing streets shall be set back to achieve consistency within the streetscape.	<b>Does not Comply</b> – The proposed development is set back a minimum of 10.2m from Amy Street and 5.02m from Beenyp Road. The proposed setback of 10m along Amy Street does not achieve consistency with the existing streetscape where dwellings along Amy Street generally have a front setback of 4m. Although the proposed setback of 10m has been increased to allow outdoor play areas further away from the western boundary, this is considered to distort the existing streetscape.  Officers also consider that the solid wall proposed along Beenyp Road boundary and Amy Street boundary would detract from the existing residential streetscape.
<b>Dwelling Placement and Orientation</b> All dwellings shall front the street to maximise casual surveillance of the street or open space, at least one room shall face the street. They	<b>Complies</b> – The proposed building is orientated along a north–south axis. The activity rooms have major openings that would allow natural light.

DAP Requirement	Proposed Development
shall be orientated along a north–south or east–west axis to maximise solar access.	
<p><b>Scale, Proportion &amp; Built Form (infill)</b></p> <p>The existing built form, as described above, is of modest, single storey homes with porches, verandahs and/or awnings and steep roof pitches. New development shall complement this character. All new dwellings and/or additions to existing dwellings shall have:</p> <ul style="list-style-type: none"> <li>- a porch, verandah or fixed window awnings to the front of the dwelling (mandatory);</li> <li>- Roof pitch of no less than 25 degrees.</li> </ul>	<p><b>Does not comply.</b> The proposed scale and built form of the ‘Child Minding Centre’ is not considered to be compatible with the immediate locality, which is characterised by single storey modest homes. The design of the ‘Child-Minding Centre’ does not in any way attempt to mimic the existing architectural designs of the dwellings in the immediate vicinity. The building will stand out as a modern building, which is not sympathetic of the existing built form. The quintessential pattern of low density, consistently fronted and modestly developed lots of the Old Quarter, is a perceivable aspect of the character that will be changed should this development be approved. This change is considered to detract from the prevailing and intended future character for the Byford Old Quarter. While the building incorporates an awning fronting Beenyup and Amy Street, the built form is not considered consistent with the surroundings.</p> <p>The roof pitch is also not compliant.</p>
<p><b>Building Materials and Colour</b></p> <p>Colours that take inspiration from the local soils and vegetation are most appropriate. The following materials and colours are not supported:</p> <ul style="list-style-type: none"> <li>• Walls of custom orb steel sheeting, or concrete tilt up panels.</li> <li>• Colours that are garish and/or sharply contrasting with neighbouring dwellings and the context of the dwelling.</li> </ul>	<p><b>Does not comply</b> – The building is proposed to be constructed of tilt up concrete tilts and timber cladding. The applicant provided information that Dark grey and timber colours will be used to ensure the building is sympathetic to natural soils and vegetation</p>
<p><b>Corner Sites</b></p> <p>Due to their prominence in the neighbourhood, new dwellings situated on a corner lot must provide a frontage to both streets. This may be achieved by the use of feature windows, wrap-around verandahs, together with architectural detailing which reduces the visual impact of the façade. There should be no blank building facades facing either street.</p>	<p><b>Complies</b> – The proposed development incorporates an awning around the periphery of the building fronting Beenyup Road and Amy Street.</p> <p>Officers are however of the opinion that the scale of the building will result in a built form that is not compatible with the existing vicinity.</p>
<p><b>Servicing (bin storage, clothes drying areas, air conditioning units etc)</b></p> <p>Bin storage, clothes drying areas, air conditioning units, water heating systems and other plant and/or equipment are to be located such that they are not visible from the street,</p>	<p><b>Complies</b> – a provision for bin storage has been located to the rear of the building on the northern boundary near the main car park away from the and areas of street view.</p>

DAP Requirement	Proposed Development
and all noisy plant and equipment shall be located and insulated to minimise noise impacts on neighbouring properties.	
<p><b>Landscaping</b></p> <p>Encouraging a more sustainable or environmentally friendly approach to development should be inclusive of the development of private gardens.</p>	<p><b>Complies</b> – The applicant has provided a Landscape Plan and Revegetation Plan. The commercial nature of the land use limits the capacity to minimise the extent of outdoor paving to achieve the desired car parking for the site and soft landscaping required for child play areas.</p> <p>The proposed landscaping plan demonstrates through design and plant selection to be drought resistant to significantly reduce the requirement for continual reticulation.</p>
<p><b>Paving</b></p> <p>The hard landscape component comprises mainly surface treatments in the form of footpaths, kerbs and crossovers and of course the general road pavement.</p>	<p><b>Complies</b> – The subject site has existing footpath along the verges of Beenyp Road and (Amy Street). Two new crossovers are proposed along Amy street</p>
<p><b>Walls and Structures</b></p> <p>This incorporates public hard landscaping features, and features on private properties such as landscaping walls, steps, retaining walls, etc.</p> <p>Walls and structures should be constructed of appropriate materials.</p> <p>Limestone or limestone like constructions should not be permitted except where they are not visible from the street. Appropriate materials are timber, metal, red brick and granite or laterite rock constructions. These materials are consistent with the natural environment of the locality.</p>	<p><b>Complies</b> – The proposed retaining walls along the street boundaries have been included on the Landscape and Revegetation Plan.</p>
<p><b>Street Trees</b></p> <p>Street trees are an integral part of Byford. Where subdivision occurs, street trees shall be planted by the developer at a rate of 10 per 100m, or proportional amount depending on the width of the subdivided lot. The type of street trees to be planted shall be determined by Council to ensure consistency within the street.</p>	<p><b>Complies</b> – The proposed development will include the planting of ten (10) new street trees shrubs, and grass. A Landscape and Revegetation Plan has been provided and is forming part of this assessment.</p>
<p><b>Fences</b></p> <p>Front fences in Byford are not common, and therefore new front fencing is not encouraged.</p> <p>a) No fences over 1.2m high in front of the building setback.</p> <p>In the case of corner lots, fencing over 1.2m shall only be permitted in front of the secondary</p>	<p><b>Does not comply.</b> The application proposes construction of solid walls with an overall height of 2m. The solid wall with perspex infills is proposed along Beenyp Road to Amy Street. While the wall is required to provide security for children and achieve the acceptable noise levels, Officers note that a 2m solid fence has the potential to visually impact the adjoining properties and distort the streetscape. This</p>

DAP Requirement	Proposed Development
street building setback, as determined by Council and at its discretion.	proposal is therefore not suited for the residential place.

### Form of Development:

TPS2 does not specifically set out development standards for development in the 'Urban Development' zone. Part VII of TPS2 does however provide general development standards.

The objective of provision 7.1 – General Appearance of Buildings and Preservation of Amenity seeks to ensure architectural style, height, bulk colour, use of materials and the general appearance of buildings are harmonious with existing buildings and the amenity of the locality.

Below are the first set of elevations, as viewed from the north (Corbel lane Way), east (Amy Street) and north Beenyup Road).



The applicant has provided updated elevations which can be fully viewed with **attachment 2** and are as follows:



The proposed 'Child Minding Centre', as shown 5 above, would be constructed of concrete panels with timber aluminium look cladding with a colourbond roof. In reviewing these, Officers consider that the elevations do not reflect the built form of the 'Byford Old Quarter Character A', as it seeks to ensure that new development respects and compliments the traditional style of development in the area which typically reflects rural character.

The proposed form of development is considered modern, enclosing an expansive space and with punctured openings to panels reflective of the intended function of the adjoining rooms. While modern development forms do have a place especially in commercial areas where technology often drives for efficient operation, such is inconsistent with the expressed intent for the Byford Old Quarter.

The proposal presents a commercial design that is not sympathetic with the surrounding residential context. The overall design and materials proposed do not replicate the existing residential dwellings, thereby imposing on the existing streetscape. The scale of the building (800m<sup>2</sup>) is otherwise considered inconsistent with the surrounding buildings in terms of scale and design. The overall design of the proposal fails to complement the established pattern and character of the general locality.

### Amenity

During the consultation period, neighbouring residents raised significant concerns in relation to noise impacts of the proposal on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the scale of the 'Child Minding Centre' with a capacity of 120 Children.

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 existing neighbouring residential dwellings (sensitive receptors).

To address noise, the applicant submitted an Environmental and Noise Assessment (ENA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). This can be viewed as **attachment 4**. The report assessed noise emissions from outdoor child play areas, car doors closing in the car park and mechanical plants (air conditioning units, plant and extraction fans), against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*.

The Regulations set out the maximum allowable noise level that may be emitted, measured from the point of the receiver of that noise. In this case, computer modelling was used to predict noise emissions from the development at all sensitive receptors as shown below and demonstrated within the ENA.

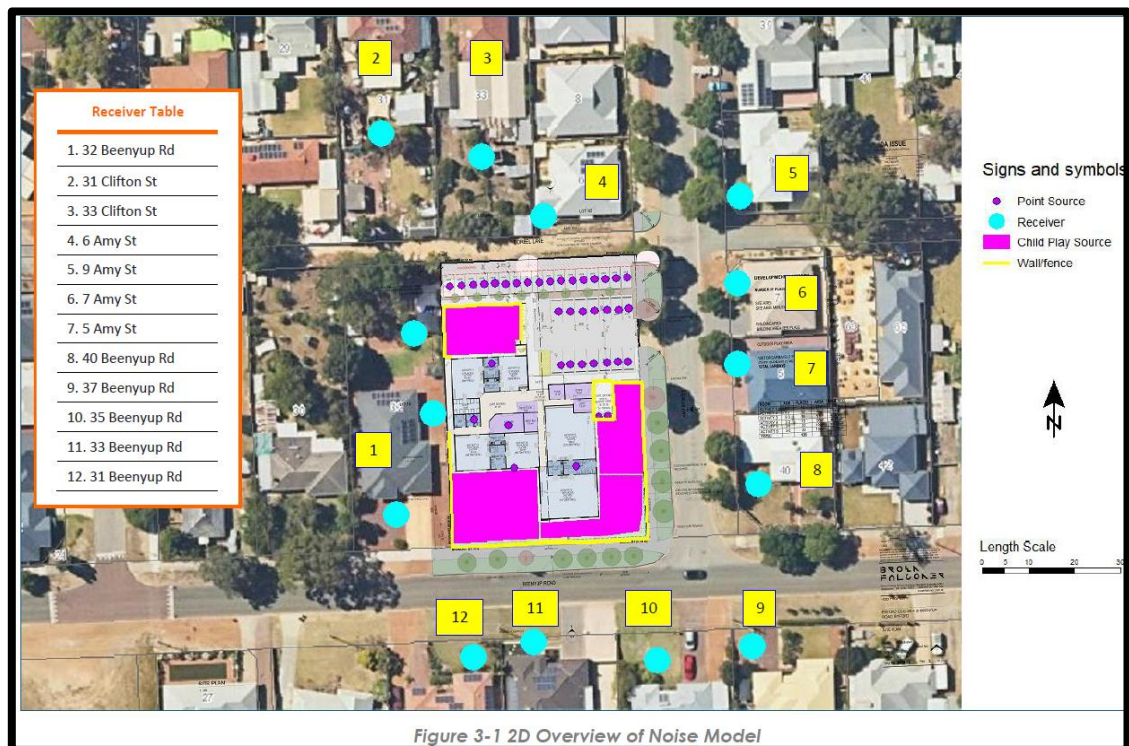


Figure 3-1 2D Overview of Noise Model

The predicted noise levels received at the sensitive receptors within the ENA for the major noise sources has been detailed within tables 5-1, 5-2 and 5-3 of **attachment 4**. The location of the sensitive receptors and noise receivers at this location have been captured in the above plan.

In terms of the child play assessment, the ENA demonstrates the noise receivers located at 1, 6, 7, 8, 9, 10, 11, and 12 will be exposed to noise levels at the higher end of the assigned 47 decibels (dB) level of the threshold. The sensitive receptors within these locations will be exposed to levels between 40 dB – 47 dB.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that noise receivers located at 1,6,7,8 although comply with the Regulation, will be exposed to noise levels at the higher end of the 37 dB assigned level of the Regulations. The sensitive receptors at these locations will be exposed to noise levels between 27 dB - 30 dB.

In respect to car doors opening and closing, ENA demonstrates that receivers 6 and 7 exceed the 57 dB assigned level of the Regulation. Furthermore, Officers note the receivers at 1,4, 6, 7 will be exposed to noise levels at the higher end of the 57 dB assigned level of the Regulations.

Officers consider that although the predicted noise levels generally comply with the Regulations, the sensitive receptors, due to the scale and intensity of the development, will be exposed to frequent noise emissions over a duration of the day, which will impact upon the amenity afforded to the occupiers of dwellings. In this regard, section 3(3) of the *Environmental Act 1986* sets out the circumstances where noise will be considered unreasonable (and therefore an offence under the EP

Act). Noise is considered unreasonable when it contravenes the noise regulations, but it is also considered to be unreasonable where, in section 3(3)(b) states:

*“having regard to the nature and duration of the noise emissions, the frequency of similar noise emissions from the same source (or a source under the control of the same person or persons) and the time of day at which the noise is emitted, the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person;”*

In terms of frequency and duration of noise from car doors, in the SAT matter *Land Alliance Pty Ltd and City of Belmont (205) WASAT 100* it was determined that drop off and pick up events associated with child mining centres would typically require three door openings and closing events.

*“The car will be in the car park and the driver will open the driver’s door, alight from the car and close the door. The door where the child is located will then be opened, the child will alight, and that door will be closed, there may also be a requirement for the driver to remove equipment from the boot that child needs for their day. After taking the child into the centre the driver will need to open and close the door.”*

The proposed development will generate 84 vehicle trips during the am (7am -10am) and pm (3pm to 6pm) peak times using a conservative amount of three door openings and closing events would trigger 126 events during the peak periods (42 x 3). In terms of the am peak period, Officers consider this to be a significant number of events at a time in the morning where low level activities in a low density residential suburb may be expected. The ENA has already demonstrated noise levels associated with this event being at the higher end of the threshold.

In terms of the outdoor play area, this will be available for use after 7am. There are no other details surrounding the periodic use of these areas subject to groups. The play areas are located around the north, south and west of the building and are in close proximity to residential properties. Within these play areas, there are likely to be number of activity points (such as a sandpit) which will attract children, thereby increasing the likelihood of concentration, frequency and extended periods of noise being received at the nearby sensitive receptors. Again, the ENA already demonstrates noise levels received at a number of the sensitive receptors are at the higher end of the threshold.

The mechanical plant comprises of the kitchen rangehood and exhaust fan to be located on the roof, various exhaust fans (toilets, laundry, nappy room) also to be located on the roof, AC plant to be located on ground level to be operational throughout periods of the day. The ENA stating that *“the most critical mechanical plant noise levels are to the residences to the east”*. The nature of the mechanical plant means that noise would be emitted over the course of the day and before 7am.

Officers therefore consider that the proposed development in respect to the frequency, concentration and duration of the noise emissions generated from the development to pose an unreasonable impost on the amenity of the area afforded to the occupiers of the nearby sensitive receptors. The development in this regard should not be supported.

Officers advise however, even if the applicant argues that the noise emission are not unreasonable as they comply with the Regulations, Officers consider compliance with the Regulations should not be the only test of deeming the appropriateness of a proposal.

Consideration needs to be given to the noise emissions generated from the development in context to the existing levels of noise in the locality, which form part of the amenity of the area to appropriately determine the impacts of a development. This position is consistent with Supreme Court’s decision in *G Rossetto & Co Pty Ltd v District Council of East Torrens (1984) LGRA 390*, Matheson regarding the South Australian Noise Control Act 1976-1977 which was also cited by the Western Australian Town Planning Appeal Tribunal in *BSD Consultants Pty Ltd and McDonalds Australia Ltd v City of Stirling* (Appeal No 1 of 1996, 24 May 1996) as follows:

*“The Act is thus an Act to control excessive noise and provides a penalty for breach of its provisions. I can understand the reference to it by the acoustical engineers, but I do not think it by any means follows that emission of noise that is not excessive pursuant to its provisions and to the said regulations has of necessity no effect on the amenity of a particular locality.”*



As such, without an assessment demonstrating the existing noise levels, there is insufficient information to assess the impacts of noise and the appropriateness of the development. Making a decision purely on meeting the assigned levels of the Regulations does not reflect proper and orderly planning. Assigned noise levels can be poor measures especially in quieter areas, and the logarithmic nature of noise means for every 3db increase in noise from what currently exists, the noise is perceived as being twice as loud. This explains some of the importance in understand clearly existing noise levels.

### Traffic

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. Vehicle access to the subject site is proposed via two crossovers from Amy Street. The northern crossover will provide access to the staff car park abutting Corbel Lane way with 17 bays. The southern crossover will provide access to the main parking area comprising of 14 parking spaces, including two staff spaces plus one Accessible (disabled) space. There are existing footpaths along the northern side of Beenyup Road and the western side of Amy Street, immediately adjacent to the proposed development.

During the consultation period, concerns were raised to 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 **attachment 5** to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the surrounding local road network, which includes South Western Highway, Clifton Street, Mary Street and Amy Street.

Beenyup Road is classified as a Local Distributor Road and Amy Street is classified as an Access Road, both under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h.

The findings on the volume of traffic likely to be generated by the proposal was estimated using surveyed traffic counts obtained from the Main Roads WA Traffic Map website and available data. The TIS states that the AM and PM peak periods for the early learning centre is 7am to 10am and 3pm to 6pm, respectively. The peak periods were aligned, with the early learning centre having more staggered peak. The TIS provided that the development is estimated to generate a total of 420 vehicle trips per day, with a peak hour flow of 84 vehicle trips per hour during both the AM and PM peaks, which falls under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines.

*"The TIS assumed that 55 percent of the total trip generation will access the site to/from the west (via Beenyup Road and South Western Highway), while 30 percent is expected to/from the east, leaving 15 percent to/from the north. It also states that a significant proportion of the total traffic generation will be 'passing trips' that are already on the road network, travelling from the surrounding residential area to/from South Western Highway or to/from the nearby Primary School. The report therefore contents that the proposed development is therefore expected to have little or no traffic impact on the current operation of the nearby signalised intersection and surrounding road network. The traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times".*

Notwithstanding the findings of the report concluding that the road network has the capacity to accommodate the extra traffic, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality. The 420 additional vehicle movements to the site (84 vehicle trips per hour during the AM and PM) would be a significant increase from the existing vehicle movements within the locality which is predominately associated with residential development. The extra vehicle movements and noise associated with it aligns more towards a scale of development which would be better placed within a commercial or centre zone of the Shire where there are the appropriate buffers to sensitive receptors and where the expectation of development is different.

## Local Planning Policies

### 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. The applicant acknowledged that the provisions of the LPP further provided a view that the imposition of a condition did not serve a proper planning purpose and made reference advice with DR 87 of 2018 (**the BGC Case**) on 4 September 2018. However, Officers consider that there are differences between the matters. This development, if approved, will be a commercial development within a residential setting. The above case involved public art for industrial development within an Industrial zone. The impacts upon the residential amenity from commercial development being constructed, can be balanced by art which seeks to reflect the broader characteristics of the locality, reducing the overall impact of the development.

In this instance, commercial development is proposed within a residential setting which, by way of its natural form of development, can impact upon the amenity of the area. The area currently comprises of residential development within a traditional rural character area of Byford. The purpose of the public art in this case would be to celebrate this and contribute towards a sense of place.

To this end, should the application be approved, a percentage for art condition of development approval would be recommended by way of a condition, consistent with the policy. The condition would ensure that public art is accounted for and further negotiation with the applicant can be undertaken as part of the ongoing process.

### Local Planning Policy 4.11 (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 were to be 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 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 the stormwater incident to the site is managed shall be provided prior to commencement of works. The SMP shall address the stormwater management and treatment system for managing stormwater quality and quantity from small, minor and major rainfall events.

The car park stormwater drainage system to be designed, constructed and managed in accordance with the DWER's *Decision process for stormwater management in Western Australia (November 2017)*. Rain gardens and flush kerbing providing first flush storage and water treatment is considered an important design response for the land. This would be included as a condition of approval if the development were to be approved.

### Local Planning Policy 24 (LPP24) – Designing Out Crime

LPP24 encourages commercial development to incorporate principles of Crime Prevention through Environmental Design (CPTED). LPP24 sets out five key crime prevention principles that are to be applied to different levels of the planning framework according to the policy. A development application needs to be assessed against the principles of the policy. The principles relate to

surveillance, access control, territorial reinforcement, target hardening, management, and maintenance.

Officers note that a solid wall has been included, which would normally impact passive surveillance and design out of crime. The use of perspective infill elements appears to address some degree of visual surveillance of the surrounding public realm.

### Developer Contributions (DCA3)

This development falls within Development Contribution Area No. 1 (DCA1), which is incorporated into the Town Planning Scheme No. 2 under Plan No.10A (Byford Traditional Infrastructure DCP). It is therefore subject to the provisions of the DCP, and the landowner will be required to make the associated Development Contribution payment when the liability is triggered (the application for the Building Permit).

As the Byford Traditional Infrastructure DCP is currently undergoing an Amendment (Amendment 208) to the Town Planning Scheme, which is considered Seriously Entertained (being adopted by Council and submitted to the WAPC for final approval), the landowner will be required to make a payment in line with the new Amendment, once gazette and the associated DCP Report Revision is in place, at which point the revised Contribution Per Lot value will be confirmed.

As such, the subject site will be subject to Development Contributions if approval of the development were to be issued.

### **Conclusion:**

Officers consider that the proposed 'Child Minding Centre' proposed to cater a maximum of 120 children is a significant scale development that would adversely impact on the surrounding residential amenity property by way of noise. The resultant built form is not considered to be sympathetic to the surrounding residential area which is characterised by contemporary modest single dwellings predominant of the Byford Old Quarter.

Officers are concerned that the proposal in its current form and scale is not compatible with the residential settings of this locality and would adversely impact the amenity of the locality and therefore recommends refusal of the application.

### Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the JDAP resolve to approve the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 and as set out in the Development Assessment Panel Practice Notes: Making Good Planning Decisions.

However, as outlined in the report sections above, the Shire consider that the proposal, in its current scale, will adversely impact upon the existing and intended future amenity of neighbouring properties and the general locality, and is incompatible with the locality and it is therefore recommended that the application be refused.

## **Attachment 2**

Architectural Drawings



# BYFORD CHILD CARE CENTRE

34 + 36 BEENYUP ROAD, BYFORD



## DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

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A	PRELIMINARY	23/06/21
B	PRELIMINARY	29/06/21
C	PRELIM DA ISSUE	30/06/21
D	DA ISSUE	05/07/21

01	COVER SHEET	D
02	SURVEY	D
03	SITE PLAN	D
04	FLOOR PLAN	D
05	ROOF PLAN	D
06	ELEVATIONS	D
07	STREET ELEVATIONS	D
08	3D VIEWS	D

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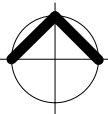
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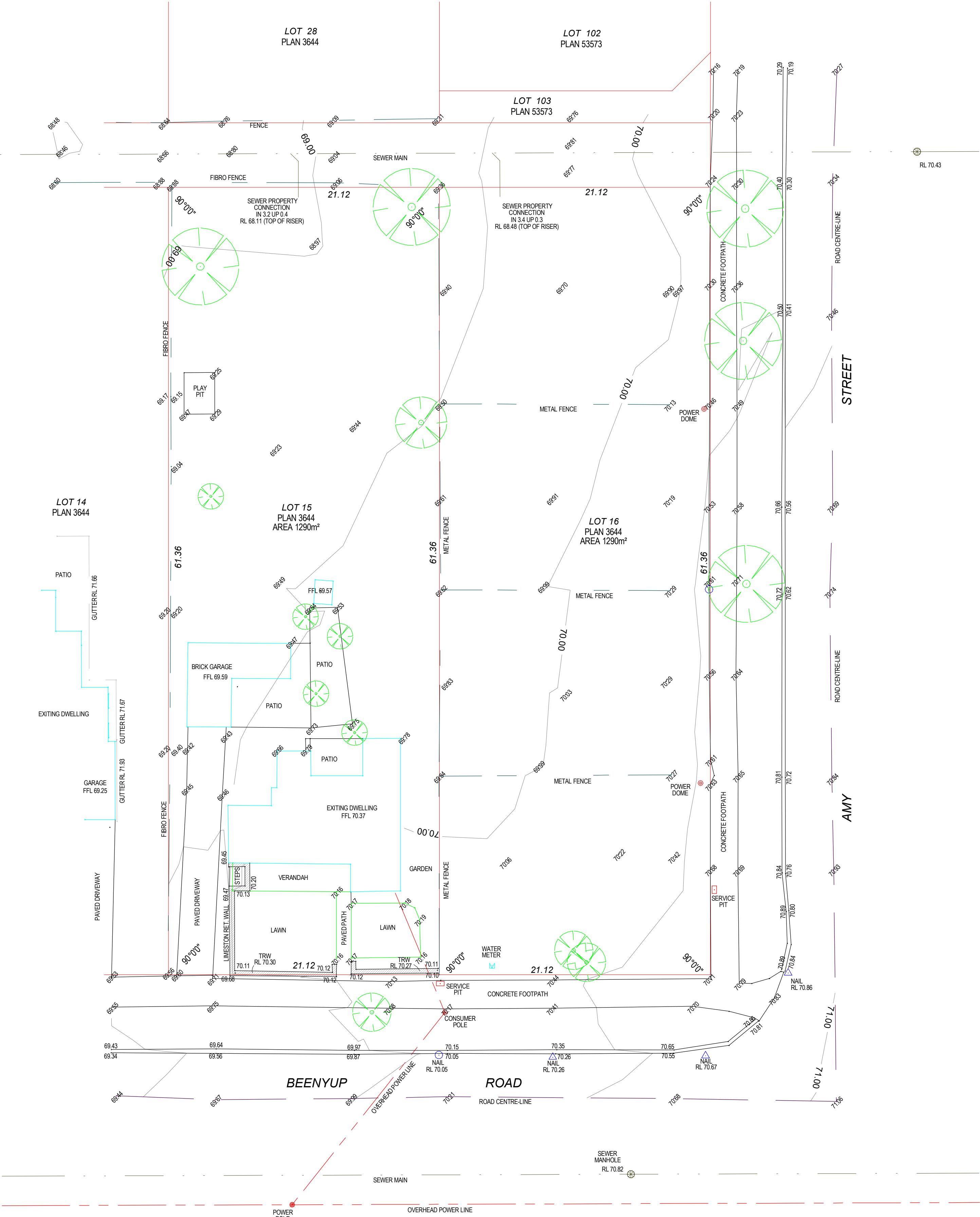
BYFORD CCC, 34 + 36 BEENYUP ROAD, BYFORD

COVER SHEET

Scale	1 : 500	
Drawn	DC	Checked MJ
Date	05/07/21	
Job No.	2021029	
Dwg No.	3435 01	Rev: D A1 SHEET





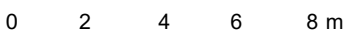


DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

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SURVEY AS PREPARED BY WESTWIND SURVEYING



1:200

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SURVEY

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Drawn DC

Checked MJ

Date 05/07/21

Job No. 2021029

Dwg No. 3435 02

Rev: D

A1 SHEET



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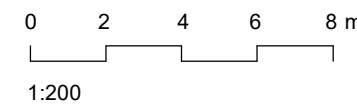
Rev.	Amendment	Date
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B	PRELIMINARY	23/06/21
C	PRELIM DA ISSUE	30/06/21
D	DA ISSUE	05/07/21

## DEVELOPMENT SUMMARY

NUMBER OF PLACES 120

SITE AREA 2592m<sup>2</sup>  
SITE AREA MINUS ROAD WIDENING 2486m<sup>2</sup>BUILDING AREA 830m<sup>2</sup>  
BUILDING AREA PER PLACE 6.9m<sup>2</sup>OUTDOOR PLAY AREA 846m<sup>2</sup>VISITOR CARBAYS (1 PER 10 PLACES) 12  
STAFF CARBAYS (1 PER EDUCATOR) 19  
TOTAL CARBAYS 31

ROOM	AGE	PLACES	AREA	AREA REQ.
ACTIVITY 1	0-2	12	55m <sup>2</sup>	39m <sup>2</sup>
ACTIVITY 2	0-2	12	44m <sup>2</sup>	39m <sup>2</sup>
ACTIVITY 3	2-3	15	50m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 4	2-3	15	50m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 5	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
ACTIVITY 6	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
TOTAL		120		



1:200

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SITE PLAN

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Job No. 2021029  
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## SITE PLAN

1:200

DA ISSUE

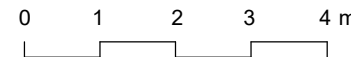
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Rev.	Amendment	Date
A	PRELIMINARY	23/06/21
B	PRELIMINARY	23/06/21
C	PRELIM DA ISSUE	30/06/21
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DEVELOPMENT SUMMARY

NUMBER OF PLACES	120
SITE AREA	2592m <sup>2</sup>
SITE AREA MINUS ROAD WIDENING	2486m <sup>2</sup>
BUILDING AREA	830m <sup>2</sup>
BUILDING AREA PER PLACE	6.9m <sup>2</sup>
OUTDOOR PLAY AREA	846m <sup>2</sup>
VISITOR CARBAYS (1 PER 10 PLACES)	12
STAFF CARBAYS (1 PER EDUCATOR)	19
TOTAL CARBAYS	31

ROOM	AGE	PLACES	AREA	AREA REQ.
ACTIVITY 1	0-2	12	55m <sup>2</sup>	39m <sup>2</sup>
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ACTIVITY 4	2-3	15	50m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 5	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
ACTIVITY 6	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
TOTAL		120		



1:100

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FLOOR PLAN

Scale As indicated  
Drawn DC Checked MJ  
Date 05/07/21  
Job No. 2021029

Dwg No. 3435 04 Rev: D A1 SHEET

GROUND FLOOR

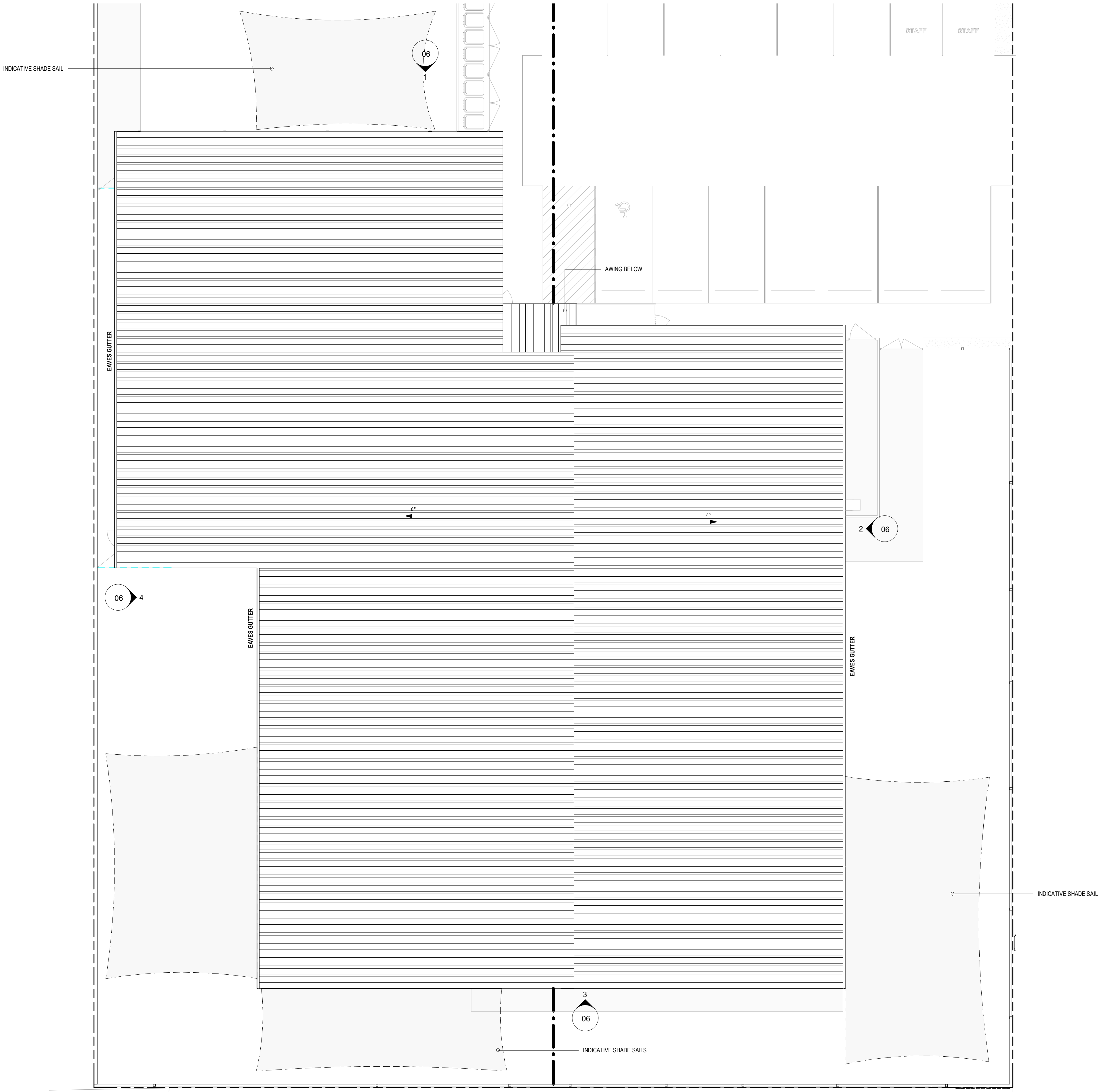
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ROOF PLAN

Scale 1 : 100  
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Date 05/07/21  
Job No. 2021029  
Dwg No. **3435 05** Rev: **D** A1 SHEET

ROOF

1 : 100



DA ISSUE

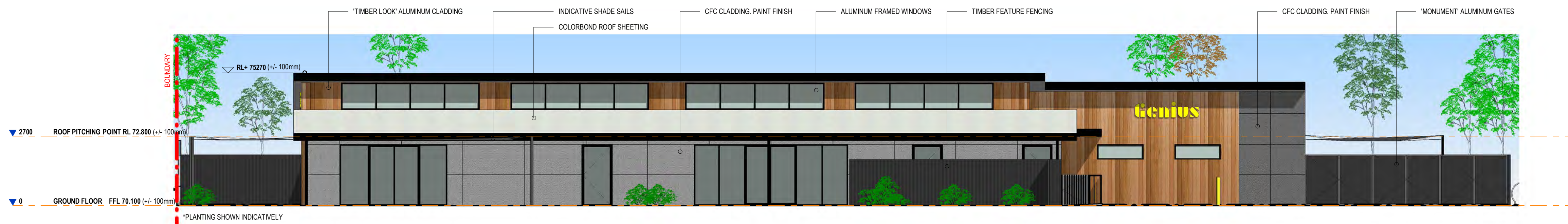
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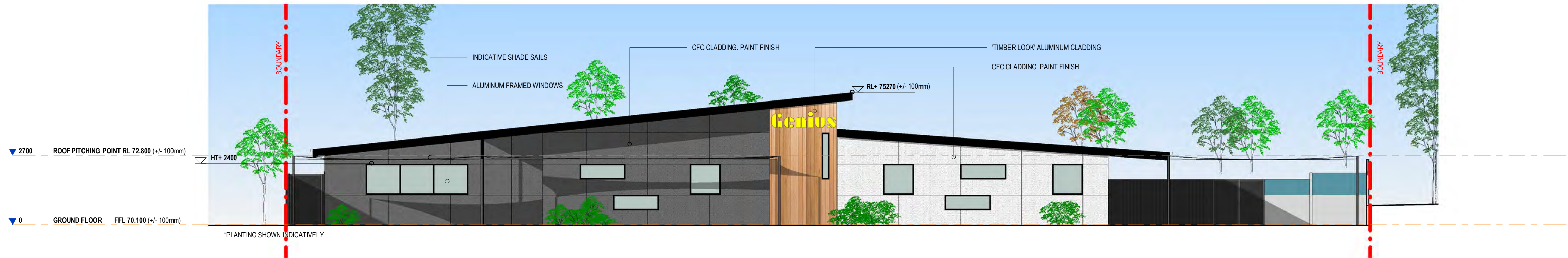
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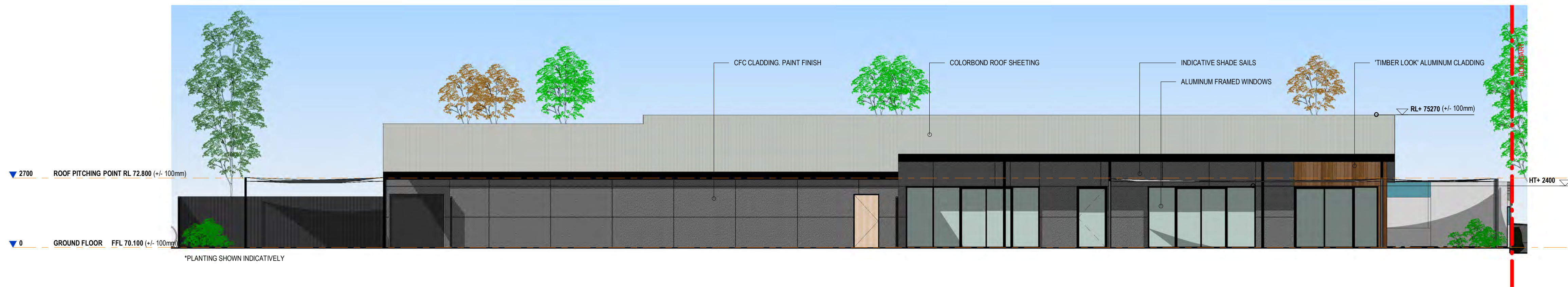
2 - EAST ELEVATION

1 : 100



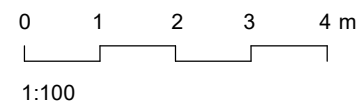
3 - SOUTH ELEVATION

1 : 100



4 - WEST ELEVATION

1 : 100



1:100  
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ELEVATIONS

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Dwg No. 3435 06 Rev: D A1 SHEET



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D	DA ISSUE	05/07/21



1 - CORBEL LANE ELEVATION

1 : 100



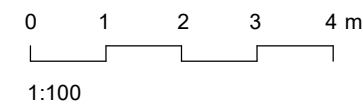
2 - AMY STREET ELEVATION

1 : 100



3 - BEENYUP ROAD ELEVATION

1 : 100



1:100  
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STREET ELEVATIONS

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3D VIEWS

Scale		
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# BYFORD CHILD CARE CENTRE

34 + 36 BEENYUP ROAD, BYFORD



## DA ISSUE

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C	PRELIM DA ISSUE	30/06/21
D	DA ISSUE	05/07/21
E	DA REVISION	25/07/21

01	COVER SHEET	E
02	SURVEY	E
03	SITE PLAN	E
04	FLOOR PLAN	E
05	ROOF PLAN	E
06	ELEVATIONS	E
07	STREET ELEVATIONS	E
08	3D VIEWS	E

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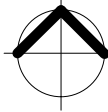
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COVER SHEET

Scale	1 : 500	
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Date	25/07/21	
Job No.	2021029	
Dwg No.	3435 01	Rev: E
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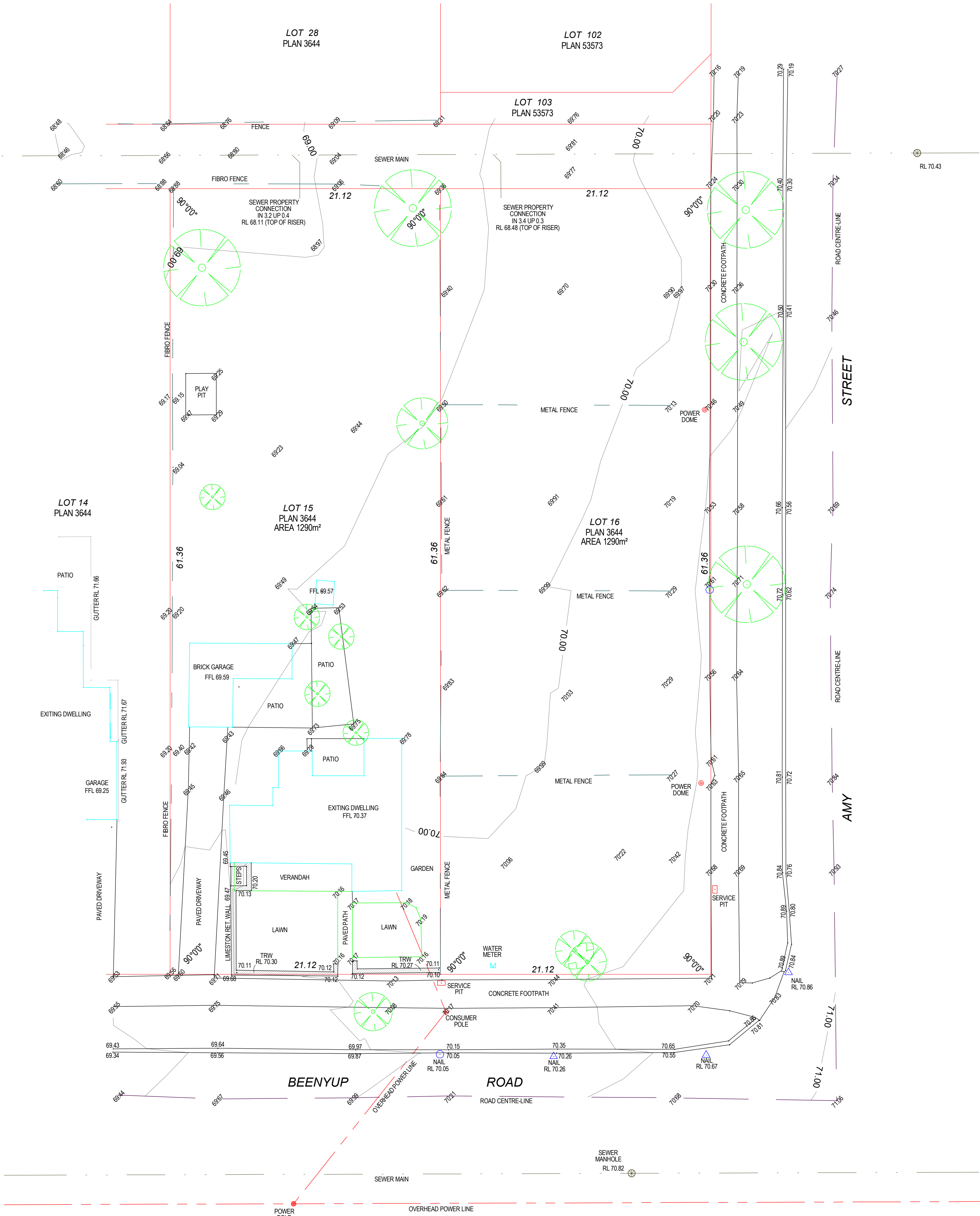




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SURVEY

1 : 200

SURVEY AS PREPARED BY WESTWIND SURVEYING

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SURVEY

Scale 1 : 200

Drawn DC

Checked MJ

Date 25/07/21

Job No. 2021029

Dwg No. 3435 02

Rev: E

A1 SHEET

## DA ISSUE

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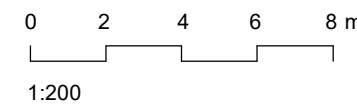
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TOTAL CARBAYS 31

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ACTIVITY 3	2-3	15	51m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 4	2-3	15	50m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 5	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
ACTIVITY 6	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
TOTAL		120		



1:200

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HBB PROPERTY

BYFORD CCC, 34 + 36 BEENYUP  
ROAD, BYFORD

SITE PLAN

Scale As indicated  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029

Dwg No. 3435 03 Rev: E A1 SHEET

## SITE PLAN

1:200



DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

Rev.	Amendment	Date
A	PRELIMINARY	23/06/21
B	PRELIMINARY	23/06/21
C	PRELIM DA ISSUE	30/06/21
D	DA ISSUE	05/07/21
E	DA REVISION	25/07/21



DEVELOPMENT SUMMARY

NUMBER OF PLACES 120

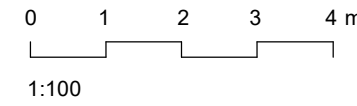
SITE AREA 2592m²  
SITE AREA MINUS ROAD WIDENING 2486m²

BUILDING AREA 800m²  
BUILDING AREA PER PLACE 6.7m²

OUTDOOR PLAY AREA 862m²

VISITOR CARBAYS (1 PER 10 PLACES) 12  
STAFF CARBAYS (1 PER EDUCATOR) 19  
TOTAL CARBAYS 31

ROOM	AGE	PLACES	AREA	AREA REQ.
ACTIVITY 1	0-2	12	51m²	39m²
ACTIVITY 2	0-2	12	40m²	39m²
ACTIVITY 3	2-3	15	51m²	48.75m²
ACTIVITY 4	2-3	15	50m²	48.75m²
ACTIVITY 5	3-5	33	108m²	107.25m²
ACTIVITY 6	3-5	33	108m²	107.25m²
TOTAL		120		



1:100

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FLOOR PLAN

Scale As indicated  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029

Dwg No. 3435 04 Rev: E A1 SHEET

GROUND FLOOR

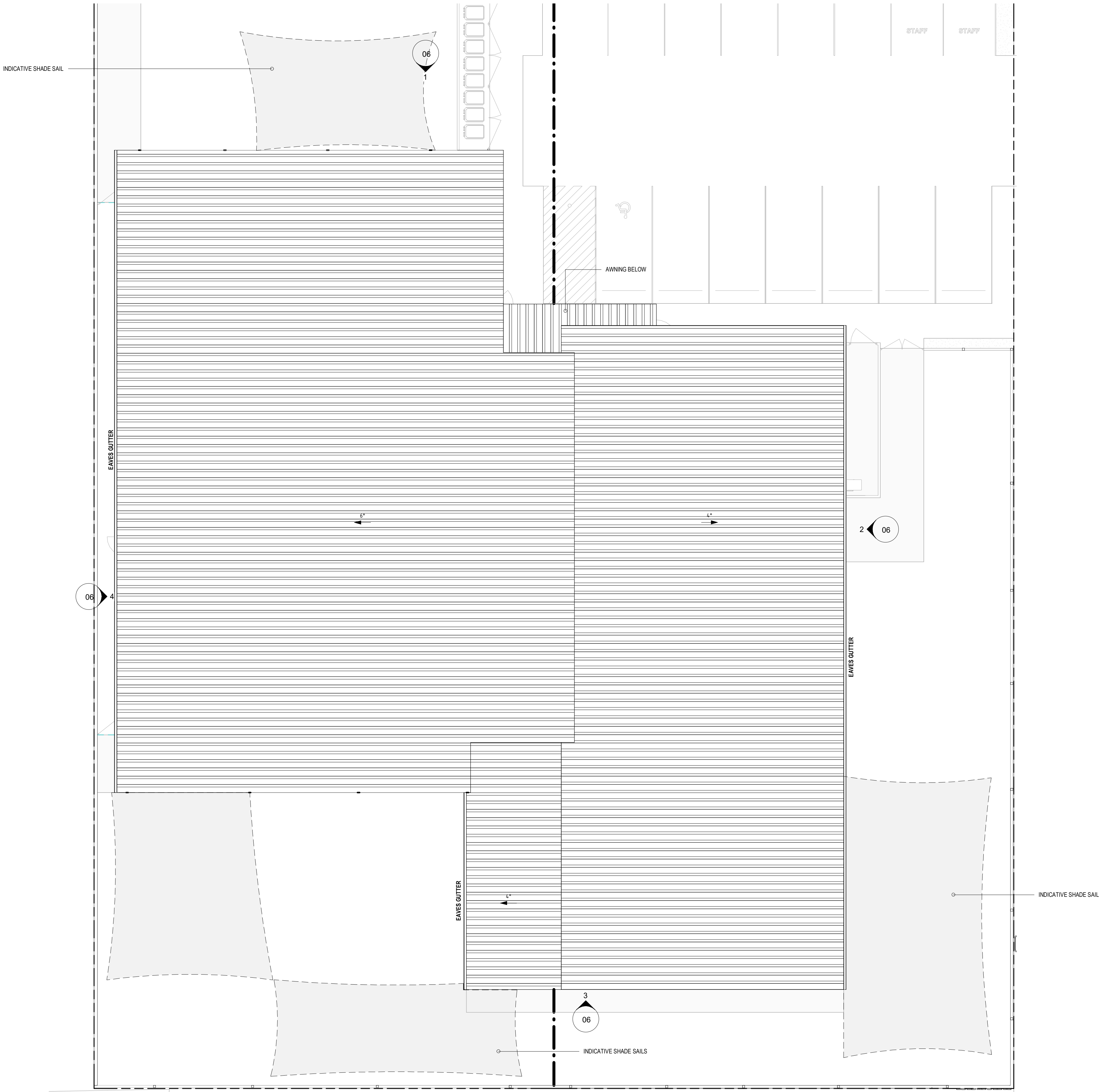
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DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

Rev.	Amendment	Date
C	PRELIM DA ISSUE	30/06/21
D	DA ISSUE	05/07/21
E	DA REVISION	25/07/21



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ROOF PLAN

Scale 1 : 100  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029  
Dwg No. **3435 05** Rev: **E** A1 SHEET

ROOF

1 : 100



DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

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1 - NORTH ELEVATION

1 : 100



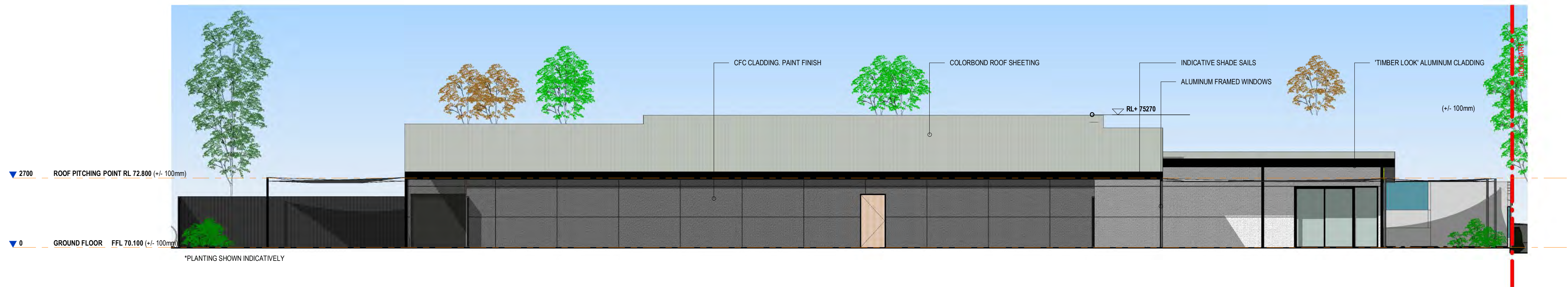
2 - EAST ELEVATION

1 : 100



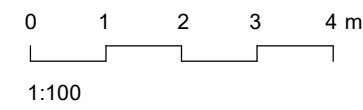
3 - SOUTH ELEVATION

1 : 100



4 - WEST ELEVATION

1 : 100



1:100

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ROAD, BYFORD

ELEVATIONS

Scale 1 : 100  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029  
Dwg No. 3435 06 Rev: E A1 SHEET



## DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

Rev.	Amendment	Date
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D	DA ISSUE	05/07/21
E	DA REVISION	25/07/21



## 1 - CORBEL LANE ELEVATION

1 : 100



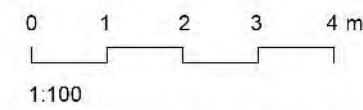
## 2 - AMY STREET ELEVATION

1 : 100



## 3 - BEENYUP ROAD ELEVATION

1 : 100



1:100

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STREET ELEVATIONS

Scale 1 : 100  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029  
Dwg No. **3435 07** Rev: **E** A1 SHEET





DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

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3D VIEWS

Scale		
Drawn	DC	Checked MJ
Date	25/07/21	
Job No.	2021029	
Dwg No.	3435 08	Rev: E A1 SHEET



## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
<b>First Submission – Period of Advertising- 21July 2021 to 11 August 2021</b>					
A403538	1	a.	No Problems.	Noted.	
		b.	Only 1 suggestion – the roads from South Western Highway up along Beenyup Road to Amy Street – the roads need to be fixed due to the increase of traffic. Maybe green arrows turning right onto the Highway need to be added.	A Transport Impact Statement ( <b>TIS</b> ) prepared by Uloth and Associates is in accordance with the Western Australian Planning commission ( <b>WAPC</b> ) Transport Impact Assessment Guidelines ( <b>TIA Guidelines</b> ). The TIS did not find any safety issues with this intersection, or indication that the proposed development will create or contribute to any safety issues.	Noted - As discussed in the report, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality.
A406259	2	a.	Thanks. I am happy that this development is taking place as will modernise the design of the street and would make great and efficient service for the close by locals.	Noted.	Noted
A307311	3	a.	The street gets very bust at school pick up and drop off times. It is not safe to walk, cross or even drive around at these times. Not enough parking at school so parents park along Amy Street and there will not be enough parking.	In respect to traffic safety, please refer to the Applicant Response to comment 1b.  If there is an existing parking issue associated with the Byford Primary School, it is not the proponent's responsibility to resolve this.	As discussed in the report Officers consider that although the parking requirements have been met, there are still concerns that insufficient information has been provided to demonstrate that the development will be able to deal with the peak hour demand and overall trips generated by the development.  The proposed land use can be considered within the designation within the Structure Plan and Local Development Plan. However as discussed in the report, Officers consider the that the proposal in its current form will detract from the prevailing and intended future character for the Byford Old Quarter.

## SUMMARY OF SUBMISSIONS

### PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

		b.	<p>As a stay at home parent, if I wanted to live across the road from a daycare I would have bought a house across from a daycare centre.</p>	<p>The proposal is capable of approval within the 'Urban Development' zone (and the subject site) under the Shire of Serpentine-Jarrahdale (<b>the Shire</b>) Town Planning Scheme No. 2 (<b>TPS 2</b>), and the proposed development is consistent with the relevant objectives of the 'Urban Development' zone, which are (underline is Author's emphasis):</p> <p>(a) <i>development of functional communities consistent with orderly and proper planning and the <u>establishment and maintenance of an appropriate level of amenity</u>;</i></p> <p>(c) <i>provision of retail, commercial, industrial and mixed use facilities <u>to service the needs of residents within the communities</u>, and integration of these facilities with social and recreational services, so as to <u>maximise convenience</u>;</i></p> <p>(d) <i>provision of retail, commercial, business park and industrial facilities <u>to provide local employment opportunities</u>;</i></p> <p>(e) <i><u>provision of open space and recreation networks</u>, <u>appropriate community services</u>, school sites and other recreational facilities;</i></p> <p>TPS 2 does not provide any land use permissibility for land uses within the 'Urban Development' Zone. Rather, decision makers are required to apply discretion in accordance by giving due</p>	
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## SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

				<p>regard to the relevant structure plan in accordance with Clause 27(1) and any development (other than a single house) will be assessed against Clause 5.19.1.3 of TPS 2.</p> <p>In addition, the subject site is also zoned 'Urban Development' under the provisions of the Draft Local Planning Scheme No. 3 (Draft LPS 3), which is currently with the WAPC for its final assessment and determination. It is a seriously entertained planning instrument. The Shire has also advised that any Development Application will be assessed against the requirements of the Draft LPS 3.</p> <p>Under the provisions of the Draft LPS 3, the proposed use is capable of approval. The relevant objectives of the 'Urban Development' Zone in Draft LPS 3 are:</p> <ul style="list-style-type: none"><li>• <i>To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</i></li><li>• <i>To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</i></li></ul>	
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## SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

				<p>The proposed development is consistent with the provisions of TPS 2 and Draft LPS 3 for the following reasons:</p> <ul style="list-style-type: none"><li>• The 'Child Minding Centre' use is classified as an 'A' use within the 'Urban Development' Zone under the provisions of the Draft LPS 3.</li><li>• Early learning centres are considered an essential service. Essential services provide a function which allows community cohesion. The proximity to these services improves walkability, streetscape and overall amenity of residential communities. The proposal will positively contribute to the amenity of the area by providing a much needed and essential service within the locality.</li><li>• The proposal will service the needs of the residents in the surrounding area.</li><li>• The proposal will offer a level of convenience to surrounding residents as it will provide an essential service in proximity to a commercial centre, a school and surrounding residential area.</li><li>• The proposal will provide the opportunity for additional local employment (a total of 19 staff). Importantly, the proposal will also</li></ul>	
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## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

				<p>provide the opportunity for both parents in a family to go back to work after having children – offering day long childcare and early learning services. This is a significant community benefit, with increased employment and income in households which can result in additional spending in the economy.</p> <ul style="list-style-type: none"> <li>• The relevant structure plan is the Byford Townsite Detailed Area Plan (<b>the Detailed Area Plan</b>). The site is identified as 'Residential' with a density coding of 'R30' in the Detailed Area Plan. The location of an early learning centre in a residential area is not unusual. The proposal will provide child care services to residents of the surrounding area, with the location of the proposal is intended to accommodate families by reducing travel times and number of car trips, and encouraging active transport options including walking and cycling. The area around the subject site includes a school and a commercial centre.</li> <li>• The Detailed Area Plan is considered an old document. However, it is equally considered that any revised version of the</li> </ul>	
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## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				<p>Detailed Area Plan will identify the subject site and surrounding area as residential in nature. It is likely that any revised Detailed Area Plan would allow contemporary architectural built form which reflects or is sympathetic to the character of the existing housing stock. This is not unreasonable and is already observed in the surrounding area where new houses have been constructed as land has been subdivided. Therefore, the proposed development is consistent with Clause 5.19.1.3 of TPS 2.</p> <ul style="list-style-type: none"> <li>The proposed development is compatible with the surrounding residential area.</li> </ul> <p>It is not appropriate to expect that the only form of development that is capable of being approved at the subject site must be residential in nature. The provisions of TPS 2 and Draft LPS 3 allow for this type and form of development at the subject site and, importantly, it allows for development of a greater scale and size than what is currently proposed.</p>	

## SUMMARY OF SUBMISSIONS

### PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

A401692	4	a.	<p>We believe the proposed childcare centre is too big.</p>	<p>Table 2 of TPS 2 states a maximum plot ratio of 0.5 and maximum site coverage of 0.3 of a 'Child Minding Centre' within the 'Residential' Zone. The proposed development has a plot ratio area of 0.32 (791m<sup>2</sup>) and maximum site coverage of 0.32 (based on the site area excluding the road widening – it is 0.30 including the road widening area). The proposal is compliant with the maximum plot ratio permitted at the subject site and only slightly over in terms of site coverage.</p> <p>In this respect, the proposed development is much smaller in terms of building size when the site might otherwise accommodate up to eight (8) dwellings, at a 'R30' coding. The site coverage of those dwellings could be up to 55% of the site, plus a little extra of patio areas. This could equate to over 1,367m<sup>2</sup> of buildings. The proposed building is 800m<sup>2</sup>, which is 58.5% of the permitted site coverage area, and 32% of the overall site. The proposal is single storey building, with generous setbacks to the streets. The proposal represents a conservative outcome with respect to the building size, scale and relationship to the adjoining streets and properties. Therefore, the proposed development is not a large building.</p> <p>As previously mentioned, the Shire advised that any Development</p>	<p>As discussed in the report the proposed scale and built form of the 'Child Minding Centre' is not considered to be compatible with the immediate locality, which is characterised by single storey modest homes.</p>
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### SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				Application will be assessed against the requirements of the Draft LPS 3. It is important to acknowledge that the maximum plot ratio and site coverage provisions in TPS 2 have not carried over to the Draft LPS 3. This means there has been some consideration around the notion of an early learning centre in a residential area and it has been deemed that these provisions are no longer required. Since the Draft LPS 3 is a seriously entertained planning document, we consider that it is not appropriate in the sense of orderly and proper planning to impose these requirements on this development.	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	120 children will generate a great amount of noise.	<p>The submitted proposal had been designed to comply with the <i>Environmental (Noise) Regulations 1997 (Noise Regulations)</i>, as outlined in the Acoustic Assessment prepared by Lloyd George Acoustics and submitted with the Application. Particular consideration has been given to building materials and the location of play areas and parking areas. As concluded by the Acoustic Assessment, the proposed development is compliant with the Noise Regulations at all hours of the day.</p> <p>However, we acknowledge that concerns were raised in the public submissions and by the Shire of the location of a section of the play space along the western lot boundary and its proximity to the adjoining property. We have reorientated the Activity Rooms No. 3 and 4 to face Beenyup Road. As a result, the play space now entirely sits within the setback area of the proposed development, minimising the extent of the play space abutting the neighbouring property.</p> <p>The revised proposal has been reassessed by Lloyd George Acoustics and deemed to still comply with the Noise Regulations.</p>	As discussed in the report Officers therefore consider that the proposed development in respect to the frequency, concentration and duration of the noise emissions generated from the development to pose an unreasonable impost on the amenity of the area afforded to the occupiers of the nearby sensitive receptors.

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		c.	We live directly opposite. Traffic and parking would be a problem given the proximity of Byford primary school.	<p>In relation to traffic, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS concluded the proposed development would have no adverse impact on the surrounding road network nor cause an adverse traffic impact on the surrounding area.</p> <p>In relation to parking, please refer to the Applicant Response to comment 3a.</p> <p>If there is an existing traffic issue, it is not the proponent's responsibility to resolve this.</p>	Noted - As discussed in the report, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality.
A230000	5	a.	My concern is the number of vehicles in and out of the property each day. There is potentially 120 cars for each child plus 19 cars for staff = 139 vehicles moving each morning and each afternoon. There is already Byford Primary located closely by. Vehicles already park at the southern end of Amy Street to drop off / pick up children. Byford Primary has approximately 300 students. Therefore vehicle is approximately 440 vehicles each morning and afternoon.	<p>In relation to traffic, please refer to the Applicant Response to comment 4c.</p> <p>In relation to AM and PM peak periods, the AM and PM peak of the early learning centre is different to the AM and PM peak periods of the Byford Primary School. The TIS states that the AM and PM peak periods for the early learning centre is 7am to 10am and 3pm to 6pm, respectively. The peak periods are aligned, with the early learning centre having more staggered peak.</p>	Noted - As discussed in the report, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality.

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	Some students walk to school and with extra vehicles on the road this will create a hazard. There is no managed crossings in the area for safe access / egress.	<p>As previously mentioned, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS did not find any safety issues, or indication that the proposed development will create or contribute to any safety issues.</p> <p>If there is an existing traffic issue, it is not the proponent's responsibility to resolve this.</p>	As discussed in the report, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality
		c.	My other concern is the number of children in such a small space. As mentioned BPS has approx. 300 students over a much larger space and includes the oval and outdoor play areas. The proposal is 120 children in 2486m <sup>2</sup>	<p>The spatial requirements for an early learning centre are calculated differently to primary schools. An early learning centre is required by law to comply with the spatial requirements set out in the <i>Child Care Services (Child Care) Regulations 2006</i> (<b>Child Care Regulations</b>).</p> <p>The proposed development has been designed to and is compliant with the spatial requirements set out in the Child Care Regulations.</p>	Noted



## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		d.	There is already a child care centre on the corner of Clifton Street and Mary Street. Is there scope for another centre? Has a business study been completed?	<p>The validity of a business case for an additional early learning centre is not cause for objection towards this development. That is a business risk which our Client needs to have and has considered prior to progressing with this Development Application.</p> <p>Notwithstanding, we are advised by our Client that a demand analysis has been completed and concludes there is the need for an early learning centre in this locality now and into the future.</p>	The applicant also provided a demand analysis study which concluded that there is a need for an early learning centre in this locality currently and in the future
A210300	6	a.	We are very strongly against the proposed early learning centre as we already have to endure excessive and continual noise from the child care on the corner of Clifton and Mary Street.	<p>In relation to noise, please refer to the Applicant Response to comment 4b.</p> <p>In relation to noise from the existing centre on the corner of Clifton and Mary Street, if there is excessive noise from the centre, this should be investigated by the local government.</p>	As discussed in the report Officers therefore consider that the proposed development in respect to the frequency, concentration and duration of the noise emissions generated from the development to pose an unreasonable impost on the amenity of the area afforded to the occupiers of the nearby sensitive receptors.
		b.	Two child care centres on one block is excessive and unfair to existing residents.	Please refer to the Applicant Response to comment 5d.	

### SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
A210500	7	a.	Firstly, we would like to advise that we would like my submission and personal details to remain confidential. It is our right to have an opinion and there is no reason for our personal information to be shared publicly.	Noted.	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	<p>We do not want the proposed child-care facility to be built so close to our residence for the following reasons.</p> <ol style="list-style-type: none"> <li>Noise: We already have a child-care facility at the back of our property and in the warmer months the continuous noise and squealing kids etc can be quite disturbing and tedious. It disturbs any time spent in the backyard and can at times also be heard from inside.</li> </ol> <p>On the weekends the people that maintain the facility can also be heard leaf blowing etc, making the constant noise too much.</p> <p>All this being said, having yet another childcare facility will only make this constant noise worse and more prominent. This is quite upsetting to our daily lives, and not something we want to listen to each and every day. We love children and have grandchildren of our own, however it is very different to having over 120 kids in close proximity screaming and making noise, not to mention the addition 90 plus kids at the Byford Childcare Centre.</p>	<p>In relation to noise from the proposed development, please refer to the Applicant Response to comment 6a.</p>	<p>Noted and discussed in the main report</p>

## SUMMARY OF SUBMISSIONS

### PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

		c.	<p>2. Traffic and Parking: We have lived on Beenyup Road for over 29 years. Over this time, due to the progress of our community it has gotten extremely busy down our street. Having another childcare will only add to this issue not to mention the parking of the cars for the facility. The parking area that will be allocated for the facility will nowhere near be enough, therefore the overflow of cars needing to be parked at peak times will be spread across and around the surrounding streets and possibly Corbel Lane which backs onto our property.</p> <p>Having cars and people down the lane is not only disruptive to ourselves and our family, but also to the family pets which are not used to this type of activity. We feel we can confidently speak from experience with the above matters, having lived in such close proximity to the other childcare centre (Byford Childcare Centre) and Byford Primary School, and feel that adding another centre will only make these issues much worse.</p> <p>We would like you to take this into consideration, as this is a serious matter that affects us and our neighbours daily.</p>	<p>In relation to traffic safety, please refer to the Applicant Response to comment 1b.</p> <p>In relation to car parking, Draft LPS 3 specifies a parking requirement of one (1) bay per 10 children plus one (1) bay per employee for the 'Child Minding Centre' land use. In accordance with the Draft LPS 3, the proposed development requires a total of 31 parking bays – including 19 staff bays and 12 visitor bays. The proposal includes the provision of 31 parking bays (19 staff bays and 12 visitor bays) and is therefore compliant with the requirements of the Draft LPS 3.</p>	Noted and discussed in the main report.
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### SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
A404626	8	a.	40 km / hour zone for school should be extended / moved to start of Amy Street / Beenyup Road if child care centre is built.	<p>It should be noted that school zones on a local road are operated and implemented by the Shire and Main Roads WA. If there is an existing traffic issue, it is the Council's responsibility to resolve this in coordination with Main Road WA.</p> <p>However, as previously mentioned, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS did not find any safety issues, or indication that the proposed development will create or contribute to any safety issues.</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	Clear signage that <u>NO</u> verge parking on Amy Street near childcare so residents can get in and out of driveways safely.	<p>As previously mentioned, the proposed development is compliant with the parking requirements of the Draft LPS 3. Therefore, there is no need for on-street parking on Amy Street.</p> <p>The designation of on-street parking is to be controlled and implemented by the local government through its <i>Parking and Parking Facilities Local Law 2014</i>. Our Client would not be adverse to the local government implementing signage within Amy Street and Beenyup Road to restrict parking as we do not have a need for it.</p> <p>However, for the benefit for nearby residents, we suggest that any form of on-street parking be restricted only during peak periods for the nearby Byford Primary School only (the likely cause for on-street parking on Amy Street based on the information contained in other submissions above – Submitter No. 3 and 5).</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		c.	Corbel Lane needs bitumising between Catherine and Mary Streets to stop it being used as burn out area and make it safer for child care entry.	<p>We are advised by the Shire that we are only required to construct the section of Corbel Lane that is necessary to facilitate the proposed development. On the advice of our Client's traffic engineer, Uloth and Associates, we are required to construct the entire width of Corbel Lane for the length of the subject site as well as 1m beyond car parking bay No. 31 to allow for sufficient manoeuvring space for vehicles to exit (as annotated on the development drawings).</p> <p>The proposed development does not rely on the section of Corbel Lane west of the subject site nor the section of Corbel Lane between Amy Street and Catherine Street. Therefore, it is not appropriate to require our Client to construct these sections.</p> <p>If there is an existing issue relating to anti-social and legal traffic behaviour, it is the responsibility of the Council and WA Police to resolve this.</p>	The applicant has provided a site planning showing land that has been set aside for upgrading of Corbel lane.

## SUMMARY OF SUBMISSIONS

### PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

A398327	9	a.	<p>Submission Lot 15, 34 and Lot 16, 36 Beenyup Road, Byford:</p> <p>The application notes a minimum of 19 full-time staff, but fails to mention that there will be a minimum of another additional 8 part-time staff on the premises. The application mentions 19 staff parking bays, but a minimum requirement would be 27bays.</p> <p>The parent parking bays indicate 31bays for 120children which sounds ideal for drop off and pick up, but operating a CAFE within the centre encourages parents to stay and mingle?</p>	<p>This Application seeks Development Approval for an early learning centre with a total of 19 staff and 120 children. The total number of staff would not exceed 19 at any given time. A total of 19 bays are provided for staff us (one per staff member). The remaining 12 parking bays are available for visitor parking and parent drop off and pick up. The amount of parking provided in compliant with the requirements of the Draft LPS 3.</p> <p>In relation to the café component, this is a service provided to parents so they can collect a coffee on their way to work (or elsewhere) after dropping off children. This is not a place intended for long stays.</p> <p>The café seating area is intended to be used for centre open days (which are held on weekends when the centre is closed) where new parents can come and inspect the centre prior to enrolling their children, inductions for new parents and staff and staff meetings. The café and café seating area are not intended to be a separate entity or business operation that will generate additional traffic demand. It is expected, like at other centres, that the café and café seating area will be used entirely by parents and staff already coming to the centre.</p>	Noted and discussed in the main report.
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## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	The plans note 24 babies under 24 months, but only indicates x9 cots, where do all the other 15 babies sleep?	A total of nine (9) cots will be accommodated within the sleeping area for the zero to four year old children. It should be noted that not all babies will sleep at the same time as nap times vary from baby to baby. The cots will be used for the babies only (zero to 12 months). The remaining children will be provided mattresses during "quiet time" to sleep / rest on the floor as a group. Therefore, more than nine (9) cots are not required to be used at any given time.	Noted
		c.	The proposed 120 places will not only increase the traffic flow on a quiet Byford street, but is such a large centre required?	In relation to traffic safety, please refer to the Applicant Response to comment 1b.  In relation to demand for an early learning centre, we are advised by our Client that a demand analysis has been completed and concludes there is the need for an early learning centre in this locality now and into the future.	Noted and discussed in the main report
		d.	A proposed centre that was receipted on the 17.01.2020 at 2 Walters Rd Byford, and approved still remains an empty block with a sign "For Lease". Could the reason for this be attributed to the oversupply of child care centres in the area already? All centres in Byford have vacancies.	In relation to demand, please refer to the Applicant Response to comment 9c.	The applicant also provided a demand analysis study which concluded that there is a need for an early learning centre in this locality currently and in the future
A307310	10	a.	I have concerns about the proposed child care centre being built across the road from me due to the increase of traffic it will bring to our street.	In relation to traffic safety, please refer to the Applicant Response to comment 4c.	Noted concerns have been discussed in the main report.

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyp Road, Byford 34 (L15) 209400 / Beenyp Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	Further to my concerns with regards to the proposed childcare centre to be built across the road from us on Beenyp road, when we bought our house here 4 years ago, a major selling point was that it was in a quieter part of Byford if we wanted to live near childcares etc we would have bought elsewhere.	<p>In relation to noise, please refer the Applicant Response to comment 6a.</p> <p>In relation to the location of an early learning centre within a residential area, please refer to the Applicant Response to comment 3b.</p>	Noted
			I am worried about the additional traffic the centre will bring to our street especially with the school on Clifton Street the traffic and parking at the school is already horrendous as people park all down Amy street and trying to turn right onto Beenyp Rd from Amy street is a nightmare this will only intensify if this is to go ahead.	In relation to traffic safety, please refer to the Applicant Response to comment 4c.	Noted and discussed in the main report.
		c.	There is already an existing childcare centre on the other side of the block I feel this is unnecessary.	<p>There is nothing within the planning framework which prohibits the location of early learning centres in proximity to other similar developments.</p> <p>In relation to demand for this type of activity, please refer to the Applicant Response to comment 9c.</p>	Noted and discussed in the main report.
		d.	We are also concerned about the value of our house as I don't think this would be beneficial being directly across the road from a busy and noisy childcare centre.	There is no evidence to suggest the proposed development will impact the value of surrounding properties. In addition, this is not a valid planning issue.	The impact on property values is not a valid planning consideration that should be taken into account as part of decision-making.

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
A401690	11	a.	My main concern is that there is not enough parking already along Amy St, and that the Byford Primary already has parents parking along the entire verge of Amy street right up to Beenyup Rd during collection times. I would like to request additional public parking be added to this Amy street, diagonal parking would suit along the verge. Not having enough safe parking space is a safety issue for all the young school children especially with the addition of the childcare centres clients.	Please refer to the Applicant Response to comment 8b.	Noted and discussed in the main report.
		b.	Furthermore, it may be an idea to consider more public parking in the Byford Primary School area for this school, verge parking happens on most of the roads surrounding the school, perhaps further diagonal verge parking could also be considered around the schools oval?	This Application relates to the subject site only – not the Byford Primary School. If there is an existing parking issue at the Byford Primary School, this will need to be resolved through coordination between the Council, the Byford Primary School and Department of Education.	Noted and discussed in the main report.

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

<b>ISSUE</b>	<b>APPLICANT RESPONSE</b>
<b>TRAFFIC AND PARKING</b>	
<b>NATURE OF CONCERN</b>	<b>APPLICANT RESPONSE</b>
<ul style="list-style-type: none"> <li><i>Traffic during peak periods for nearby school.</i></li> </ul>	<p>In relation to traffic, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS concluded that the proposed development would have no adverse impact on the surrounding road network nor cause an adverse traffic impact on the surrounding area.</p> <p>In relation to AM and PM peak periods, the AM and PM peak of the early learning centre is different to the AM and PM peak periods of the Byford Primary School. The TIS states that the AM and PM peak periods for the early learning centre is 7am to 10am and 3pm to 6pm, respectively. The peak periods are aligned, with the early learning centre having a much more staggered peak.</p>
<ul style="list-style-type: none"> <li><i>School traffic already parks on Amy Street. The addition of this development will likely increase on-street parking demand.</i></li> </ul>	<p>If there is an existing parking issue associated with the Byford Primary School, it is not the proponent's responsibility to resolve this.</p> <p>In relation to car parking supply for the proposed development, Draft LPS 3 specifies a parking requirement of one (1) bay per 10 children plus one (1) bay per employee for the 'Child Minding Centre' land use. In accordance with the Draft LPS 3, the proposed development requires a total of 31 parking bays – including 19 staff bays and 12 visitor bays. The proposal includes the provision of 31 parking bays (19 staff bays and 12 visitor bays) and is therefore compliant with the requirements of the Draft LPS 3.</p> <p>On this basis, the proposed development will not likely increase on-street parking demand in the locality.</p>
<b>PEDESTRIAN SAFETY</b>	
<b>NATURE OF CONCERN</b>	<b>APPLICANT RESPONSE</b>
<ul style="list-style-type: none"> <li><i>Increased traffic from this development (when coupled with the existing school traffic) will cause safety concerns for children walking to school.</i></li> </ul>	<p>As previously mentioned, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS did not find any safety issues, or indication that the proposed development will create or contribute to any safety issues.</p> <p>If there is an existing traffic issue, it is the Council's responsibility to resolve this.</p>
<b>LAND USE</b>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> <li><i>Childcare use within a Residential area.</i></li> </ul>	<p>The proposal is capable of approval within the 'Urban Development' zone (and the subject site) under the Shire of Serpentine-Jarrahdale (<b>the Shire</b>) Town Planning Scheme No. 2 (<b>TPS 2</b>), and the proposed development is consistent with the relevant objectives of the 'Urban Development' zone, which are (<u>underline is Author's emphasis</u>):</p> <ul style="list-style-type: none"> <li>a) <i>development of functional communities consistent with orderly and proper planning and the <u>establishment and maintenance of an appropriate level of amenity</u>;</i></li> <li>b) <i>provision of retail, commercial, industrial and mixed use facilities <u>to service the needs of residents within the communities</u>, and integration of these facilities with social and recreational services, so as to <u>maximise convenience</u>;</i></li> <li>c) <i>provision of retail, commercial, business park and industrial facilities <u>to provide local employment opportunities</u>;</i></li> <li>d) <i><u>provision of open space and recreation networks</u>, <u>appropriate community services</u>, school sites and other recreational facilities;</i></li> </ul> <p>TPS 2 does not provide any land use permissibility for land uses within the 'Urban Development' Zone. Rather, decision makers are required to apply discretion in accordance by giving due regard to the relevant structure plan in accordance with Clause 27(1) and any development (other than a single house) will be assessed against Clause 5.19.1.3 of TPS 2.</p> <p>In addition, the subject site is also zoned 'Urban Development' under the provisions of the Draft Local Planning Scheme No. 3 (Draft LPS 3), which is currently with the WAPC for its final assessment and determination. It is a seriously entertained planning instrument. The Shire has also advised that any Development Application will be assessed against the requirements of the Draft LPS 3.</p> <p>Under the provisions of the Draft LPS 3, the proposed use is capable of approval. The relevant objectives of the 'Urban Development' Zone in Draft LPS 3 are:</p> <ul style="list-style-type: none"> <li>• <i>To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</i></li> <li>• <i>To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</i></li> </ul> <p>The proposed development is consistent with the provisions of TPS 2 and Draft LPS 3 for the following reasons:</p>

## SUMMARY OF SUBMISSIONS

### PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

- The 'Child Minding Centre' use is classified as an 'A' use within the 'Urban Development' Zone under the provisions of the Draft LPS 3.
- Early learning centres are considered an essential service. Essential services provide a function which allows community cohesion. The proximity to these services improves walkability, streetscape and overall amenity of residential communities. The proposal will positively contribute to the amenity of the area by providing a much needed and essential service within the locality.
- The proposal will service the needs of the residents in the surrounding area.
- The proposal will offer a level of convenience to surrounding residents as it will provide an essential service in proximity to a commercial centre, a school and surrounding residential area.
- The proposal will provide the opportunity for additional local employment (a total of 19 staff). Importantly, the proposal will also provide the opportunity for both parents in a family to go back to work after having children – offering day long childcare and early learning services. This is a significant community benefit, with increased employment and income in households which can result in additional spending in the economy.
- The relevant structure plan is the Byford Townsite Detailed Area Plan (**the Detailed Area Plan**). The site is identified as 'Residential' with a density coding of 'R30' in the Detailed Area Plan. The location of an early learning centre in a residential area is not unusual. The proposal will provide child care services to residents of the surrounding area, with the location of the proposal is intended to accommodate families by reducing travel times and number of car trips, and encouraging active transport options including walking and cycling. The area around the subject site includes a school and a commercial centre.
- The Detailed Area Plan is considered an old document. However, it is equally considered that any revised version of the Detailed Area Plan will identify the subject site and surrounding area as residential in nature. It is likely that any revised Detailed Area Plan would allow contemporary architectural built form which reflects or is sympathetic to the character of the existing housing stock. This is not unreasonable and is already observed in the surrounding area where new houses have been constructed as land has been subdivided. Therefore, the proposed development is consistent with Clause 5.19.1.3 of TPS 2.
- The proposed development is compatible with the surrounding residential area.

On the basis of the above, it is not considered to appropriate to expect that the only form of development that is capable of being approved at the subject site must be residential in nature. The provisions of TPS 2 and Draft LPS 3 allow for this type and form of development at the subject site.

**BUILT FORM**

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> <li><i>The proposed building is too big.</i></li> </ul>	<p>Table 2 of TPS 2 states a maximum plot ratio of 0.5 and maximum site coverage of 0.3 of a 'Child Minding Centre' within the 'Residential' Zone. The proposed development has a plot ratio area of 0.32 (791m<sup>2</sup>) and maximum site coverage of 0.32 (based on the site area excluding the road widening – it is 0.30 including the road widening area). The proposal is compliant with the maximum plot ratio permitted at the subject site and only slightly over in terms of site coverage.</p> <p>In this respect, the proposed development is much smaller in terms of building size when the site might otherwise accommodate up to eight (8) dwellings, at a 'R30' coding. The site coverage of those dwellings could be up to 55% of the site, plus a little extra of patio areas. This could equate to over 1,367m<sup>2</sup> of buildings. The proposed building is 800m<sup>2</sup>, which is 58.5% of the permitted site coverage area, and 32% of the overall site. The proposal is single storey building, with generous setbacks to the streets. The proposal represents a conservative outcome with respect to the building size, scale and relationship to the adjoining streets and properties. Therefore, the proposed development is not a large building.</p> <p>As previously mentioned, the Shire advised that any Development Application will be assessed against the requirements of the Draft LPS 3. It is important to acknowledge that the maximum plot ratio and site coverage provisions in TPS 2 have not carried over to the Draft LPS 3. This means there has been some consideration around the notion of an early learning centre in a residential area and it has been deemed that these provisions are no longer required. Since the Draft LPS 3 is a seriously entertained planning document, we consider that it is not appropriate in the sense of orderly and proper planning to impose these requirements on this development.</p>
<ul style="list-style-type: none"> <li><i>Is the site too small for 120 children?</i></li> </ul>	<p>The spatial requirements for an early learning centre are calculated differently to primary schools. An early learning centre is required by law to comply with the spatial requirements set out in the Child Care Regulations.</p> <p>The proposed development has been designed to and is compliant with the spatial requirements set out in the Child Care Regulations.</p>
<b>NOISE</b>	
NATURE OF CONCERN	APPLICANT RESPONSE

## SUMMARY OF SUBMISSIONS

### PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

<ul style="list-style-type: none"> <li>Noise from 120 children will be excessive and impact the surrounding properties.</li> </ul>	<p>The submitted proposal had been designed to comply with the Noise Regulations as outlined in the Acoustic Assessment prepared by Lloyd George Acoustics and submitted with the Application. Particular consideration has been given to building materials and the location of play areas and parking areas. As concluded by the Acoustic Assessment, the proposed development is compliant with the Noise Regulations at all hours of the day.</p> <p>However, we acknowledge that concerns were raised in the public submissions and by the Shire of the location of a section of the play space along the western lot boundary and its proximity to the adjoining property. We have reorientated the Activity Rooms No. 3 and 4 to face Beenyup Road. As a result, the play space now entirely sits within the setback area of the proposed development, minimising the extent of the play space abutting the neighbouring property.</p> <p>The revised proposal has been reassessed by Lloyd George Acoustics and deemed to still comply with the Noise Regulations.</p>
<b>DEMAND FOR CHILDCARE SERVICES</b>	
<b>NATURE OF CONCERN</b>	<b>APPLICANT RESPONSE</b>
<ul style="list-style-type: none"> <li>Is there demand for another childcare centre in the locality?</li> </ul>	<p>The validity of a business case for an additional early learning centre is not cause for objection towards this development. That is a business risk which our Client needs to have and has considered prior to progressing with this Development Application.</p> <p>Notwithstanding, we are advised by our Client that a demand analysis has been completed and concludes there is the need for an early learning centre in this locality now and into the future.</p>



## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyp Road, Byford 34 (L15) 209400 / Beenyp Road, Byford 36 (L16) 209200 - Early Learning Centre**

**Second Submission – Period of Advertising- 16 August 2021 to 11 September 2021**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
Department of Education	1	a.	<p>Thank you for your letter dated 21 July 2021 providing the Department of Education (Department) with the opportunity to comment on the proposed joint Development Assessment Panel (JDAP) at Lots 15 (No. 34) and 16 (No.36) Beenyp Road, Byford. The department has reviewed the information submitted in support of the application and wishes to provide the following comments:</p> <p><u>Land Use</u></p> <p>The proposed Child Care Premises is considered acceptable in principle as the siting of such a use within close proximity of a primary school is consistent with the State Government's EduCare commitment. The EduCare commitment seeks to provide more child care, before and after school and holiday care within close proximity of each new public primary school site. Whilst Byford Primary School is an existing school, the benefits associated with locating child care premises adjacent to existing school sites is consistent with the intent and objectives of the EduCare commitment.</p> <p>Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and a separate application has been submitted for a potential third Child</p>	<p>The Department of Education (<b>the Department</b>) comment in relation to land use is noted. We agree that the location of the proposed early learning centre is acceptable as the proximity to the nearby Byford Primary School is beneficial in terms of the ability for education services to be provided to the community.</p> <p>In relation to the comment about proximity to other childcare services, we acknowledge that this has been raised. We are advised by our Client that a demand analysis has been completed and concludes there is the need for an early learning centre in this locality now and into the future. A copy of this Demand Analysis has been provided to the Shire of Serpentine Jarrahdale (<b>the Shire</b>).</p>	Concerns raised have been discussed in the report.

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
			Care Premises within the area at nos. 13-15 Beenyup Road (your ref: PA21/712). It will be the responsibility of the Shire of Serpentine Jarrahdale (Shire) and the JDAP to consider whether the number of Child Care Premises within the area would be consistent with the intent and objectives of the Shire's Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).		
		b.	<p><u>Traffic Impact Statement</u></p> <p>The Department notes that at peak drop-off/pick-up times, primary schools generate a significant number of vehicular movements in and around the sites. It is therefore critical to ensure that any development within close proximity of a school does not compromise the ability for staff, students and parents to safely and efficiently access the site.</p> <p>In this instance, the Traffic Impact Statement fails to provide any detailed commentary on the impacts on the Local Access Streets surrounding the application site and the Byford Primary School site. The proposal has therefore failed to demonstrate that the local street network will be able to adequately accommodate for the projected increase in vehicular movements generated by the proposed Child Care Premises.</p>	<p>The Transport Impact Statement (<b>TIS</b>) identifies that the proposed Child Care Centre will generate a maximum of 84 vehicle trips per hour to and from the site, which is within the range specified in the Western Australian Planning Commission (<b>WAPC</b>) Transport Impact Assessment Guidelines (<b>TIA</b>) as only requiring a TIS (rather than a full TIA).</p> <p>It is noted that with regard to traffic volumes, that it is only necessary under the Guidelines to provide "<i>a rough estimate of the likely daily and/or peak traffic volumes generated...</i>", and that "<i>this is not intended to be a comprehensive assessment...</i>".</p> <p>It is also noted that (as stated in Section 4 of the TIS) a significant proportion of the total traffic generation is likely to be 'passing trips' that are already on the local road network, travelling from the</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
			To address these concerns, the Department requests that additional information is provided prior to a determination being made on the application. The additional information should demonstrate that traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times. It should also consider the traffic generated from the Primary School, as well as the existing and proposed additional Child Care Premises at Nos. 13-15 Beenyup Road.	surrounding residential area to/from South Western Highway or to/from the Primary School, thus reducing even further any impacts on the adjacent road network.	
		c.	<p><u>Car Parking and Access</u></p> <p>The Applicant's report indicates that the number of car parking bays provided complies with the requirements of draft LPS3. However, the report advises that the Child Care Premises will operate with a minimum of 19 staff on site at any given time, whereas the car parking ratio of draft LPS3 requires one bay per staff member for the maximum number of employees on the premises at any given time.</p> <p>It would therefore appear that the proposal does not comply with LPS3 if more than 19 staff members are likely to be on site at any given time. The Department would not be supportive of the proposal relying on the on and off-</p>	<p>To clarify, the proposed development will include a maximum of 19 staff at any one time. The total number of staff will not exceed 19 staff.</p> <p>In relation to car parking, the Shire's Draft Local Planning Scheme No. 3 (<b>Draft LPS 3</b>) specifies a parking requirement of one (1) bay per 10 children plus one (1) bay per employee for the 'Child Minding Centre' land use. In accordance with the Draft LPS 3, the proposed development requires a total of 31 parking bays – including 19 staff bays and 12 visitor bays. The proposal includes the provision of 31 parking bays (19 staff bays and 12 visitor bays) and is therefore compliant with the requirements of the Draft LPS 3.</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
			<p>street car parking embayments associated with the school site being used to accommodate for overflow car parking generated by the Child Care Premises. The Department would therefore request that a condition of approval be imposed which would either:</p> <ul style="list-style-type: none"> <li>• Require the requisite number of car parking bays to be provided on site and/or the maximum number of children on site at any given time being reduced; or</li> <li>• Require a car parking management plan being submitted and implemented prior to the initial occupation of the development. A car parking management plan should ensure that the proposed number of bays are appropriately managed so as to not have a reliance on the school's on and off-site car parking bays.</li> </ul>	<p>As the proposal is compliant with the car parking requirements in Draft LPS 3, we are not of the view that a parking management plan is required in this instance.</p>	
		d.	<p><u>Waste Management</u></p> <p>The Waste Management Plan submitted in support of the proposal indicates that waste and recycling bins will be moved by staff to the Amy Street verge and collected twice per week (four collections in total). Whilst the Department has no in principle objections to this, it is requested that a condition of approval is imposed which would require collections to occur outside of the Byford Primary School's</p>	<p>The Waste Management Plan outlines that bins will be moved by staff to the Amy Street Road Reserve.</p> <p>A private contractor will be engaged to collect the bins twice per week. We acknowledge that a condition of approval may be imposed which would require collections to occur outside of the proposed development's and the existing Byford Primary School's peak</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
			peak drop-off /pick-up times to ensure that there is no conflict between vehicles accessing the school site and waste collection vehicles.	drop-off /pick-up times to ensure that there is no conflict between vehicles and waste collection vehicles.	
		e.	<p><u>Construction Management</u></p> <p>Due to the application site's close proximity to Byford Primary School, it is important the school is not burdened by the impacts associated with construction works. Therefore, it is requested that a condition of approval is imposed which would require a Construction Management Plan to be submitted prior to any works being undertaken on site. The Construction Management Plan should address the following matters:</p> <ul style="list-style-type: none"> <li>• Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays surrounding the Byford Primary School site during peak drop-off/pick-up times.</li> <li>• How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Byford Primary School.</li> </ul> <p>Subject to the above matters being given due consideration, the Department offers no in principle objections to the proposed Child Care Premises. Should you have any questions in relation to the above,</p>	<p>A Construction Management Plan (<b>CMP</b>) will likely be developed and implemented as a condition of approval. The CMP will identify but not be limited to;</p> <ul style="list-style-type: none"> <li>- Management of car parking, delivery vehicles and traffic associated with the construction of the development.</li> <li>- How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Byford Primary School.</li> </ul> <p>These issues are usually addressed in most CMPs. The CMP will be provided as part of the building permit application.</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
			<p>please do not hesitate to contact Mr Matthew Gosson, Senior Consultant - Land Planning on (08) 9264 4008 or by email at <a href="mailto:matthew.cosson@education.wa.edu.au">matthew.cosson@education.wa.edu.au</a>.</p>		
A230000 – Second Submission	2	a.	<p>Thank you for the opportunity to comment on the above proposed application. I would like to reject the proposal.</p> <p>Our property is at 40 Clifton St, Byford and I am concerned about the impact the development will have with our property and the school close by.</p> <p>Impact on/with Byford Primary School:</p> <ul style="list-style-type: none"> <li>Byford Primary School already has approximately 300 students attending the school plus staff (unsure of numbers). Operation of the centre will mean a potential influx of another 139 vehicles each morning and afternoon</li> </ul>	<p>In relation to traffic, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS concluded the proposed development would have no adverse impact on the surrounding road network nor cause an adverse traffic impact on the surrounding area.</p>	Noted and discussed in the report
		b.	<ul style="list-style-type: none"> <li>Movement is spread across 4 streets surrounding the school. Parents often park on the verge outside our house as there is limited parking. Parents parking continues along the road from Amy St to Beenyup Rd</li> </ul>	<p>Based on the advice within the submission, it appears that this is an existing issue.</p> <p>If there is an existing traffic issue, it is not the proponent's responsibility to resolve this.</p>	Noted and discussed in the report
		c.	<ul style="list-style-type: none"> <li>Children walk to/from school and with the extra potentially 120 (parents/carers) +19 (staff)</li> </ul>	<p>In relation to traffic, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS</p>	Noted and discussed in the report

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
			vehicles in the area, it will exponentially increase the likelihood of a vehicle VS child accident	concluded the proposed development would have no adverse impact on the surrounding road network nor cause an adverse traffic impact on the surrounding area. No safety issues have been identified in the TIS.	
		d.	<p>Proposed child care:</p> <ul style="list-style-type: none"> <li>Vehicle movement is limited to 2 roads plus a laneway. As there isn't much parking, parents/carers will park on Beenyup Road, which will restrict viewing of those wishing to drive from Amy St and on to Beenyup.</li> </ul>	<p>The proposed development is compliant with the car parking requirements set out in the Shire's Draft LPS 3. Therefore, the proposal will be unlikely to rely on any on-street parking to accommodate this activity. All parent parking is contained on-site within the central parking area. Staff parking is located from Corbel Lane. Each car would produce two (2) trips per day – one arriving and one leaving. No safety issues have been identified in the TIS.</p>	Noted and discussed in the report
		e.	<p>I see this as major accidents waiting to occur.</p> <ul style="list-style-type: none"> <li>The allocated vehicle access to parking is from Amy St. It crosses a footpath which already has many students walking to/from school. There are 12 parking bays allocated to potentially 120 children at drop off/pick up times.</li> </ul>	As previously mentioned, no safety issues have been identified in the TIS.	Noted and discussed in the report
		f.	<p>There isn't parking provision for potentially 120 children every drop off (morning) and pick up (evening)</p> <ul style="list-style-type: none"> <li>This will create a lot of congestion in the area plus that of the school. Parents from the school already</li> </ul>	<p>To clarify, the proposed development will include a maximum of 19 staff at any one time. The total number of staff will not exceed 19 staff.</p> <p>In relation to car parking, the Shire's Draft LPS 3 specifies a parking</p>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Recommendation
			<p>park on the corner of Beenyup and Amy St at these times</p> <ul style="list-style-type: none"> <li>The proposal states a minimum of 19 full-time staff on site at any one time. There is 19 parking bays. Where will the staff park if numbers are over 19?</li> </ul>	<p>requirement of one (1) bay per 10 children plus one (1) bay per employee for the 'Child Minding Centre' land use. In accordance with the Draft LPS 3, the proposed development requires a total of 31 parking bays – including 19 staff bays and 12 visitor bays. The proposal includes the provision of 31 parking bays (19 staff bays and 12 visitor bays) and is therefore compliant with the requirements of the Draft LPS 3.</p>	
		g.	<p>I believe that the areas proposed areas for the number of children is very small</p> <ul style="list-style-type: none"> <li>22 babies into 91m2.</li> <li>30 toddlers into 101m 2</li> <li>66 kindergarten children into 216 m2</li> </ul> <p>There is now a huge focus on nature play and giving children space and resources to develop and learn. Given the small spaces per child I don't believe that this is possible in the proposed environment.</p>	<p>The spatial requirements for an early learning centre are calculated differently to primary schools. An early learning centre is required by law to comply with the spatial requirements set out in the <i>Child Care Services (Child Care) Regulations 2006 (Child Care Regulations)</i>.</p> <p>The proposed development has been designed to and is compliant with the spatial requirements set out in the Child Care Regulations.</p>	Noted and discussed in the report
		h.	<p>There is already a childcare centre on the opposite corner of Mary and Clifton St. Does the area really need another one?</p>	<p>The validity of a business case for an additional early learning centre is not cause for objection towards this development. That is a business risk which our Client needs to have and has considered prior to progressing with this Development Application.</p> <p>Notwithstanding, we are advised by our Client that a demand analysis has been</p>	Noted and discussed in the report



## SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				completed and concludes there is the need for an early learning centre in this locality now and into the future.	
A210300 – Second Submission	3	a.	We <u>DO NOT</u> agree with the development of a second child care centre. We are zoned residential <u>NOT</u> business.	<p>The proposal is capable of approval within the 'Urban Development' zone (and the subject site) under the Shire Town Planning Scheme No. 2 (<b>TPS 2</b>), and the proposed development is consistent with the relevant objectives of the 'Urban Development' zone, which are (underline is Author's emphasis):</p> <p><i>(a) development of functional communities consistent with orderly and proper planning and the <u>establishment and maintenance of an appropriate level of amenity</u>;</i></p> <p><i>(c) provision of retail, commercial, industrial and mixed use facilities <u>to service the needs of residents within the communities</u>, and integration of these facilities with social and recreational services, so as to <u>maximise convenience</u>;</i></p> <p><i>(d) provision of retail, commercial, business park and industrial facilities to <u>provide local employment opportunities</u>;</i></p> <p><i>(e) <u>provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities</u>;</i></p> <p>TPS 2 does not provide any land use permissibility for land uses within the</p>	Noted and discussed in the report

## SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				<p>'Urban Development' Zone. Rather, decision makers are required to apply discretion in accordance by giving due regard to the relevant structure plan in accordance with Clause 27(1) and any development (other than a single house) will be assessed against Clause 5.19.1.3 of TPS 2.</p> <p>In addition, the subject site is also zoned 'Urban Development' under the provisions of the Draft LPS 3, which is currently with the WAPC for its final assessment and determination. It is a seriously entertained planning instrument. The Shire has also advised that any Development Application will be assessed against the requirements of the Draft LPS 3.</p> <p>Under the provisions of the Draft LPS 3, the proposed use is capable of approval. The relevant objectives of the 'Urban Development' Zone in Draft LPS3 are:</p> <ul style="list-style-type: none"> <li>- <i>To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</i></li> <li>- <i>To provide for the progressive and planned development of future urban areas for residential purposes and for commercial</i></li> </ul>	

## SUMMARY OF SUBMISSIONS

**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				<p><i>and other uses normally associated with residential development.</i></p> <p>This Application seeks Development Approval for an early learning centre with a total of 19 staff and 120 children. The total number of staff would not exceed 19 at any given time. A total of 19 bays are provided for staff use (one per staff member). The remaining 12 parking bays are available for visitor parking and parent drop off and pick up. The amount of parking provided is compliant with the requirements of the Draft LPS 3.</p> <p>In relation to the café component, this is a service provided to parents so they can collect a coffee on their way to work (or elsewhere) after dropping off children. This is not a place intended for long stays.</p> <p>The café seating area is intended to be used for centre open days (which are held on weekends when the centre is closed) where new parents can come and inspect the centre prior to enrolling their children, inductions for new parents and staff and staff meetings. The café and café seating area are not intended to be a separate entity or business operation that will generate</p>	

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**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

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				<p>additional traffic demand. It is expected, like at other centres, that the café and café seating area will be used entirely by parents and staff already coming to the centre.</p> <p>The proposed development is consistent with the provisions of TPS 2 and Draft LPS 3 for the following reasons:</p> <ul style="list-style-type: none"> <li>- The 'Child Minding Centre' use is classified as an 'A' use within the 'Urban Development' Zone under the provisions of the Draft LPS 3.</li> <li>- Early learning centres are considered an essential service. Essential services provide a function which allows community cohesion. The proximity to these services improves walkability, streetscape and overall amenity of residential communities. The proposal will positively contribute to the amenity of the area by providing a much needed and essential service within the locality.</li> <li>- The proposal will service the needs of the residents in the surrounding area.</li> <li>- The proposal will offer a level of convenience to surrounding residents as it will provide an</li> </ul>	

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PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

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				<p>essential service in proximity to a commercial centre, a school and surrounding residential area.</p> <ul style="list-style-type: none"> <li>- The proposal will provide the opportunity for additional local employment (a total of 19 staff). Importantly, the proposal will also provide the opportunity for both parents in a family to go back to work after having children – offering day long childcare and early learning services. This is a significant community benefit, with increased employment and income in households which can result in additional spending in the economy.</li> <li>- The relevant structure plan is the Byford Townsite Detailed Area Plan (<b>the Detailed Area Plan</b>). The site is identified as 'Residential' with a density coding of 'R30' in the Detailed Area Plan. The location of an early learning centre in a residential area is not unusual.</li> </ul> <p>The proposal will provide child care services to residents of the surrounding area, with the location of the proposal is intended to accommodate families by reducing travel times</p>	

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				<p>and number of car trips, and encouraging active transport options including walking and cycling. The area around the subject site includes a school and a commercial centre.</p> <ul style="list-style-type: none"> <li>- The Detailed Area Plan is considered an old document. However, it is equally considered that any revised version of the Detailed Area Plan will identify the subject site and surrounding area as residential in nature. It is likely that any revised Detailed Area Plan would allow contemporary architectural built form which reflects or is sympathetic to the character of the existing housing stock. This is not unreasonable and is already observed in the surrounding area where new houses have been constructed as land has been subdivided.</li> </ul> <p>Therefore, the proposed development is consistent with Clause 5.19.1.3 of TPS 2.</p> <ul style="list-style-type: none"> <li>- The proposed development is compatible with the surrounding residential area</li> </ul> <p>It is not appropriate to expect that the only form of development that is capable of being approved at the</p>	

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**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				subject site must be residential in nature. The provisions of TPS 2 and Draft LPS 3 allow for this type and form of development at the subject site and, importantly, it allows for development of a greater scale and size than what is currently proposed.	
		b.	The amount of noise another 120 young children make will be excessive. Spare a thought for shift workers.	The submitted proposal had been designed to comply with the <i>Environmental (Noise) Regulations 1997 (Noise Regulations)</i> , as outlined in the Acoustic Assessment prepared by Lloyd George Acoustics and submitted with the Application. Particular consideration has been given to building materials and the location of play areas and parking areas. As concluded by the Acoustic Assessment, the proposed development is compliant with the Noise Regulations at all hours of the day.	Noted and discussed in the report
		c.	The development should be in the brook or other new area.	As previously mentioned, the proposal is capable of approval within the 'Urban Development' zone (and the subject site) under TPS 2, and the proposed development is consistent with the relevant objectives of the 'Urban Development' zone.	Noted and discussed in the report
		d.	We already have to endure constant screaming and shouting from the child care on the corner of Clifton Street and Mary Street and their carers getting louder and louder to be heard over the children.	As previously mentioned, the submitted proposal had been designed to comply with Noise Regulations, as outlined in the Acoustic Assessment prepared by Lloyd George Acoustics and submitted with the Application. Particular consideration has been given to building	Noted and discussed in the report

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**PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre**

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				materials and the location of play areas and parking areas. As concluded by the Acoustic Assessment, the proposed development is compliant with the Noise Regulations at all hours of the day.	
		e.	More traffic near the school is not safe for the children.	In relation to traffic, a TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS concluded the proposed development would have no adverse impact on the surrounding road network nor cause an adverse traffic impact on the surrounding area. The TIS has not identified any safety issues associated with this proposal.	Noted and discussed in the report
A398327 – Second Submission	4	a.	<p>Submission Lot 15, 34 and Lot 16, 36 Beenyup Road, Byford:</p> <ul style="list-style-type: none"> <li>The application notes a minimum of 19 full-time staff, but fails to mention that there will be a minimum of another additional 8 part-time staff on the premises (licensing and regulation requirement).</li> <li>The application mentions 19 staff parking bays, but a minimum requirement would be 27bays.</li> </ul>	<p>To clarify, the proposed development will include a maximum of 19 staff at any one time. The total number of staff will not exceed 19 staff.</p> <p>In relation to car parking, the Shire's Draft LPS 3 specifies a parking requirement of one (1) bay per 10 children plus one (1) bay per employee for the 'Child Minding Centre' land use. In accordance with the Draft LPS 3, the proposed development requires a total of 31 parking bays – including 19 staff bays and 12 visitor bays. The proposal includes the provision of 31 parking bays (19 staff bays and 12 visitor bays) and is therefore compliant with the requirements of the Draft LPS 3.</p>	Noted and discussed in the report



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Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
		b.	<ul style="list-style-type: none"> <li>The parent parking bays indicate 31 bays for 120 children which sounds ideal for drop off and pick up, but operating a CAFE within the centre encourages parents to stay and mingle?</li> </ul>	<p>In relation to the café component, this is a service provided to parents so they can collect a coffee on their way to work (or elsewhere) after dropping off children. This is not a place intended for long stays.</p> <p>The café seating area is intended to be used for centre open days (which are held on weekends when the centre is closed) where new parents can come and inspect the centre prior to enrolling their children, inductions for new parents and staff and staff meetings. The café and café seating area are not intended to be a separate entity or business operation that will generate additional traffic demand. It is expected, like at other centres, that the café and café seating area will be used entirely by parents and staff already coming to the centre.</p>	Noted and discussed in the report
		c.	<ul style="list-style-type: none"> <li>The plans note 24 babies under 24 months, but only indicates x9 cots, where do all the other 15 babies sleep?</li> </ul>	<p>A total of nine (9) cots will be accommodated within the sleeping area for the zero to four year old children. It should be noted that not all babies will sleep at the same time as nap times vary from baby to baby. The cots will be used for the babies only (zero to 12 months). The remaining children will be provided mattresses during "quiet time" to sleep / rest on the floor as a group. Therefore, more than nine (9) cots are</p>	Noted and discussed in the report

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				not required to be used at any given time.	
		d.	<ul style="list-style-type: none"> <li>The proposed 120 places will not only increase the traffic flow on a quiet Byford street, but is such a large centre required? Since the initial application of this centre, another submission for a child minding centre at Lot 102, 13 and Lot 103, 15 Beenyup Rd for 100 places is under consultation - is there a need for x3 centres in such close proximity to each other?</li> <li>A proposed centre that was receipted on the 17.01.2020 at 2 Walters Rd Byford, and approved still remains an empty block with a sign "For Lease". Could the reason for this be attributed to the oversupply of child care centres in the area already?</li> <li>All centres in Byford have vacancies.</li> </ul>	<p>A TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS did not find any safety issues with this intersection, or indication that the proposed development will create or contribute to any safety issues.</p> <p>In relation to demand, we are advised by our Client that a demand analysis has been completed and concludes there is the need for an early learning centre in this locality now and into the future. A copy of this Demand Analysis has been provided to the Shire.</p>	Noted and discussed in the report
A405299	5	a.	I am concerned about the increase of traffic at the traffic lights as it already presents a nightmare turning right at South Western Highway having <b>NO</b> filter light. This is a must if you intend to increase the traffic.	A TIS prepared by Uloth and Associates is in accordance with the WAPC TIA Guidelines. The TIS did not find any safety issues with this intersection, or indication that the proposed development will create or contribute to any safety issues.	Noted and discussed in the report
A307312	6	a.	Too much congestion, road traffic.	A TIS prepared by Uloth and Associates is in accordance with the WAPC TIA	Noted and discussed in the report

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				Guidelines. The TIS did not find any safety issues with this intersection, or indication that the proposed development will create or contribute to any safety issues. The TIS also concluded the proposed development would have no adverse impact on the surrounding road network nor cause an adverse traffic impact on the surrounding area.	
		b.	Currently the school on Amy Street creates cars parking all up Beenyup Road.	The proposed development is compliant with the car parking requirements set out in the Shire's Draft LPS 3. Therefore, the proposal will be unlikely to rely on any on-street parking to accommodate this activity. All parent parking is contained on-site within the central parking area. Staff parking is located from Corbel Lane. We do not expect any vehicles to park on Amy Street as a result of this proposal.	Noted and discussed in the report
		c.	The centre could create more peak traffic and accidents.	In relation to AM and PM peak periods, the AM and PM peak of the early learning centre is different to the AM and PM peak periods of the Byford Primary School. The Byford Primary School peak periods are focused around a school start and finish time for all students. The TIS states that the AM and PM peak periods for the early learning centre is 7am to 10am and 3pm to 6pm, respectively. The peak periods are staggered which spreads the vehicles over a longer period of	Noted and discussed in the report

### SUMMARY OF SUBMISSIONS

PA21/646 - Beenyup Road, Byford 34 (L15) 209400 / Beenyup Road, Byford 36 (L16) 209200 - Early Learning Centre

Submitter	No.	Comment	Submitter Comments	Applicant Response	Officer Comments
				time. As a result, the peak pick up / drop off of the proposed development is not the same as the peak pick up / dropoff of the Byford Primary School.	

# Environmental Noise Assessment

Lot 15-16 (#34-36) Beenyup Road, Byford  
Proposed Childcare Centre

Reference: 21046321-01A

Prepared for:  
HBB Property

## Report: 21046321-01A

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This report has been prepared in accordance with the scope of services described in the contract or agreement between Lloyd George Acoustics Pty Ltd and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client, and Lloyd George Acoustics Pty Ltd accepts no responsibility for its use by other parties.

Date:	Rev	Description	Prepared By	Verified
5-Jul-21	-	Draft Issued to Client	Matt Moyle	Terry George
6-Jul-21	0	Finalised and reissued to client	Matt Moyle	Terry George
25-Aug-21	A	Updated with latest Rev E plans	Matt Moyle	Terry George

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## Appendices

A	Development Plans
B	Terminology



# 1 INTRODUCTION

It is proposed to develop Lots 15-16 (#34-36) Beenyup Road, Byford (refer *Figure 1-1*) as a childcare centre (CCC). The proposed development will consist of the following:

- 6 internal play spaces capable of accommodating up to 120 children, grouped as follows:
  - Activity Room 1 – 12 places for 0-24 months
  - Activity Room 2 – 12 places for 0-24 months,
  - Activity Room 3 – 15 places for 2-3 years,
  - Activity Room 4 – 15 places for 2-3 years,
  - Activity Room 5 – 33 places for 3+ years,
  - Activity Room 6 – 33 places for 3+ years,
- Outdoor play areas located to the north, south and west of the building.
- Amenities and associated mechanical plant such as:
  - One kitchen with rangehood and exhaust fan assumed to be located on the roof above,
  - Various exhaust fans (toilets, laundry, nappy room) assumed to be located on the roof above, and
  - AC plant assumed to be located on ground level in designated service yard near the staff room.
- Car parking on the north end of the lot.

It is noted that existing residential premises are in the vicinity of the subject site. As such an assessment of noise to these noise sensitive receptors is required.

This report presents the assessment of the noise emissions from child play, car doors closing in the car park and mechanical plant associated with the childcare centre against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) based on the development drawings shown in *Appendix A*.

The proposed hours of operation are 6.30am to 6.30pm Monday to Friday. Therefore, staff and parents can arrive and park before 7.00am, which is during the night-time period of the Regulations. It is assumed outdoor child play would not occur until after 7.00am.

*Appendix B* contains a description of some of the terminology used throughout this report.



Figure 1-1 Project Locality (DPLH Maps)



Figure 1-2 Project Site Plan

## 2 CRITERIA

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

Regulation 7 defines the prescribed standard for noise emissions as follows:

“7. (1) Noise emitted from any premises or public place when received at other premises –

- (a) Must not cause or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
- (b) Must be free of –
  - i. tonality;
  - ii. impulsiveness; and
  - iii. modulation,

when assessed under regulation 9”

A “...noise emission is taken to significantly contribute to a level of noise if the noise emission ... exceeds a value which is 5 dB below the assigned level...”

Tonality, impulsiveness and modulation are defined in Regulation 9. Noise is to be taken to be free of these characteristics if:

- (a) The characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and
- (b) The noise emission complies with the standard prescribed under regulation 7 after the adjustments of *Table 2-1* are made to the noise emission as measured at the point of reception.

*Table 2-1 Adjustments Where Characteristics Cannot Be Removed*

Where Noise Emission is Not Music			Where Noise Emission is Music	
Tonality	Modulation	Impulsiveness	No Impulsiveness	Impulsiveness
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

Note: The above are cumulative to a maximum of 15dB.

The baseline assigned levels (prescribed standards) are specified in Regulation 8 and are shown in *Table 2-2*.

*Table 2-2 Baseline Assigned Noise Levels*

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Noise sensitive premises: highly sensitive area <sup>1</sup>	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

1. *highly sensitive area* means that area (if any) of noise sensitive premises comprising —

- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
- (b) any other part of the premises within 15 metres of that building or that part of the building.



The total influencing factor, applicable at surrounding noise sensitive premises has been calculated as 2 dB. There are no significant commercial, industrial premises nor secondary roads within 450 metres of the receivers. However, South west Highway is within 450m of all nearest receivers and therefore a 2 dB transport factor is applicable.

Table 2-3 shows the assigned noise levels factor at the receiving locations.

*Table 2-3 Assigned Noise Levels*

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
All nearest highly sensitive areas <sup>1</sup>	0700 to 1900 hours Monday to Saturday (Day)	47	57	67
	0900 to 1900 hours Sunday and public holidays (Sunday)	42	52	67
	1900 to 2200 hours all days (Evening)	42	52	57
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	37	47	57
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

1. **highly sensitive area** means that area (if any) of noise sensitive premises comprising —
- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
  - (b) any other part of the premises within 15 metres of that building or that part of the building.

It must be noted the assigned noise levels above apply outside the receiving premises and at a point at least 3 metres away from any substantial reflecting surfaces. Where this was not possible to be achieved due to the close proximity of existing buildings and/or fences, the noise emissions were assessed at a point within 1 metre from building facades and a -2 dB adjustment was made to the predicted noise levels to account for reflected noise.

It is noted the assigned noise levels are statistical levels and therefore the period over which they are determined is important. The Regulations define the Representative Assessment Period (RAP) as *a period of time of not less than 15 minutes, and not exceeding 4 hours*, which is determined by an *inspector or authorised person* to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission. An *inspector or authorised person* is a person appointed under Sections 87 & 88 of the *Environmental Protection Act 1986* and include Local Government Environmental Health Officers and Officers from the Department of Environment Regulation. Acoustic consultants or other environmental consultants are not appointed as an *inspector or authorised person*. Therefore, whilst this assessment is based on a 4 hour RAP, which is assumed to be appropriate given the nature of the operations, this is to be used for guidance only.

Regulation 14A provides requirements for the collection of waste stating that this activity can also be exempt from having to comply with regulation 7 prescribed standards provided it is undertaken between 7am and 7pm Mondays to Saturdays and undertaken in the quietest reasonable manner.

### 3 METHODOLOGY

Computer modelling has been used to predict the noise emissions from the development at all nearby receivers. The software used was *SoundPLAN 8.2* with the ISO 9613 algorithms (ISO 171534-3 improved method) selected, as they include the influence of wind and are considered appropriate given the relatively short source to receiver distances.

Input data required in the model are:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

#### 3.1 Meteorological Information

Meteorological information utilised is provided in *Table 3-1* and is considered to represent worst-case conditions for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

*Table 3-1 Modelling Meteorological Conditions*

Parameter	Day (0700-1900)	Night (1900-0700)
Temperature (°C)	20	15
Humidity (%)	50	50
Wind Speed (m/s)	Up to 5	Up to 5
Wind Direction*	All	All

\* Note that the modelling package used allows for all wind directions to be modelled simultaneously.

It is generally considered that compliance with the assigned noise levels needs to be demonstrated for 98% of the time, during the day and night periods, for the month of the year in which the worst-case weather conditions prevail. In most cases, the above conditions occur for more than 2% of the time and therefore must be satisfied.

#### 3.2 Topographical Data

Topographical information was based on data publicly available (e.g. *Google*) in the form of spot heights and combined with finished floor levels provided on the development drawings. It is noted that the area is reasonably flat, with a slight incline from Amy Street north to south.

#### 3.3 Buildings and Receivers

Adjacent houses are notably single storey and were modelled as 3.5 metres high and with receivers located 1.4 metres above ground level. The childcare centre building incorporates a car park and play areas as shown in the design drawings of *Appendix A* and this was reproduced within the noise model. *Figure 3-1* shows a 2D overview of the noise model with the location of all relevant receivers identified.

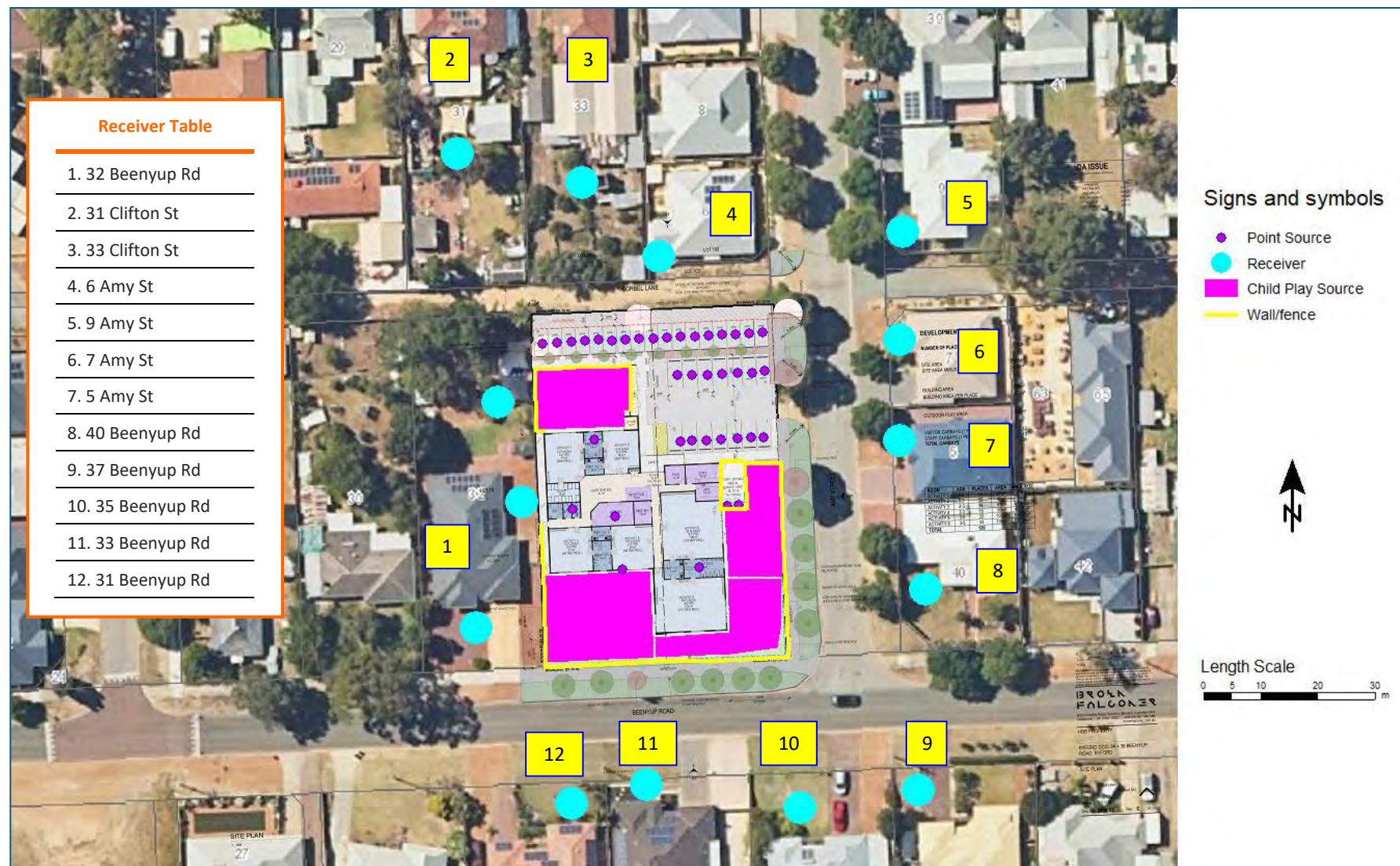


Figure 3-1 2D Overview of Noise Model

### 3.4 Source Sound Levels

The sound power levels used in the modelling are provided in *Table 3-2*.

*Table 3-2 Source Sound Power Levels, dB*

Description	Octave Band Centre Frequency (Hz)								Overall dB(A)
	63	125	250	500	1k	2k	4k	8k	
Babies Play Aged 0-2 Years (10 kids), $L_{10}$	78	54	60	66	72	74	71	67	<b>78</b>
Toddler Play Aged 2-3 Years (10 kids), $L_{10}$	61	67	73	79	81	78	74	70	<b>85</b>
Kindy Play Aged 3+ Years (10 kids), $L_{10}$	64	70	75	81	83	80	76	72	<b>87</b>
AC plant, double fan unit (2 off), each, $L_{10}$	72	74	68	69	63	61	53	47	<b>70</b>
Toilet/Laundry Exhausts, each, $L_{10}$	60	65	62	63	60	61	56	53	<b>67</b>
Kitchen Exhaust, $L_{10}$	50	64	61	70	69	66	62	50	<b>73</b>
Closing Car Door, $L_{max}$	71	74	77	81	80	78	72	61	<b>84</b>

The following is noted in relation to the source levels above:

- Child play source levels are based on Guideline 3.0 provided by the Association of Australasian Acoustical Consultants (AAAC) published September 2020. Where the number of children for individual play areas is specified in the plans, these have been adjusted from the reference source levels using appropriate acoustical calculations. Outdoor child play was modelled as area sources at 1-metre heights above ground level. The sound power levels used in the model were scaled as follows:
  - 24 Babies = 81 dB(A)
  - 30 Toddlers = 89 dB(A)
  - 66 Kindy = 94 dB(A)
- Based on the AAAC Guideline 3.0, source sound power levels for AC condensing units were assumed. Medium sized (double fan) outdoor units were deemed appropriate. Each was modelled as a point source located 1.2 metres above ground level positioned as indicated on plans.
- Based on similar projects and the proposed plans, two AC condensing units were assumed for the various spaces. Each was modelled as a point source located in the service yard area. A 2.1m wall/door enclosing this yard has been modelled.
- Other mechanical plant includes three exhaust fans (toilets and laundry) and one kitchen exhaust fan/rangehood fan. All were modelled as point sources approximately 0.5 metres above roof level and above the area serviced.
- Car doors closing were modelled as a point source 1.0 metre above ground level. Since noise from a car door closing is a short term event, only the  $L_{Amax}$  level is applicable.



### 3.5 Walls and Fences

The area is mostly residential with typical boundary fencing (*Hardie Fence* and *Colorbond* types) between residences. Solid fences, of minimum 1.8m high, will be installed encompassing the play areas on all sides, to be further verified by the outcomes of noise modelling (refer *Section 6* for more detail). It is noted that in the southern play areas, the play level will be lower than natural ground level and the future wall is assumed atop the retaining wall (providing increased height relative to floor level). The modelling has assumed that no gaps are present in these barriers, and this will need to be ensured in the final build.

The material selected for all barriers must have a minimum  $8\text{kg/m}^2$  surface mass to be effective acoustically. With regard to any entry gates within a barrier, these must also be solid and any air gaps appropriately sealed or overlapped.

Figure 3-2 shows a view of the 3D model based on the information above in relation to topography and building and fence heights. Also shown are the outdoor play areas (pink polygon) and point sources (e.g. mechanical plant, car doors) as purple dots.

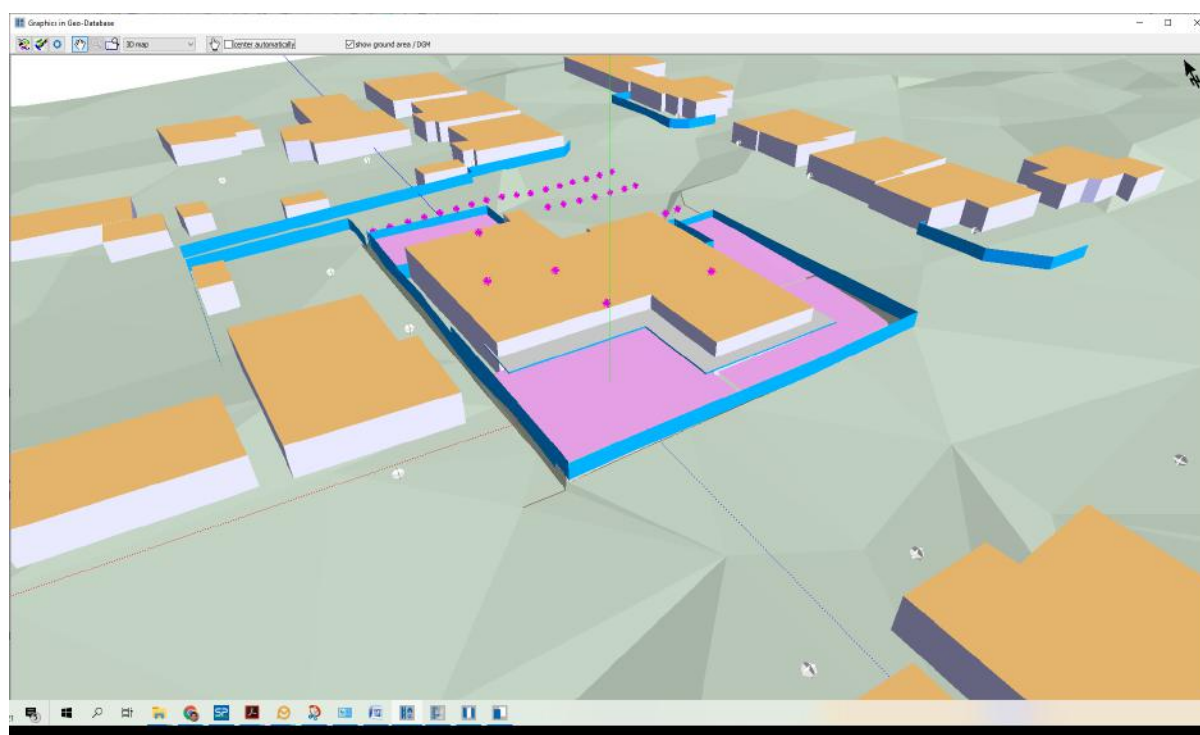


Figure 3-2 South Elevation View of 3D Noise Model

### 3.6 Ground Absorption

Ground absorption varies from a value of 0 to 1, with 0 being for an acoustically reflective ground (e.g. asphalt, concrete) and 1 for acoustically absorbent ground (e.g. grass/sand). In this instance, a value of 0.5 has been used for the outdoor play areas and the car park and road areas, and 0.6 for all other areas.

## 4 RESULTS

### 4.1 Outdoor Child Play

The childcare development will host up to 120 children. It is noted play time is generally staggered and therefore not all children would be playing outside at once for extended periods of time. However, noise levels were conservatively predicted for this, as a worst-case scenario, as follows:

- All groups, totalling 120 children (all ages) are playing outside simultaneously for extended periods of time.

Table 4-1 presents the predicted noise levels at each receiver, noting the predicted noise levels are from child play only i.e. mechanical plant noise is not included. Figure 4-1 also shows the predicted noise levels as noise contour maps at ground level (1.5 metres AGL).

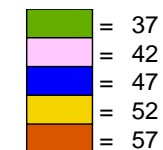
*Table 4-1 Predicted Noise Levels of Child Play, dB LA10*

Receiver	120 Children Outside
1. 32 Beenyup Rd	38
1. 32 Beenyup Rd Front	44
1. 32 Beenyup Rd Rear yard	38
2.31 Clifton St	31
3. 33 Clifton St	34
4. 6 Amy St	34
5. 9 Amy St	37
6. 7 Amy St	44
7. 5 Amy St	46
8. 40 Beenyup Rd	42
9. 37 Beenyup Rd	42
10. 35 Beenyup Rd	45
11. 33 Beenyup Rd	47
12. 31 Beenyup Rd	45

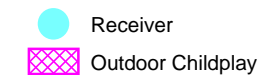
**Figure 4-1 Outdoor Child Play Noise, All Children Outside, dB  $L_{A10}$**



**Predicted Noise level**



**Legend**



Scale 1:900



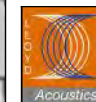
Project No: 21046321

Consultant: MM

Date: 25/08/2021

Algorithm: ISO 9613

SoundPLAN Version: 8.2



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## 4.2 Mechanical Plant

Mechanical plant consists of AC plant and extraction fans for the kitchen, toilets and laundry. The exhaust fans were assumed to be located on the roof and above the room being serviced. The AC plant was modelled as per the designated area on the east side of the building (in fenced yard).

Since the childcare centre opens from 6.30am, it was considered that all plant could be operating simultaneously at night-time (i.e. before 7.00am). The predicted mechanical plant noise levels are presented in *Table 4-2*. The overall plant noise levels are also shown on *Figure 4-2*.

*Table 4-2 Predicted Noise Levels of Mechanical Plant, dB LA10*

Receiver	All Plant Combined
1. 32 Beenyup Rd	30
1. 32 Beenyup Rd Front	25
1. 32 Beenyup Rd Rear yard	26
2.31 Clifton St	21
3. 33 Clifton St	23
4. 6 Amy St	26
5. 9 Amy St	25
6. 7 Amy St	30
7. 5 Amy St	30
8. 40 Beenyup Rd	27
9. 37 Beenyup Rd	23
10. 35 Beenyup Rd	24
11. 33 Beenyup Rd	25
12. 31 Beenyup Rd	25

It can be seen that at all receivers, the predicted mechanical plant noise is lower than the child play noise levels (*Table 4-1*). Therefore, child play noise would dominate the noise levels during the day at most receivers, except prior to 7.00am, when child play noise is not present.

The above results should be recalculated once mechanical plant specifications are known closer to building permit application.



Figure 4-2 Mechanical Plant Noise, Night Time, dB L<sub>A10</sub>



Predicted Noise level

- = 27
- = 32
- = 37
- = 42
- = 47

Legend

- Receiver
- Mech Source

Scale 1:900



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Date: 25/08/2021  
Algorithm: ISO 9613  
SoundPLAN Version: 8.2



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### 4.3 Car Park

The model includes noise from car doors closing in all parking bays and *Table 4-3* presents the highest predicted noise levels applicable to each receiver. *Figure 4-3* also presents the maximum noise levels at ground level (1.5 m AGL) for car doors as a contour map. Note that this contour is not a cumulative level, but a composite contour of each maximum noise event.

*Table 4-3 Predicted Car Doors Closing Noise Levels, dB  $L_{Amax}$*

Receiver	Car doors
1. 32 Beenyup Rd	34
1. 32 Beenyup Rd Front	19
1. 32 Beenyup Rd Rear yard	46
2.31 Clifton St	36
3. 33 Clifton St	41
4. 6 Amy St	45
5. 9 Amy St	38
6. 7 Amy St	48
7. 5 Amy St	49
8. 40 Beenyup Rd	37
9. 37 Beenyup Rd	32
10. 35 Beenyup Rd	29
11. 33 Beenyup Rd	26
12. 31 Beenyup Rd	23



Figure 4-3 Car Park Noise, dB L<sub>Amax</sub>



Predicted Noise level

- = 47
- = 52
- = 57
- = 62
- = 67

Legend

- Receiver
- Car door Source

Scale 1:900



Project No: 21046321  
Consultant: MM  
Date: 25/08/2021  
Algorithm: ISO 9613  
SoundPLAN Version: 8.2



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## 5 ASSESSMENT

### 5.1 Outdoor Child Play

Although the childcare centre opens from 6.30am, outdoor child play will only occur after 7.00am, when the assigned noise levels increase by 10 dB compared to prior to 7.00am. Noise from child play is not considered to contain annoying characteristics within the definition of the Regulations and therefore, no adjustments are made to the predicted noise levels.

Table 5-1 presents the assessment of the highest predicted noise levels from all 120 children playing outside against the  $L_{A10}$  assigned noise level at each receiver.

*Table 5-1 Assessment of Outdoor Child Play Noise Levels, dB  $L_{A10}$*

Receiver	Assigned Noise Level	Predicted Level	Exceedance
1. 32 Beenyup Rd	47	38	Complies
1. 32 Beenyup Rd Front	47	44	Complies
1. 32 Beenyup Rd Rear yard	47	38	Complies
2.31 Clifton St	47	31	Complies
3. 33 Clifton St	47	34	Complies
4. 6 Amy St	47	34	Complies
5. 9 Amy St	47	37	Complies
6. 7 Amy St	47	44	Complies
7. 5 Amy St	47	46	Complies
8. 40 Beenyup Rd	47	42	Complies
9. 37 Beenyup Rd	47	42	Complies
10. 35 Beenyup Rd	47	45	Complies
11. 33 Beenyup Rd	47	47	Complies
12. 31 Beenyup Rd	47	45	Complies

From Table 5-1 it can be seen that noise levels comply with the most critical receivers. The assessment demonstrates compliance based on a conservative scenario of all 120 children playing simultaneously. Where barriers are constructed, they will need to be as per minimum heights detailed in Section 6, and no further mitigation measures are required. It is recommended, however, that compliance be confirmed once detailed retaining walls, lot levels and top of wall (fence heights) can be verified at detailed design.



## 5.2 Mechanical Plant

Given the proposed opening hours of the childcare centre, the night-time period (i.e. before 7.00am) is most critical. The overall noise levels are generally dominated by the kitchen exhaust plant and A/C condenser noise, which may be considered tonal, and a +5 dB adjustment (refer *Table 5-2*) applies to predictions.

*Table 5-2 Assessment of Mechanical Plant Noise Levels, dB L<sub>A10</sub>*

Receiver	Night Assigned Noise Level	Predicted Level	Adjusted Level	Exceedance
1. 32 Beenyup Rd	37	30	35	Complies
1. 32 Beenyup Rd Front	37	25	30	Complies
1. 32 Beenyup Rd Rear yard	37	26	31	Complies
2.31 Clifton St	37	21	26	Complies
3. 33 Clifton St	37	23	28	Complies
4. 6 Amy St	37	26	31	Complies
5. 9 Amy St	37	25	30	Complies
6. 7 Amy St	37	30	35	Complies
7. 5 Amy St	37	30	35	Complies
8. 40 Beenyup Rd	37	27	32	Complies
9. 37 Beenyup Rd	37	23	28	Complies
10. 35 Beenyup Rd	37	24	29	Complies
11. 33 Beenyup Rd	37	25	30	Complies
12. 31 Beenyup Rd	37	25	30	Complies

Based on the predicted noise levels in *Table 5-2*, the most critical mechanical plant noise levels are at residences to the east. The primary contributors are the AC condensers, though the kitchen exhaust also contributes and therefore should be designed with noise as a consideration.

Compliance is demonstrated for the day time period, where the assigned level is 10 dB higher than at night. Note that this assessment is based on assumptions in relation to the number, size and type of AC plant and exhaust fans. Therefore, mechanical plant noise is to be reviewed by a qualified acoustical consultant during detailed design, when plant selections and locations become known.

### 5.3 Car Doors

Car doors closing noise are short duration events and were therefore assessed against the  $L_{Amax}$  assigned noise level. Given the proposed hours of operation, staff and visitors may arrive before 7.00am when the night-time assigned noise level of 55 dB  $L_{Amax}$  is applicable. Car door noise was considered impulsive within the definition of the Regulations. Therefore, an adjustment of +10 dB (refer *Table 5-3*) is to be applied to the predicted noise levels.

*Table 5-3 Assessment of Car Doors Closing Noise Levels, dB  $L_{Amax}$*

Receiver	Night Assigned Noise Level	Predicted Level	Adjusted Level	Exceedance
1. 32 Beenyup Rd	57	34	44	Complies
1. 32 Beenyup Rd Front	57	19	29	Complies
1. 32 Beenyup Rd Rear yard	57	46	56	Complies
2.31 Clifton St	57	36	46	Complies
3. 33 Clifton St	57	41	51	Complies
4. 6 Amy St	57	45	55	Complies
5. 9 Amy St	57	38	48	Complies
6. 7 Amy St	57	48	58	+1
7. 5 Amy St	57	49	59	+2
8. 40 Beenyup Rd	57	37	47	Complies
9. 37 Beenyup Rd	57	32	42	Complies
10. 35 Beenyup Rd	57	29	39	Complies
11. 33 Beenyup Rd	57	26	36	Complies
12. 31 Beenyup Rd	57	23	33	Complies

The noise from car doors is demonstrated to exceed at two locations being #5 and #7 Amy Street to the east. Restricting staff bays should mitigate noise during the early morning period (prior to 7.00am), see *Section 6*. During the day compliance is readily achieved.

## 5.4 Indoor Child Play

An assessment of noise levels from indoor child play was carried out and the resulting noise levels at all locations were predicted to be well below that of outdoor child play considered in *Section 4.1*. This assessment was carried out based on the following considerations:

- External doors and windows will be closed during indoor activity / play;
- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group; 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.

## 6 RECOMMENDATIONS

To mitigate noise from exhaust fans, it is recommended that these be designed as inline type or ceiling mounted fans, which could be installed with attenuators or diverted ducting, rather than externally mounted plant.

The AC condensing units, while potentially compliant at all times, may be mitigated further with quiet mode (reduced capacity) programming prior to 7.00am. These options should be explored during detailed design and verified by the mechanical services engineer and a qualified acoustical consultant, when plant selections and locations become known.

Noise from car park use to properties to the north and east should be anticipated, noting that the DA plans nominate staff bays. To ensure compliance, it is recommended that the bays highlighted in *Figure 6-1* below are restricted to after 7am use.

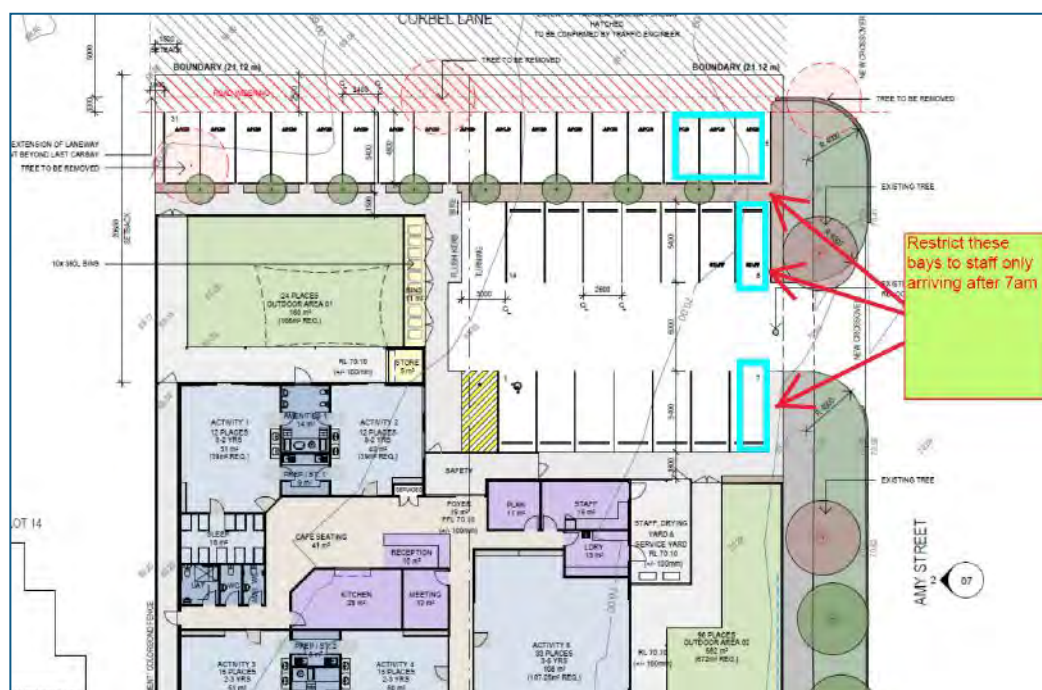
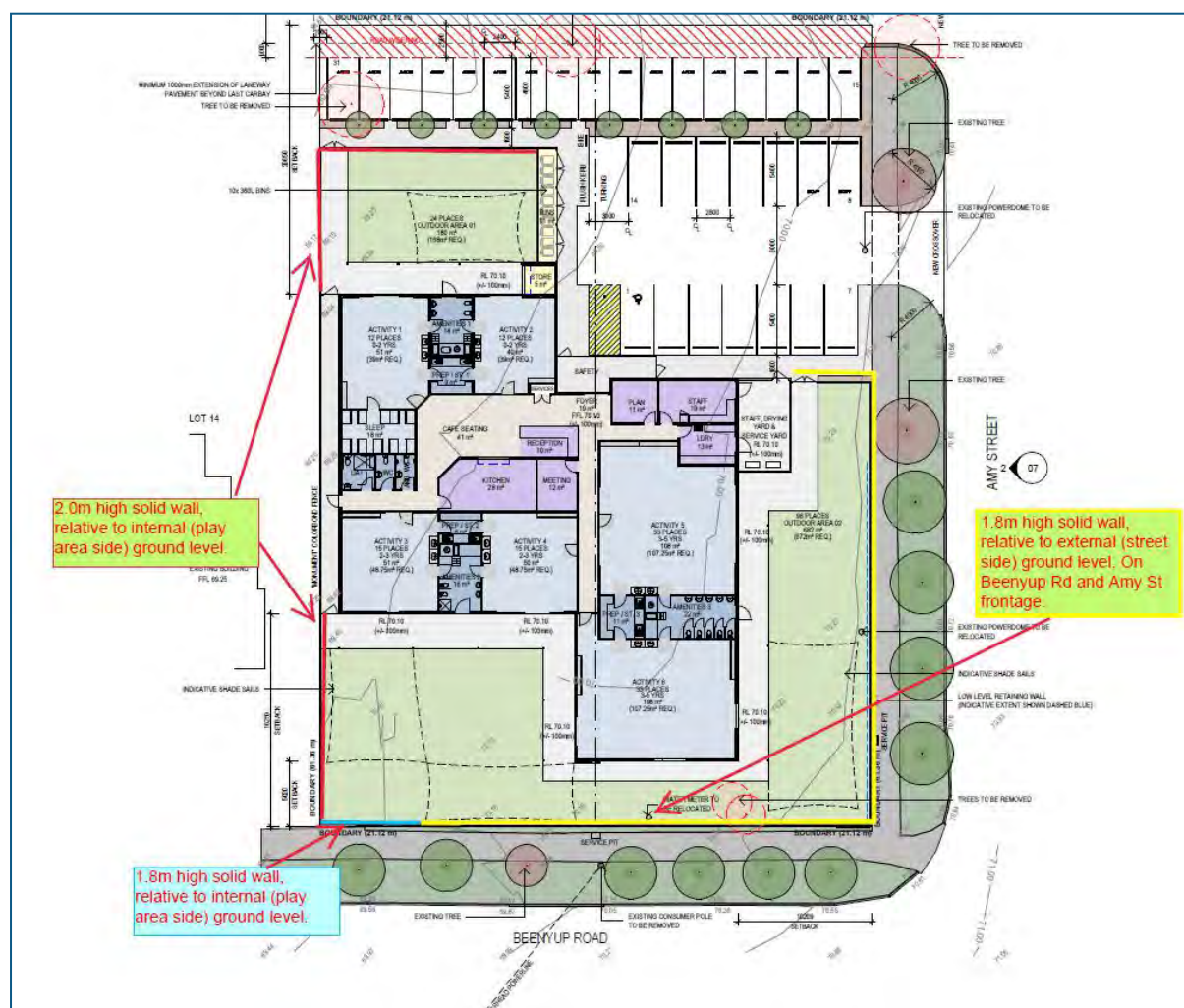


Figure 6-1 Car door Noise Mitigation

Noise from child play is demonstrated to comply during the day, with the proposed walls ensuring the walls and gates are free of gaps and a material with minimum surface mass of 8 kg/m<sup>2</sup>. Wall heights and extents should be as specified in *Figure 6-2* below.



*Figure 6-2 Child Play Noise Mitigation*

Finally, the following best practices should be implemented where practicable:

- The behaviour and 'style of play' of children should be monitored to prevent particularly loud activity e.g. loud banging/crashing of objects, 'group' shouts/yelling,
- Favour soft finishes in the outdoor play area to minimise impact noise (e.g. soft grass, sand pit(s), rubber mats) over timber or plastic,
- No amplified music to be played outside,
- External doors and windows to be closed during indoor activity / play, and
- Any music played within the internal activity areas to be 'light' music with no significant bass content and played at a relatively low level.
- Car park drainage grates to be plastic or metal with rubber gasket and secured.

Regulation 14A provides requirements for the collection of waste stating that this activity can also be exempt from having to comply with regulation 7 prescribed standards provided it is undertaken between 7am and 7pm Mondays to Saturdays and undertaken in the quietest reasonable manner.

## 7 CONCLUSIONS

The noise impacts from the proposed childcare centre to be located at Lots 15-16 (#34-36) Beenyup Road, Byford have been assessed against the relevant criteria of the *Environmental Protection (Noise) Regulations 1997*.

Based on the modelling and assessments in relation to the noise emissions from child play, mechanical plant and car doors closing, it is concluded that compliance can be achieved for all existing noise sensitive premises provided that the recommendations in *Section 6* are implemented.

**Appendix A**

**Development Plans**



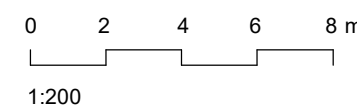
SUED FOR DEVELOPMENT APPROVAL

Rev.	Amendment	Date
A	PRELIMINARY	25/06/21
B	PRELIMINARY	29/06/21
C	PRELIM DA ISSUE	30/06/21
D	DA ISSUE	05/07/21
E	DA REVISION	20/07/21

## DEVELOPMENT SUMMARY

<b>NUMBER OF PLACES</b>	<b>120</b>
SITE AREA	2592m <sup>2</sup>
<i>SITE AREA MINUS ROAD WIDENING</i>	<i>2486m<sup>2</sup></i>
BUILDING AREA	800m <sup>2</sup>
BUILDING AREA PER PLACE	6.7m <sup>2</sup>
OUTDOOR PLAY AREA	862m <sup>2</sup>
VISITOR CARBAYS (1 PER 10 PLACES)	12
STAFF CARBAYS (1 PER EDUCATOR)	19
<b>TOTAL CARBAYS</b>	<b>31</b>

ROOM	AGE	PLACES	AREA	AREA REQ
ACTIVITY 1	0-2	12	51m <sup>2</sup>	39m <sup>2</sup>
ACTIVITY 2	0-2	12	40m <sup>2</sup>	39m <sup>2</sup>
ACTIVITY 3	2-3	15	51m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 4	2-3	15	50m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 5	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
ACTIVITY 6	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
<b>TOTAL</b>		<b>120</b>		



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HBB PROPERTY

BYFORD CCC, 34 + 36 BEENYUP  
ROAD, BYFORD

## SITE PLAN

Scale	As indicated	
Drawn	DC	Checked MJ
Date	20/07/21	
Job No.	2021029	

Dwg No. **3435 03**      Rev: **E**      A1 SHEET

## SITE PLAN

1 : 200



# Proposed Byford Early Learning Centre

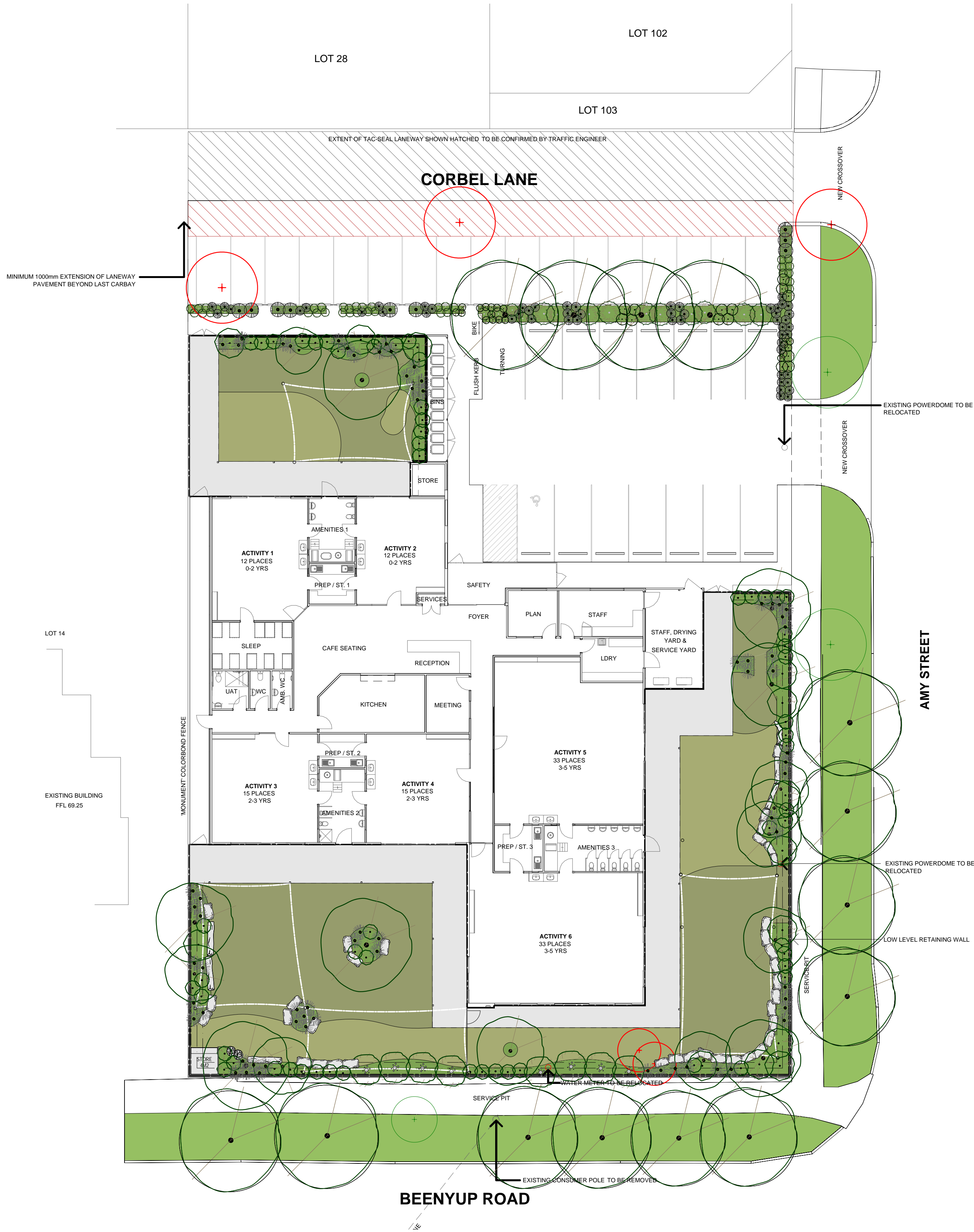
Corner Amy & Beenyup Road, Byford WA

HB&B Property

Landscape Town Planning Submission

Drawing Register:  
LS01 - Full Site Plan  
LS02 - Playspace Plan  
LS03 - Car Park Planting Plan  
LS04 - Verge Planting Plan & Carpark  
LS05 - Planting Details

Please note that all example images are indicative of intent/form/usage only and do not accurately depict the final outcome on this site. All plant images are shown at approximate full growth and are not indicative of scale when planted.



## 01 - Site Plan - Full Site

STRATIS

LANDSCAPE ARCHITECTS

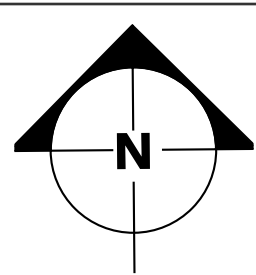
www.stratisla.com // ABN 54 605 387 166 // T 03 9482 7868

PO Box 662 Eltham 3095

Client: HB&B Property

Project Address: Corner Amy & Beenyup Road, Byford WA

NOTE: This drawing is copyright and must not be retained, used or copied in whole or in part without Stratis Landscape Architects written approval other than for the express purpose for which it has been commissioned.



scale: Not To Scale

Principal Contact:

Contact Number:

Email:

Date of Issue :

Elliot Summers / Iris Fong

03 9482 7868

iris@stratisla.com

elliott@stratisla.com

05/07/2021

Drawing Number:

LS01



## DA ISSUE

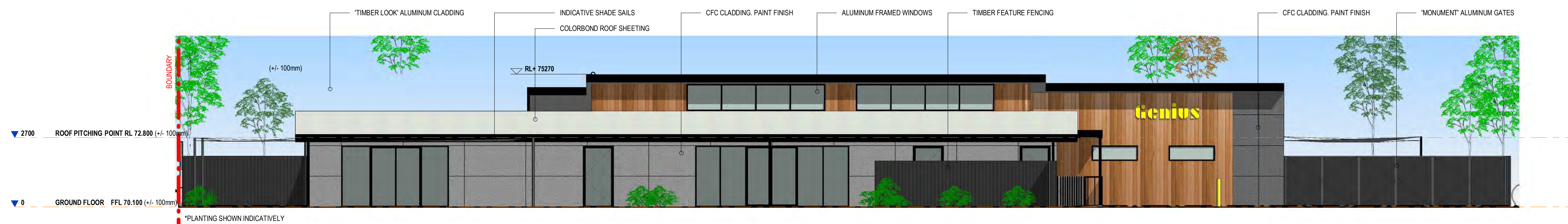
ISSUED FOR DEVELOPMENT APPROVAL

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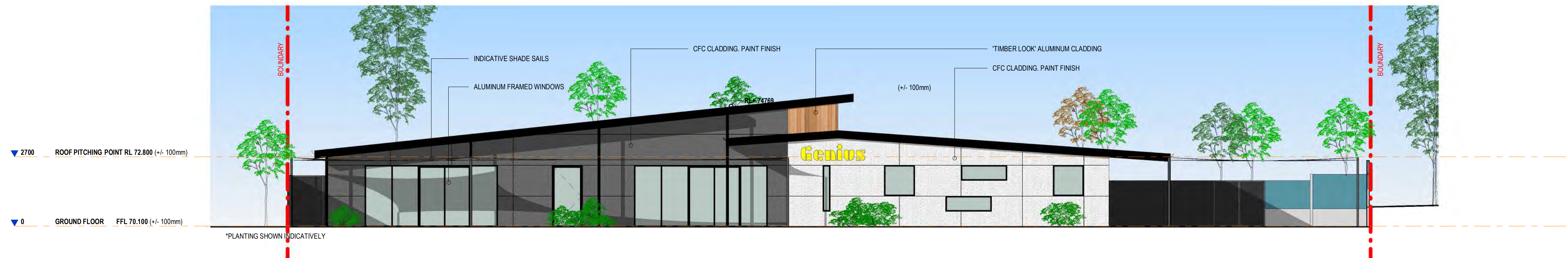
## 1 - NORTH ELEVATION

1 : 100



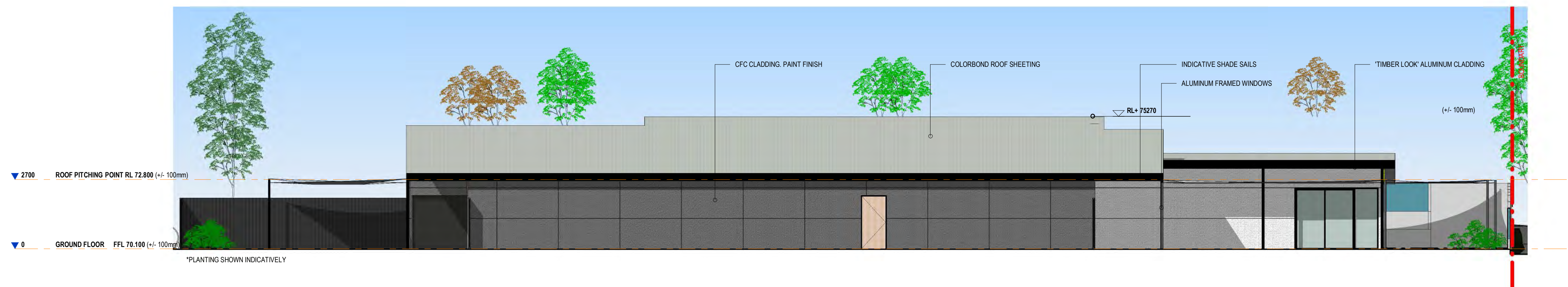
## 2 - EAST ELEVATION

1 : 100



## 3 - SOUTH ELEVATION

1 : 100



## 4 - WEST ELEVATION

1 : 100

0 1 2 3 4 m

1:100

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ROAD, BYFORD

ELEVATIONS

Scale 1 : 100

Drawn DC Checked MJ

Date 25/07/21

Job No. 2021029

Dwg No. 3435 06

Rev: E

A1 SHEET



## DA ISSUE

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## 1 - CORBEL LANE ELEVATION

1 : 100



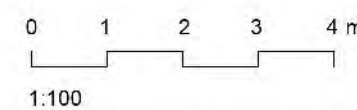
## 2 - AMY STREET ELEVATION

1 : 100



## 3 - BEENYUP ROAD ELEVATION

1 : 100



1:100

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ROAD, BYFORD

STREET ELEVATIONS

Scale 1 : 100  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029  
Dwg No. **3435 07** Rev: **E** A1 SHEET



DA ISSUE

ISSUED FOR DEVELOPMENT APPROVAL

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DEVELOPMENT SUMMARY

NUMBER OF PLACES 120

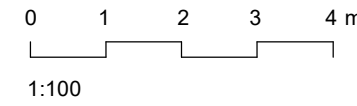
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SITE AREA MINUS ROAD WIDENING 2486m²

BUILDING AREA 800m²  
BUILDING AREA PER PLACE 6.7m²

OUTDOOR PLAY AREA 862m²

VISITOR CARBAYS (1 PER 10 PLACES) 12  
STAFF CARBAYS (1 PER EDUCATOR) 19  
TOTAL CARBAYS 31

ROOM	AGE	PLACES	AREA	AREA REQ.
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ACTIVITY 6	3-5	33	108m²	107.25m²
TOTAL		120		



1:100

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HBB PROPERTY

BYFORD CCC, 34 + 36 BEENYUP  
ROAD, BYFORD

FLOOR PLAN

Scale As indicated  
Drawn DC Checked MJ  
Date 25/07/21  
Job No. 2021029

Dwg No. 3435 04 Rev: E A1 SHEET

GROUND FLOOR

1 : 100



## Appendix B

# Terminology

The following is an explanation of the terminology used throughout this report.

***Decibel (dB)***

The decibel is the unit that describes the sound pressure and sound power levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

***A-Weighting***

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as  $L_A$  dB.

***Sound Power Level ( $L_w$ )***

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure levels at known distances. Noise modelling incorporates source sound power levels as part of the input data.

***Sound Pressure Level ( $L_p$ )***

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

***$L_{ASlow}$***

This is the noise level in decibels, obtained using the A frequency weighting and the S (Slow) time weighting as specified in IEC 61672-1:2002. Unless assessing modulation, all measurements use the slow time weighting characteristic.

***$L_{AFast}$***

This is the noise level in decibels, obtained using the A frequency weighting and the F (Fast) time weighting as specified in IEC 61672-1:2002. This is used when assessing the presence of modulation only.

***$L_{APeak}$***

This is the greatest absolute instantaneous sound pressure in decibels using the A frequency weighting as specified in IEC 61672-1:2002.

***$L_{Amax}$***

An  $L_{Amax}$  level is the maximum A-weighted noise level during a particular measurement.

***$L_{A1}$***

An  $L_{A1}$  level is the A-weighted noise level which is exceeded for one percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

***$L_{A10}$***

An  $L_{A10}$  level is the A-weighted noise level which is exceeded for 10 percent of the measurement period and is considered to represent the “intrusive” noise level.

**$L_{Aeq}$**

The equivalent steady state A-weighted sound level (“equal energy”) in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the “average” noise level.

**$L_{A90}$**

An  $L_{A90}$  level is the A-weighted noise level which is exceeded for 90 percent of the measurement period and is considered to represent the “background” noise level.

**One-Third-Octave Band**

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive.

**$L_{Amax}$  assigned level**

Means an assigned level which, measured as a  $L_{A\ Slow}$  value, is not to be exceeded at any time.

**$L_{A1}$  assigned level**

Means an assigned level which, measured as a  $L_{A\ Slow}$  value, is not to be exceeded for more than 1% of the representative assessment period.

**$L_{A10}$  assigned level**

Means an assigned level which, measured as a  $L_{A\ Slow}$  value, is not to be exceeded for more than 10% of the representative assessment period.

**Tonal Noise**

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

the presence in the noise emission of tonal characteristics where the difference between -

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as  $L_{Aeq,T}$  levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as  $L_{A\ Slow}$  levels.

This is relatively common in most noise sources.

**Modulating Noise**

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

a variation in the emission of noise that —

- (a) is more than 3 dB  $L_{A\ Fast}$  or is more than 3 dB  $L_{A\ Fast}$  in any one-third octave band;
- (b) is present for at least 10% of the representative.



### **Impulsive Noise**

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness is:

a variation in the emission of a noise where the difference between  $L_{A \text{ peak}}$  and  $L_{A \text{ Max slow}}$  is more than 15 dB when determined for a single representative event;

### **Major Road**

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

### **Secondary / Minor Road**

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

### **Influencing Factor (IF)**

$$= \frac{1}{10} (\% \text{ Type A}_{100} + \% \text{ Type A}_{450}) + \frac{1}{20} (\% \text{ Type B}_{100} + \% \text{ Type B}_{450})$$

where :

% Type A<sub>100</sub> = the percentage of industrial land within  
a 100m radius of the premises receiving the noise

% Type A<sub>450</sub> = the percentage of industrial land within  
a 450m radius of the premises receiving the noise

% Type B<sub>100</sub> = the percentage of commercial land within  
a 100m radius of the premises receiving the noise

% Type B<sub>450</sub> = the percentage of commercial land within  
a 450m radius of the premises receiving the noise

+ Traffic Factor (maximum of 6 dB)

= 2 for each secondary road within 100m

= 2 for each major road within 450m

= 6 for each major road within 100m

### **Representative Assessment Period**

Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

### **Background Noise**

Background noise or residual noise is the noise level from sources other than the source of concern. When measuring environmental noise, residual sound is often a problem. One reason is that regulations often require that the noise from different types of sources be dealt with separately. This separation, e.g. of traffic noise from industrial noise, is often difficult to accomplish in practice. Another reason is that the measurements are normally carried out outdoors. Wind-induced noise, directly on the microphone and indirectly on trees, buildings, etc., may also affect the result. The character of these noise sources can make it difficult or even impossible to carry out any corrections.

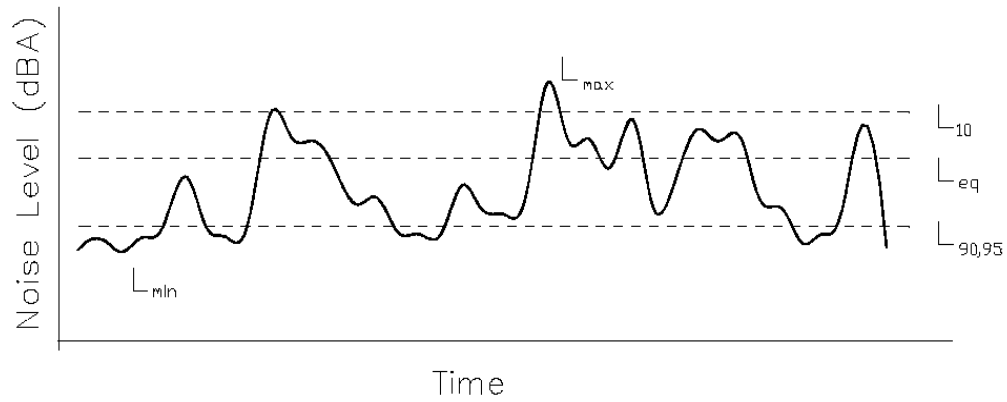
### **Ambient Noise**

Means the level of noise from all sources, including background noise from near and far and the source of interest.

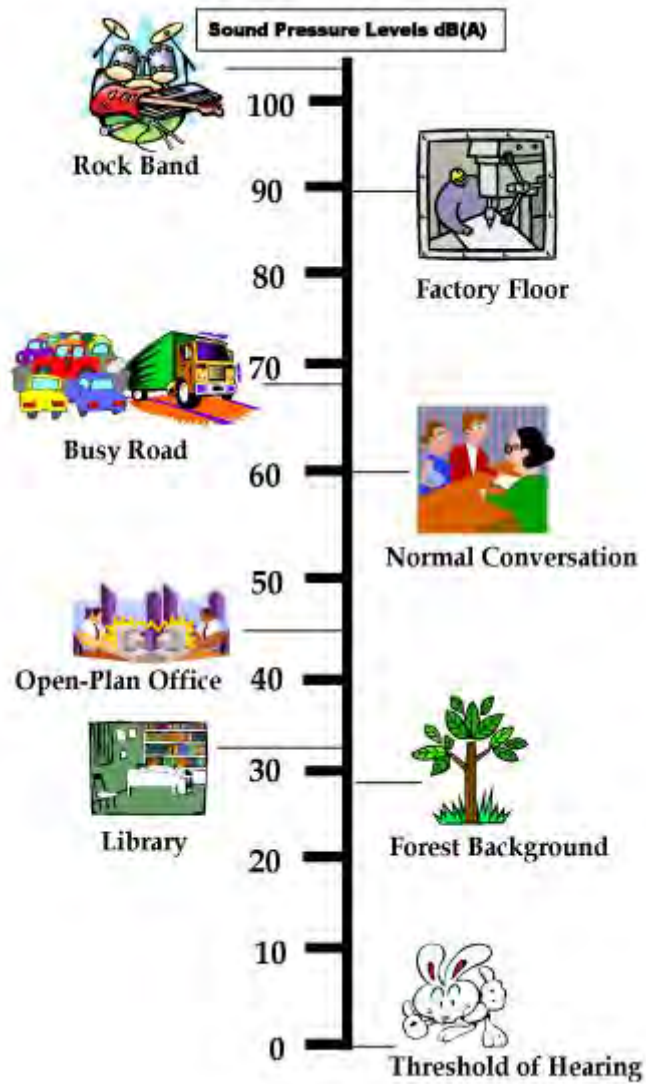
### **Specific Noise**

Relates to the component of the ambient noise that is of interest. This can be referred to as the noise of concern or the noise of interest.

### Chart of Noise Level Descriptors



### Typical Noise Levels



9 September 2021

Nathan Stewart  
Rowe Group  
Level 3, 369 Newcastle Street  
Northbridge WA 6003

Dear Nathan,

RE: PROPOSED CHILD CARE CENTRE – NO. 34 & 36 BEENYUP ROAD, BYFORD  
TRANSPORT IMPACT STATEMENT

As requested, we have now reviewed the traffic and parking associated with the proposed Child Care Centre development at No. 34 & 36 Beenyup Road, Byford, which is located at the north west corner of the Beenyup Road intersection with Amy Street, as shown in the Locality Plan in the attached Figure 1.

1. EXISTING SITUATION AND PROPOSED DEVELOPMENT SITE

- The existing roads and intersections in the vicinity of the proposed development site are shown in the aerial photograph in the attached Figure 2, while the existing situation within and immediately adjacent to the site is shown in more detail in the attached Figure 3.
- The overall site, as shown in Figure 3, is currently occupied by one residential dwelling at No. 34 Beenyup Road (with access via a single crossover to Beenyup Road) and vacant land at No. 36 Beenyup Road, with both properties also having rear laneway access to Corbel Lane at the northern end of the site.
- It can be seen in Figure 2 that Beenyup Road is a 2-lane undivided road that links with Abernethy Road at South Western Highway, providing an east-west link from South Western Highway to Nicholson Road. Amy Street is also a 2-lane undivided road, providing connections north of Beenyup Road into the local residential community and to Byford Primary School.
- Beenyup Road is identified as a Local Distributor Road, while Amy Street is identified as an Access Road, under the Main Roads WA Functional Road Hierarchy, with both roads operating under the default urban area speed limit of 50 kilometres per hour.
- It can also be seen in Figure 3 that existing footpaths are provided along the northern side of Beenyup Road and the western side of Amy Street, immediately adjacent to the proposed development.
- Surveyed traffic counts obtained from the Main Roads WA Traffic Map website show that Beenyup Road east of South Western Highway carried approximately 4,340 vehicles per day in 2018, while South Western Highway carried approximately 11,300 to 14,400 vehicles per day in the vicinity of Beenyup Road.



- SCATS traffic count data for 2021 (also obtained from Main Roads WA) suggests that traffic flows at the South Western Highway - Beenyup Road intersection have increased by approximately 10 percent since the 2018 traffic counts. A further review of the weekday data also shows that total traffic flows at the intersection varied by up to 43 vehicles during the AM peak hour (from a minimum of 1,818 vehicles on the Friday to a maximum of 1,861 vehicles on the Wednesday), and by up to 193 vehicles during the PM peak hour (from a minimum of 1,869 vehicles on the Monday to a maximum of 2,094 vehicles on the Friday).
- It is also important to note that the nearest available Bus Service is Route 254, which travels from Clifton Street at South Western Highway to/from Armadale Station, with the closest bus stop located in Clifton Street approximately 450 metres north west of the proposed development site, while Byford train station is located approximately 1 kilometre from the site.

## 2. PROPOSED DEVELOPMENT

- The proposed development plan is shown in the attached Figure 4, as prepared by architects Brown Falconer. The proposal includes demolition of the existing residential dwelling and the construction of a purpose-built Child Care Centre (for up to 120 children), with a gross floor area of 830 square metres plus an outdoor play area of 842 square metres.
- The attached Figure 5 then shows the proposed development plan superimposed on the aerial photo from Figure 3, identifying the proposed development in the context of the adjacent road network.
- It can be seen in Figure 4 and 5 that 17 staff parking spaces are proposed along the northern edge of the site, accessed directly off Corbel Lane, while an additional 14 spaces are proposed within an adjacent on-site car park (accessed via a single driveway off Amy Street) providing 2 additional staff spaces plus 12 spaces for pick-up and drop-off. The plan therefore includes a total of 31 parking spaces for staff and visitors, including 1 accessible (disabled) space, together with a turnaround bay at the end of the dead-end parking aisle. Pedestrian access to the Child Care Centre is proposed directly off the existing footpath along Amy Street.
- Rubbish collection for the Child Care Centre is proposed to occur on-street within Amy Street.

## 3. PARKING REQUIREMENTS

- Car parking requirements are specified in Section 4.3 of the Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3, with a requirement for Child Care Centres to provide 1 space per employee plus 1 space per 10 children accommodated.
- With a specified 19 staff for the maximum 120 children, the proposed Child Care Centre therefore requires an initial total of 31 car parking spaces, as currently provided on the development plan.
- Bicycle parking requirements for certain land uses are specified in Section 4.4 of the Local Planning Scheme, however there is no requirement specified for Child Care. Part 37 in the draft Local Planning Scheme also identifies (under Schedule 4) the required provision of bicycle parking and facilities for new development in specified zones. However, there is nothing specified for the proposed development site, which is located within an Urban Development zone.

## 4. TRIP GENERATION AND TRAFFIC IMPACT

- On the basis of previous surveys and available data, it is estimated that the proposed Child Care Centre will generate a total of 3.5 vehicle trips per child per day, including 3.25 vehicle trips between the hours of 7am to 10am and 3pm to 6pm, with a maximum hourly flow of 0.7 trips per child during both the morning and evening peak hours. The Child Care Centre is therefore estimated to generate a total

of 420 vehicle trips per day, with a peak hour flow of 84 vehicle trips per hour during both the AM and PM peaks.

- Taking into account the surrounding development areas and adjacent road network, it is estimated that perhaps 55 percent of the total trip generation will access the site to/from the west (via Beenyp Road and South Western Highway), while 30 percent is expected to/from the east, leaving 15 percent to/from the north. However, it is also likely that a significant proportion of the total traffic generation will be 'passing trips' that are already on the road network, travelling from the surrounding residential area to/from South Western Highway or to/from the nearby Primary School.
- Even without discounting for passing trips, the maximum peak hour development traffic flows accessing via the South Western Highway - Abernethy Road - Beenyp Road signalised intersection is therefore 47 vehicles per hour. This equates to less than 3 percent of the existing peak hour traffic flows at the intersection, which is almost identical to the day-to-day variation of traffic flows during the AM peak hour, and significantly less than the day-to-day variation during the existing PM peak hour. The proposed development is therefore expected to have little or no traffic impact on the current operation of the nearby signalised intersection and surrounding road network.

## 5. RECOMMENDED CAR PARK LAYOUT AND ACCESS

The attached Figure 6 shows the recommended car park layouts and access arrangements for the proposed staff parking along Corbel Lane as well as the 'Main Parking Area' for pick-up and drop-off (accessed off Amy Street), as follows:

### Staff Parking Along Corbel Lane

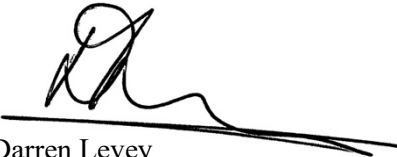
- Parking spaces along Corbel Lane are proposed with a width of 2.4 metres (as required for Staff parking) and a length of 4.8 metres plus an overhang area of 0.6 metres, in accordance with Australian Standard AS 2890.1 for User Class 1.
- With a proposed road reserve widening of 2.5 metres for Corbel Lane, it is recommended to construct the Laneway with an overall pavement width of 7.0 metres (including a carriageway width of 6.0 metres plus an additional 1.0 metres behind the proposed parking spaces), and with a clearance of 0.5 metres from the northern boundary, as shown in Figure 6. It is therefore also recommended to provide a Laneway width of 6.0 metres at the intersection with Amy Street, with 4.0 metre corner radii, as also shown in Figure 6.

### 'Main Parking Area' Access off Amy Street

- The main parking area provides 14 parking spaces, including 2 Staff spaces plus 1 Accessible (disabled) space with an adjacent shared area as required under AS 2890.6. However, parking space dimensions are all 2.6 metres x 5.4 metres with a 6.0 metre aisle, which is suitable for User Class 3 (short-term parking) under AS 2890.1.
- A turn-around area is also provided, since the length of the dead-end aisle exceeds 6 parking spaces, as also required under AS 2890.1.

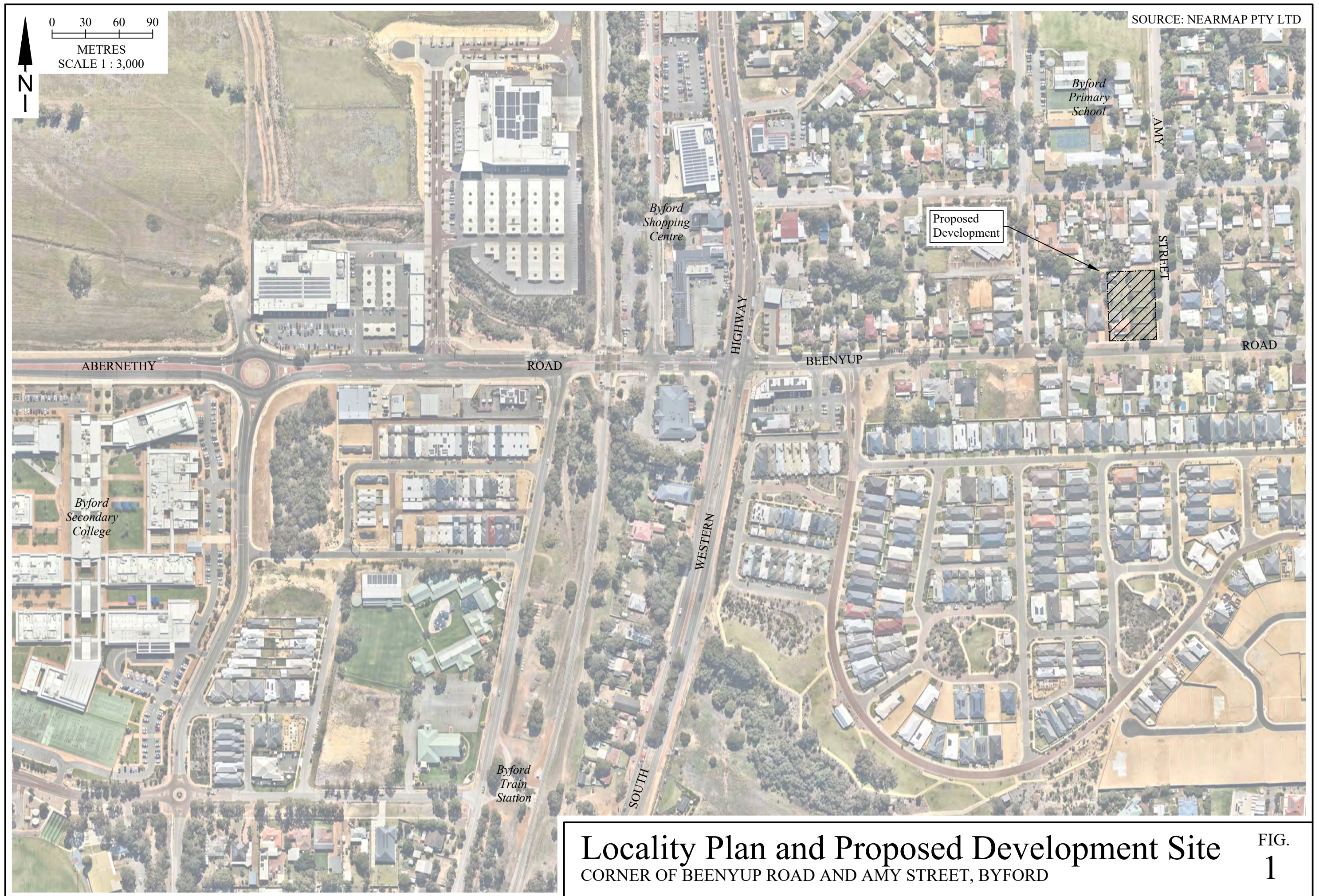
I trust that the above review of traffic and parking requirements, together with the recommended car park layout and access arrangement are sufficient to confirm the operation and safety of the currently proposed Development Application. However, please do not hesitate to contact me if you require anything further.

Yours sincerely,



Darren Levey





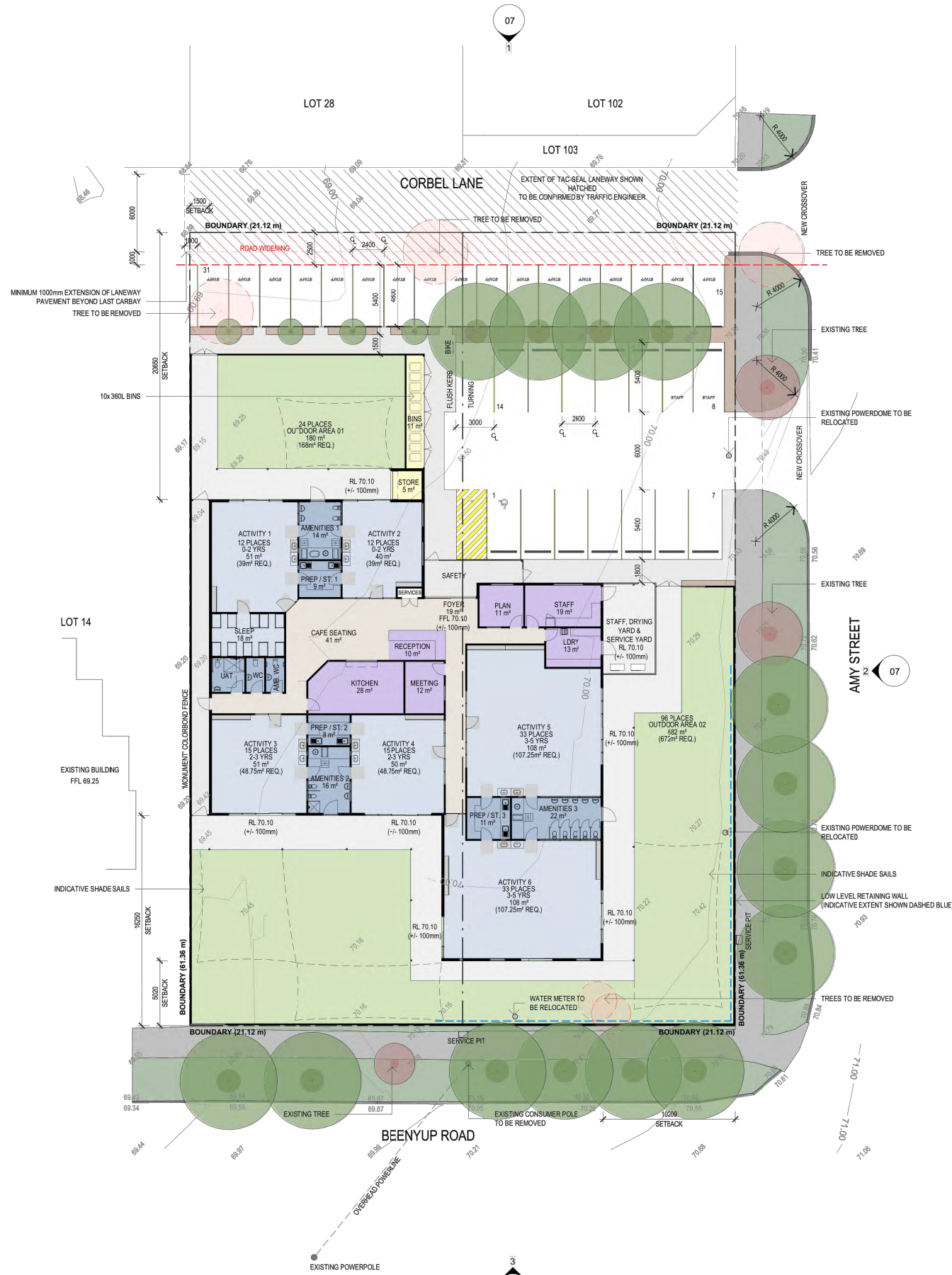












DEVELOPMENT SUMMARY

NUMBER OF PLACES	120
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ACTIVITY 3	2-3	15	51m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 4	2-3	15	50m <sup>2</sup>	48.75m <sup>2</sup>
ACTIVITY 5	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
ACTIVITY 6	3-5	33	108m <sup>2</sup>	107.25m <sup>2</sup>
TOTAL		120		



DISCLAIMER: The drawings provided herewith shall be used for the purposes for which it was provided. The electronic data files for all or part of the drawings carry no guarantee whatsoever as to their accuracy, content or lack of same. The use of electronic data files are at the recipient's (or any other third party user's) risk. They cannot be used for any contractual purposes. The user of these files must verify the electronic data files against the hard copy or .pdf file provided.

**BROWN FALCONER**

9/300 Rokeby Road, Subiaco, Western Australia 6004  
Telephone : 08 6382 0303 ABN 65 007 846 586  
brownfalconer.com.au

HBB PROPERTY

BYFORD CCC, 34 + 36 BEENYUP ROAD, BYFORD

SITE PLAN

Scale	As indicated
Drawn	DC
Date	25/07/21
Job No.	2021029
Dwg No.	3435 03
Rev.	E
Checked	MJ
Rev.	E
A1 SHEET	

FIG. 4



FIG. 5



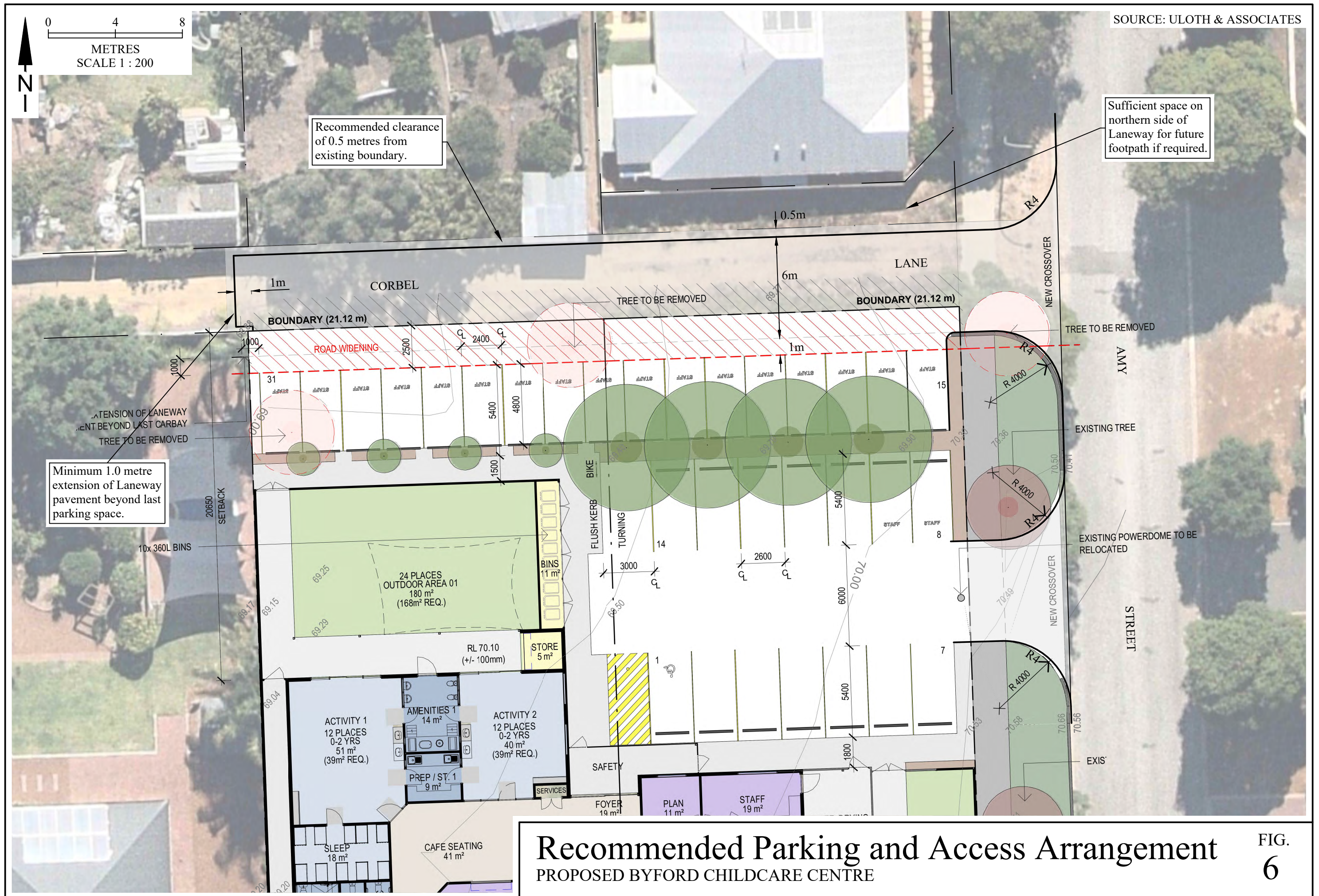


FIG.  
6



# **Waste Management Plan**

**HBB Property**

**Early Learning Centre – Lots 15 and 16 (Nos. 34 and 36) Beenyup Road, Byford**



1. SUMMARY

Five (5) 360L general waste bins and five (5) 360L recycling waste bins are based on waste generation rates - (set out in **Table 1**). The collection methodology for the proposed early learning centre will be by a private contractor. Bins will be collected two (2) times per week. Bins will be collected from a bin collection area on Amy Street. Bins will be moved by the Centre Manager prior to collection and moved back into the enclosure immediately (or as soon as practically possible) after being emptied.

Table 1: Proposed Waste Collection Summary – Child Care Centre

	Bin Size (L)	No. of Bins	Collection Frequency	Collection
General Waste	360	5	2 times per week	Private Contractor
Recycling	360	5	2 times per week	

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3. Objectives and Scope .....4

4. Early Learning Centre Waste Management .....4

    4.1 Waste Generation .....4

    4.2 Waste Storage .....4

    4.3 Waste Collection .....5

    4.4 Centre Management Activities .....5

5. Conclusions .....5



## 2. INTRODUCTION

HBB Property is the prospective purchaser of Lots 15 and 16 (Nos. 34 and 36) Beenyup Road, Byford (**the subject site**). HBB Property is currently seeking Development Approval for an early learning centre at the subject site.

The Shire of Serpentine Jarrahdale (**the Shire**) requires a Waste Management Plan (**WMP**) to accompany applications for development of this nature. This WMP has been prepared to outline how waste is to be stored and collected from the proposed development.

## 3. OBJECTIVES AND SCOPE

The objective of this WMP is to outline the equipment and procedures that will be adopted to manage all waste at the subject site. Specifically, the Plan demonstrates that the Centre has been designed to:

- Adequately cater for the anticipated quantities of waste and recyclables to be generated by the proposed development;
- Provide a suitable Bin Storage Area including appropriate receptacles for the commercial development; and
- Allow for efficient servicing of receptacles by appropriate waste collection vehicles to the commercial development.

To achieve the objective, the scope of the Plan comprises:

- Section 4: Early Learning Centre Waste Management; and
- Section 5: Conclusions.

## 4. EARLY LEARNING CENTRE WASTE MANAGEMENT

### 4.1 WASTE GENERATION

#### 4.1.1 Waste Generation Rates

The estimated waste generated at the Centre has been calculated using the waste generation rates set out in **Table 2**.

**Table 2: Waste Generation Rates**

	GENERAL WASTE GENERATION RATE	RECYCLING WASTE GENERATION RATE
Early Learning Centre	350L / 100m <sup>2</sup> floor area / week	350L / 100m <sup>2</sup> floor area / week

#### 4.1.2 Waste Generation Volumes

Based on the above waste generation rates and the proposed Centre floor area (830m<sup>2</sup>), the estimated volume of waste generated by the Centre is as follows:

- General Waste: 2,905L / week; and
- Recycling: 2,905L / week.

### 4.2 WASTE STORAGE

#### 4.2.1 Receptacle Requirements

Based on the above waste generation rates, the following bins are required for the proposed early learning centre activity:

- Five (5) 360L general waste receptacles; and
- Five (5) 360L recycling receptacles.

The bins will be collected by a private contractor. Waste will be collected four times per week which will enable the Centre to store the following volumes of waste:

- General Waste: 3,600L / week (5 x 360L x 2 collections); and
- Recycling: 3,600L / week (5 x 360L x 2 collections).

#### 4.2.2 Receptacle Size

The typical dimensions are shown in **Table 3** below.

**Table 3: Typical 360L Receptacle Dimension**

RECEPTACLE SIZE (L)	DEPTH (M)	WIDTH (M)	HEIGHT (M)	AREA (M <sup>2</sup> )
360	0.850	0.620	1.100	0.527

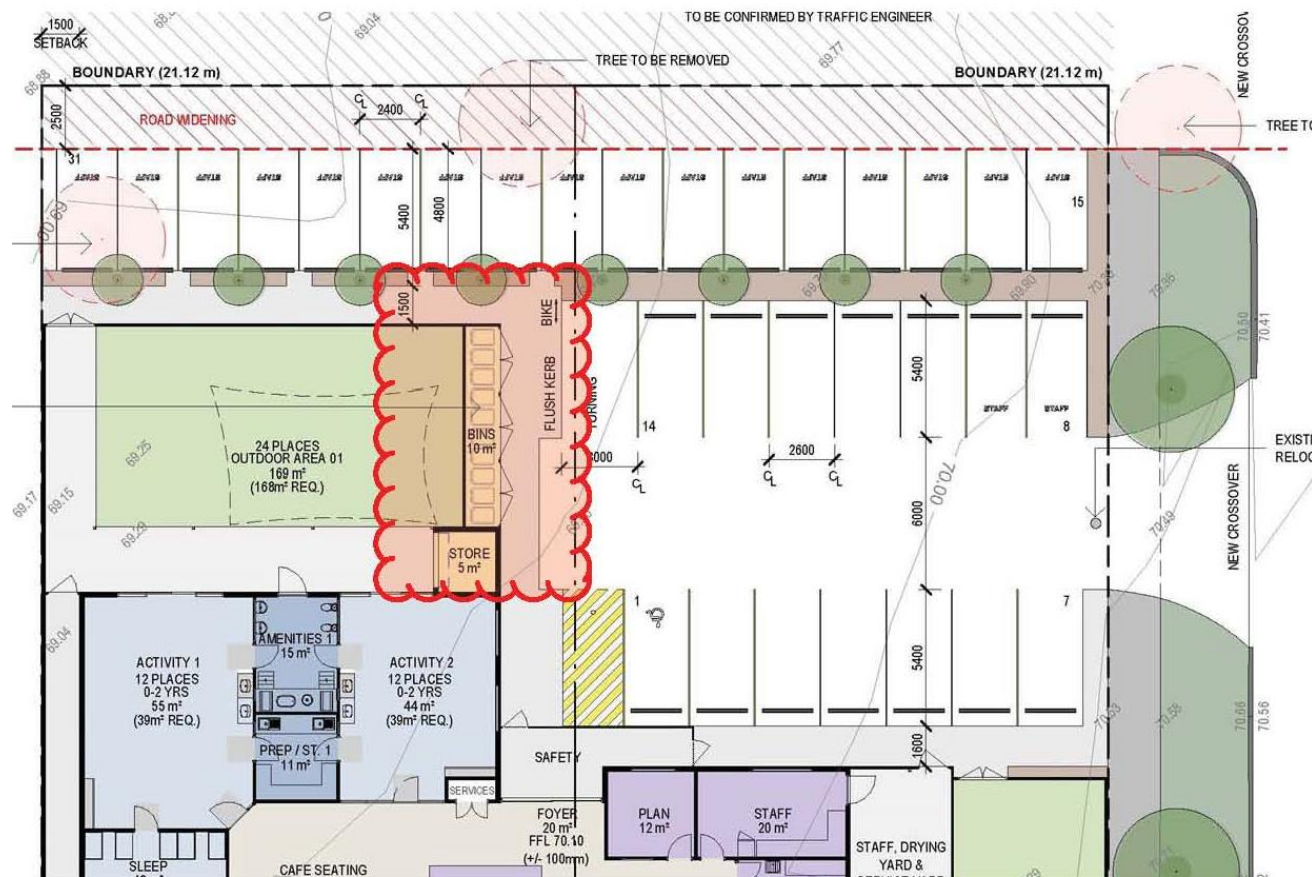
#### 4.2.3 Bin Storage Area Size

To ensure sufficient area is available for storage of the bins prior to servicing, the quantity of the bins was modelled on a two times per week servicing schedule and a receptacle size of 360L.

Based upon typical 360L receptacle dimensions as per **Table 3**, the placement of the bins within the Bin Storage Area has been considered, as shown in **Figure 1** below. The Bin Storage Area is approximately 8.00m by 1.25m (area of approximately 10.0m<sup>2</sup>).

The Bin Storage Area is designed to accommodate the following receptacles:

- Five (5) 360L general waste receptacles; and
- Five (5) 360L recycling receptacles.



**Figure 1: Bin Storage Area Location**

#### 4.2.4 Design

The bin storage area is located at the ground level of the centre adjacent to the on-site parking area and. The bin storage area will:

- Be ventilated to a suitable standard;
- Have an impervious floor draining to the sewer and a trap to facilitate washing of the Bins in the Bin Storage Area;
- Have doors that will be vermin proof;
- Be cleaned when required to reduce potential odours (the Bins, floor and walls); and
- Have a designated area inside the Bin Storage Area where the Bins will be washed down.

### 4.3 WASTE COLLECTION

The bins will be moved to the Amy Street verge area for collection by a private contractor.

### 4.4 CENTRE MANAGEMENT ACTIVITIES

The Centre Manager will be responsible for managing the waste collection at the proposed early learning centre.

The Centre Manager will be responsible for completing the following tasks:

- Wheeling the bins required to be emptied from the Bin Storage Area one at a time during collection times;
- Monitoring of waste composition to identify opportunities for source separation of recycling waste materials and waste reduction activities;
- Maintenance of the Bins and the Bin Storage Area; and
- Clean the Bins and the Bin Storage Area when required.

## 5. CONCLUSIONS

The proposed early learning centre activity will be serviced by five (5) 360L general waste bins and five (5) 360L recycling waste bins which will be collected two (2) times per week by a private contractor. Bins will be collected from a bin area on Amy Street. Bins will be moved by the centre manager prior to collection and moved back into the enclosure immediately (or as soon as practically possible) after being emptied.

This WMP demonstrates that the proposal will be serviced by sufficient bin storage facilities based on the estimated waste generated by the development.





25 August, 2021

**Att: Mr Jordan Shields**

HB & B Property

Level 3, 75 O'Riordan Street,

Alexandria NSW 2015

*via email: [jshields@hbbproperty.com.au](mailto:jshields@hbbproperty.com.au)*

Dear Jordan,

**Operator Demand Analysis**  
**120 place Long Day Care Centre at 34-36 Beenyup Road, Byford WA**

Prior to committing to operating a Long Day Care (LDC) centre in any location, Genius Childcare Pty Ltd undertakes a detailed Demand Analysis in order to determine the long-term demand and viability of a successful long day care centre within that locality. As typical leases range 30-50 years terms, it is vital for the successful operation and profitability of the business to ensure that consideration is afforded to the existing demand and projected growth in each area for LDC Centres.

Following a review of the property at 34-36 Beenyup Road, Genius Childcare Pty Ltd deem the catchment area to be undersupplied as there is a **demand ratio of 1 : 4.5** within the catchment area. That is, 1 LDC place per 4.5 children aged between 0-5 years of age. This demand ratio is calculated by referencing SA2 data available from the data compiling mapping software, Gapmaps and Australian Bureau of Statistics (ABS) data. Generally, a demand ratio of 2.5 in any given location, deems the location to be undersupplied. Given the demand ratio in this specific catchment, Genius Childcare Pty Ltd believe **the catchment is undersupplied and suitable for a 120 place LDC Centre.**

**The Location**

- Within 3.5km of five (5) primary schools - Byford Primary, Beenyup Primary, Marri Grove Primary, West Byford Primary and Woodland Grove Primary.
- High exposure site on the corner of Beenyup Road and Amy Street, within an established residential area and in proximity to the Byford Town Centre.

**The Existing Undersupply**

With specific reference to the suburb of Byford, Gapmaps data indicates that:

- There current number of children aged between 0-5 years is 2,326 (+256 since 2016).
- There are 638 existing childcare places as at 2021.
- The suburb currently shows a demand ratio of 1:3.64, that is, 1 place per 3.64 children.
- The above statistics are based on the residential population only and would be more pronounced with an allowance for the working population and through-traffic in the area requiring childcare.



### Projected Population Growth and Other Proposed Early Learning Facilities

There are two (2) unconstructed LDC Centres in the catchment:

- 2 Walter Road, Byford – 75 place LDCC approved in 2020. Construction has not commenced.
- 13/15 Beenyup Road, Byford – 100 place LDCC lodged with local council August 2021. Application not yet determined.

Should these facilities be approved and constructed, the number of childcare places available in Byford will increase to 813 LDC places. For the purpose of this analysis, we have assumed these will become operational within the next 5 years. On this assumption, we have undertaken a population growth analysis to determine the serviceable population within the Byford area in order to see the effects of these other facilities and demand for early learning services.

According to Gapmaps data:

- A further 353 children between 0-5 years of age are projected to be living in the Byford area within the next 5 years (to 2026); and
- A further 526 children between 0-5 years of age are projected to be living in the Byford area within the next 10 years (to 2031).

Should the 2 pending LDC Centres commence operating (assuming maximum capacity) along with the proposed development, the demand ratio will still remain within the undersupplied threshold at 1 place per 2.8 children.

### The Operator

Genius Childcare is national childcare provider offering a premium and holistic education to Australian children. The Genius Group was initially a portfolio of two premium childcare centres in Melbourne and Brisbane and having spent the past three years developing the Genius Operating Model based on these premium centres, has implemented it throughout its acquired centres across Australia. Based on this work, the Genius Group is now rolling out the model to targeted centres around Australia to build a national footprint of high-quality centres to service their local communities.

Genius Childcare centres are carefully designed to create an open and inviting learning environment where children feel nurtured and inspired. Currently, Genius operates 29 centres across QLD, VIC, NSW, SA and WA.

Sincerely,

**Elizabeth Phasey**

Development Manager  
Genius Childcare Pty Ltd



# Proposed Byford Early Learning Centre

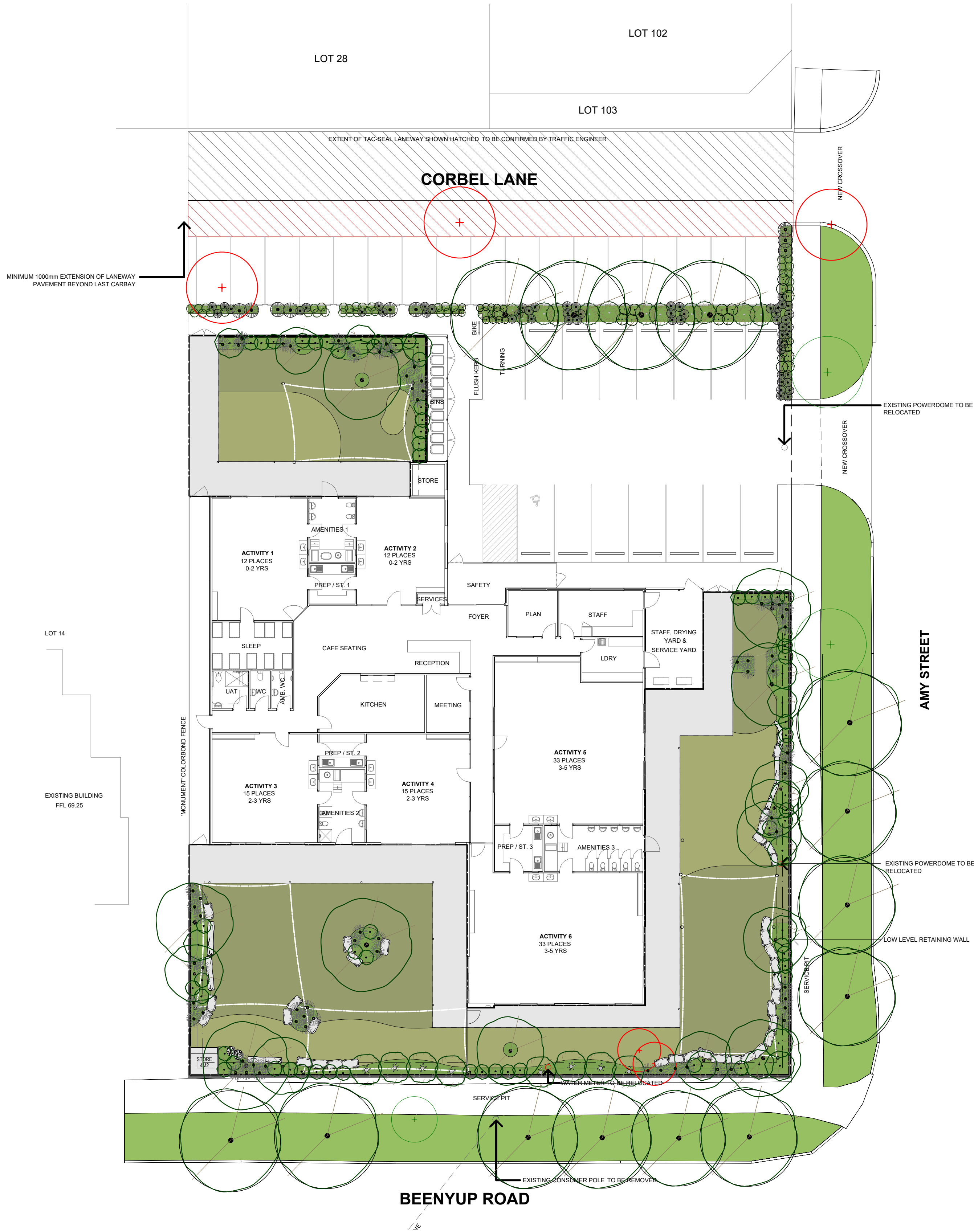
Corner Amy & Beenyup Road, Byford WA

HB&B Property

Landscape Town Planning Submission

Drawing Register:  
LS01 - Full Site Plan  
LS02 - Playspace Plan  
LS03 - Car Park Planting Plan  
LS04 - Verge Planting Plan & Carpark  
LS05 - Planting Details

Please note that all example images are indicative of intent/form/usage only and do not accurately depict the final outcome on this site. All plant images are shown at approximate full growth and are not indicative of scale when planted.



## 01 - Site Plan - Full Site

STRATIS

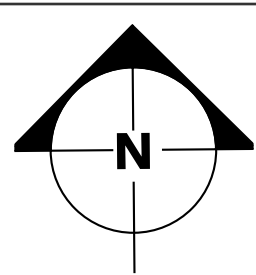
LANDSCAPE  
ARCHITECTS

[www.stratisla.com](http://www.stratisla.com) // ABN 54 605 387 166 // T 03 9482 7868  
PO Box 662 Eltham 3095

**Client:** HB&B Property

**Project Address:** Corner Amy & Beenyup Road, Byford WA

**NOTE:** This drawing is copyright and must not be retained, used or copied in whole or in part without Stratis Landscape Architects written approval other than for the express purpose for which it has been commissioned.



scale: Not To Scale

**Principal Contact:** Elliot Summers / Iris Fong

**Contact Number:** 03 9482 7868

**Email:** iris@stratisla.com

**Date of Issue :** 05/07/2021

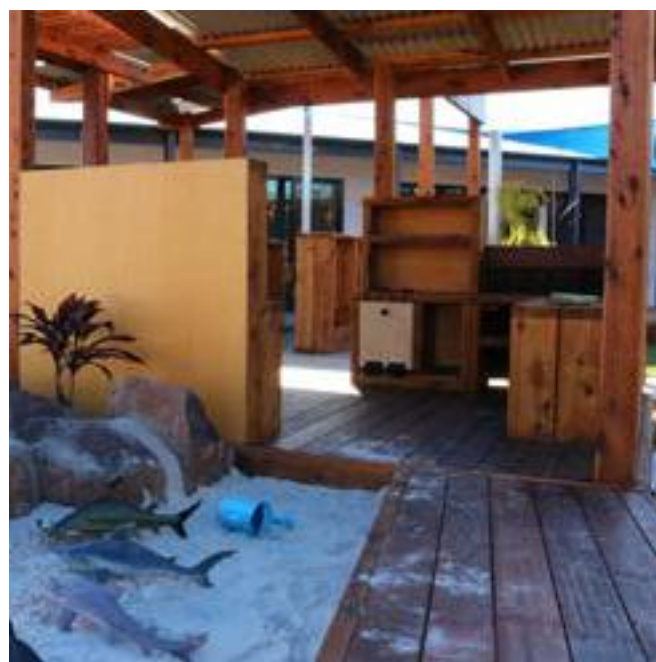
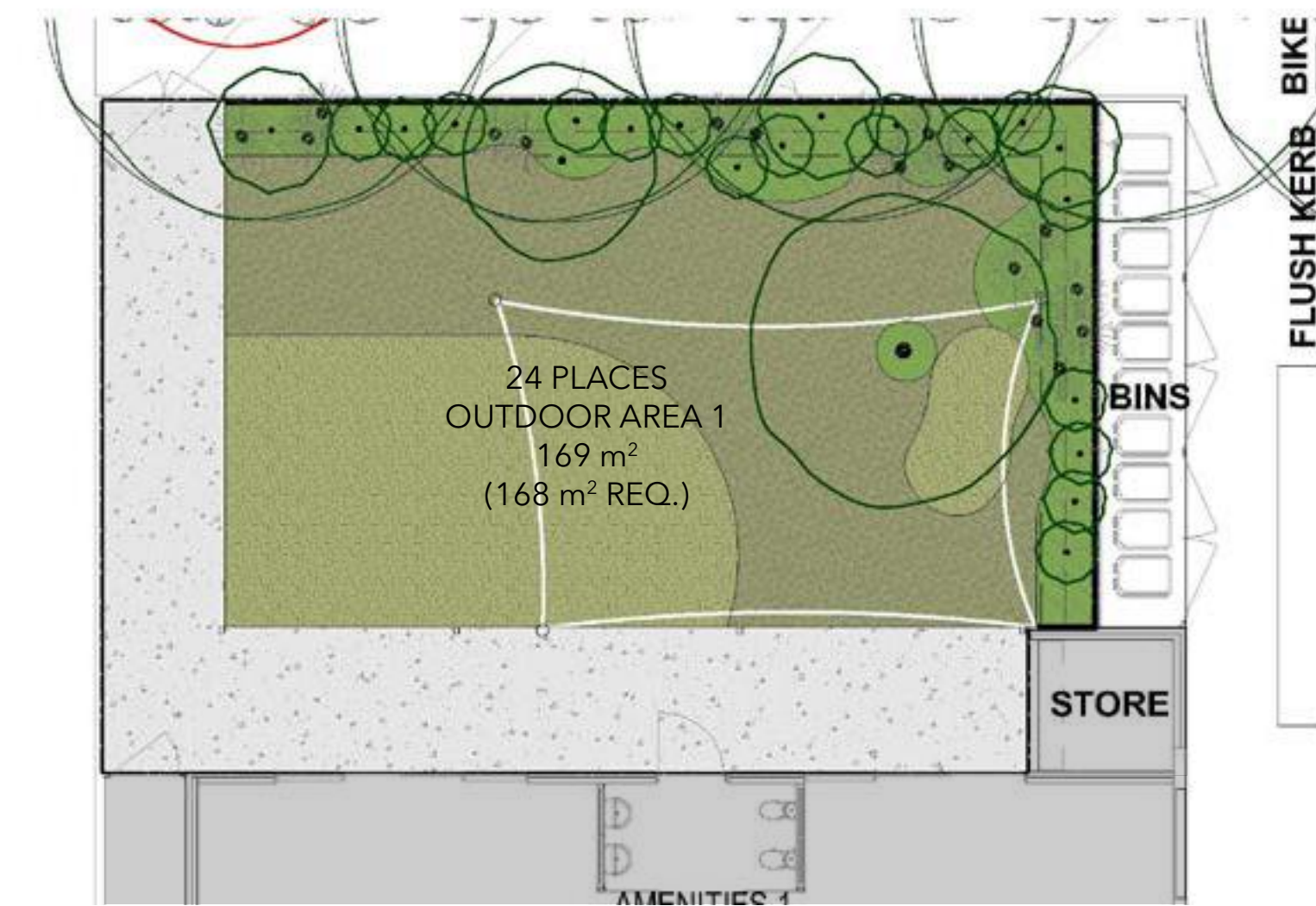
**Drawing Number:**  
LS01



**LEGEND**

- Concrete  
Grey, brush finish
- Play Area - TBD
- Play Area - TBD
- Garden  
With 50mm garden mulch
- Proposed Planting  
Tree / Shrub / Grass  
Diameter approx size at maturity  
**TREE EXISTING, RETAIN**
- Shade Sail
- Mudstone Boulders  
Edging/Retaining/Scrambling
- Natural Logs  
Edging/Retaining/Seating
- Upright Bush Logs  
Edging
- Retaining Wall  
Low wall as required
- Non-climbable Zone  
To ensure 1800mm clear fence height. Items can be raised against fence where height exceeds 1800  
500mm offset from fence - keep clear

- POTENTIAL PLAYSPACE ELEMENTS:  
(TO BE DETERMINED LATER)
- Open space with feature trees
  - Sandpits with concrete beach, cubby spaces & water points
  - Impact absorbing sand for flexible equipment
  - Impact absorbing mulch for flexible equipment
  - Hard surface for messy set up
  - Digging patch
  - Open cubby spaces
  - Mini cubby hidey-holes with sensory planting
  - Textured paths linking areas
  - Gardens with 'Secret' paths through sensory planting
  - Rocks/logs for edging & balance



Site Plan - Rooms 1-2

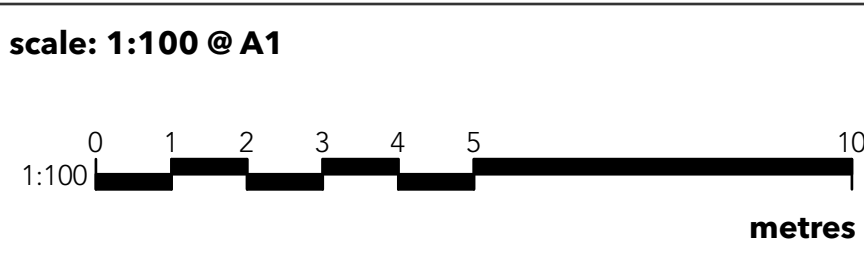
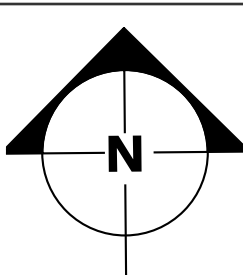
Site Plan - Rooms 3 - 6

## 02 - Site Plan - Play Areas

Concept images & notes should be considered suggestive of ideas only and subject to final operator's requirements. All planting shown in playspace should be considered representative of intent only.

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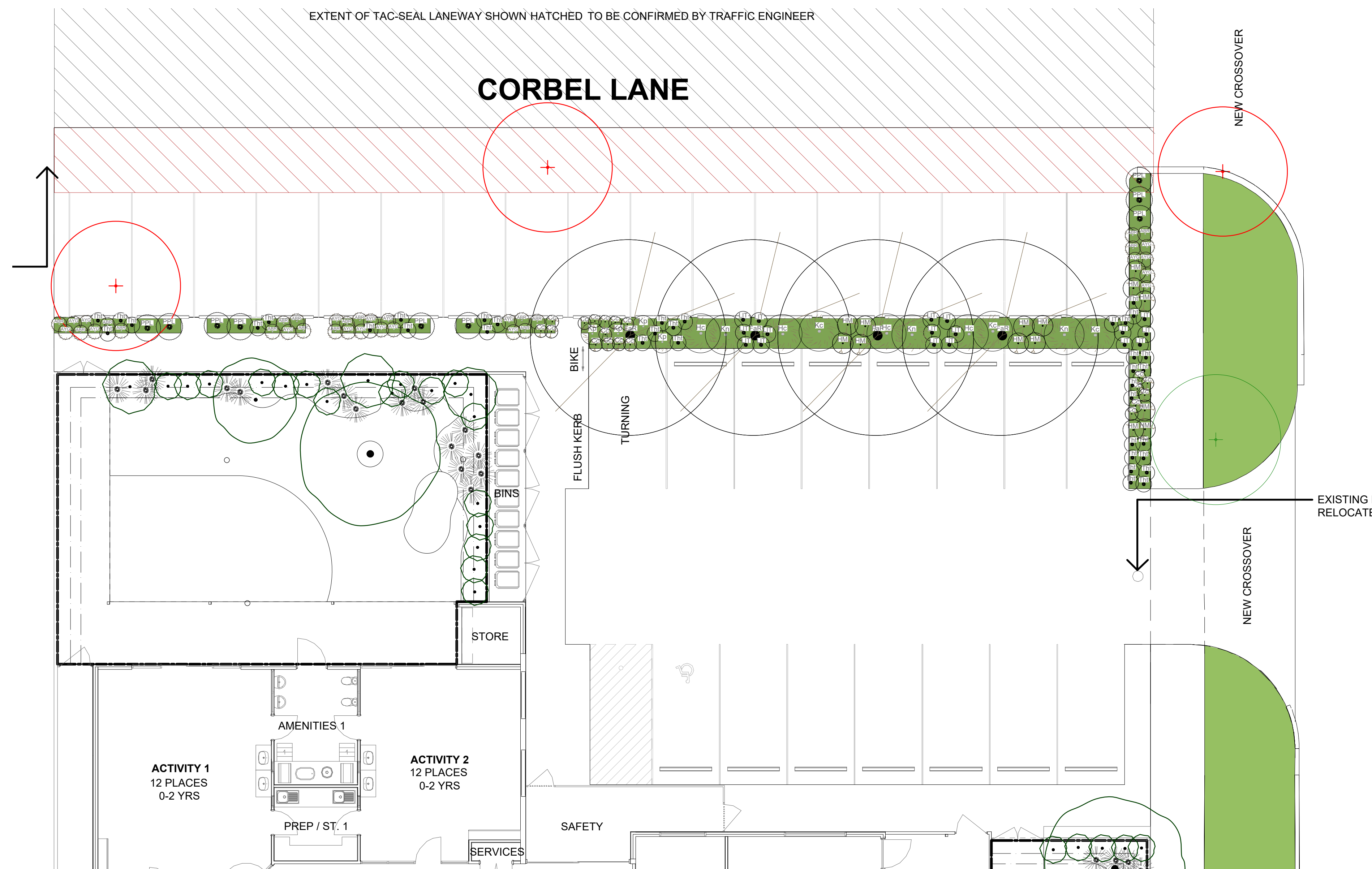
**Client:** HB&B Property  
**Project Address:** Corner Amy & Beenup Road, Byford WA  
**NOTE:** This drawing is copyright and must not be retained, used or copied in whole or in part without Stratista Landscape Architects written approval other than for the express purpose for which it has been commissioned.



**Principal Contact:** Elliot Summers / Iris Fong  
**Contact Number:** 03 9482 7868  
**Email:** iris@stratista.com  
elliott@stratista.com  
**Date of Issue :** 23/08/2021

**Drawing Number:**  
**LS02**





### PLANTING SCHEDULE - CARPARK & VERGE

Code	Botanical Name	Common Name	Size (HxW)	Pot Size	Qty
<b>TREES</b>					
Af	Agonis flexuosa	Willow Peppermint	8 x 6	40L	1
Far	Fraxinus raywoodii	Claret Ash	13 x 9	100L	4
Lc	Lophostemon confertus	Red Box	16 x 9	100L	8
<b>SHRUBS &amp; PERENNIALS</b>					
Cc	Conostylis candicans	Grey Cottonhead	.4 x .4	14cm	19
Hm	Hardenbergia violacea 'Mini HaHa'	Mini HaHa Coral-Pea	0.5 x 0.5	20cm	14
<b>GRASSES &amp; STRAPPY</b>					
ABR	Anigozanthos 'Big Red'	Kangaroo Paw Big Red	0.8 x 0.5	14cm	19
AYG	Anigozanthos 'Yellow Gem'	Kangaroo Paw	1 x 1	14cm	19
LIT	Lomandra longifolia 'Tanika'	Tanika Mat Rush	0.6 x 0.65	14cm	18
Ppl	Pennisetum alopecuroides 'Purple Lea'	Swamp Foxtail Grass	1 x 1	14cm	9
Tht	Themeda triandra	Kangaroo Grass	1 x .6	20cm	36
<b>GROUNDCOVERS &amp; CLIMBERS</b>					
Hc	Hardenbergia comptoniana	Native Wisteria	> 5m	20cm	4
Kc	Kennedia coccinea	Coral Vine	Spreading	14cm	3
Kn	Kennedia nigricans	Black Coral Pea	Spreading	14cm	3

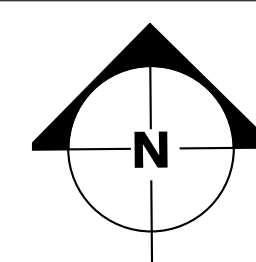
CONTAINER SIZE & HEIGHT OF PLANT:  
 200L - Min height at time of planting: 3m  
 100L - Min height at time of planting: 2.5m  
 40/45L/40cm - Min height at time of planting: 1.8m

### PLANTING L700

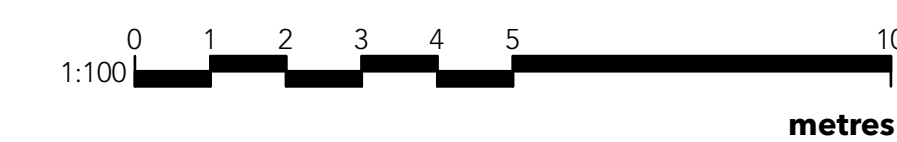
- EXISTING VEGETATION - RETAIN**  
See Arborist report
- EXISTING VEGETATION - REMOVE**  
See Arborist report
- PROPOSED TREE**  
SEE VG04/05
- PROPOSED UNDERSTOREY**  
RANDOM LAYOUT  
SEE VG01/02/03
- PROPOSED GRASS**  
RANDOM LAYOUT  
SEE VG01/02/03
- GRASSING (TURF)**  
INSTANT TURF KIKUYU
- GARDEN**

Note: all planting shown at approximate size at maturity. See schedule for anticipated tree size at time of planting.

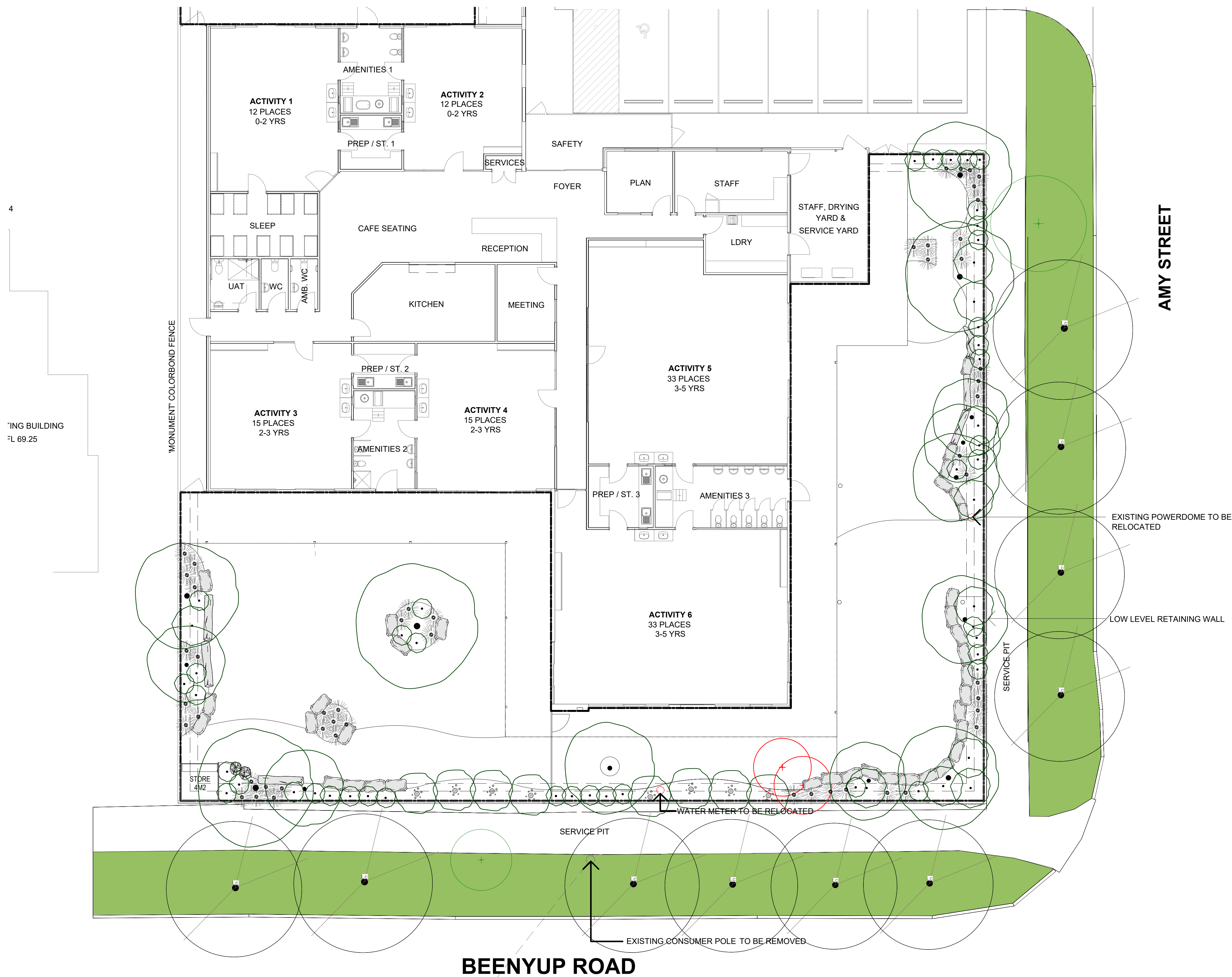
## 03 - Planting Plan - Carpark & Verge



scale: 1:100 @ A1







INDICATIVE PLANTING



Fraxinus raywoodii



Agonis flexuosa



Lophostomon confertus



Anigozanthus var.



Conostylis candicans



Lomandra Tanika



Themeda triandra



Hardenbergia 'Mini HaHa'



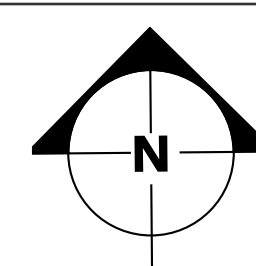
Kennedia nigricans



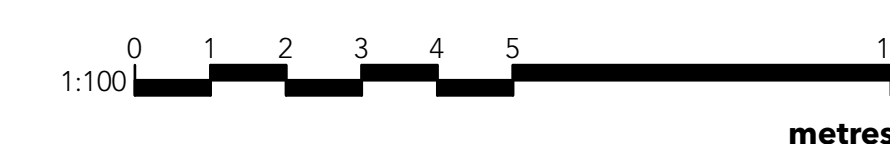
Kennedia coccinea

Note: all planting shown at approximate size at maturity. See schedule for anticipated tree size at time of planting.

## 04 - Planting Plan - Verge



scale: 1:100 @ A1



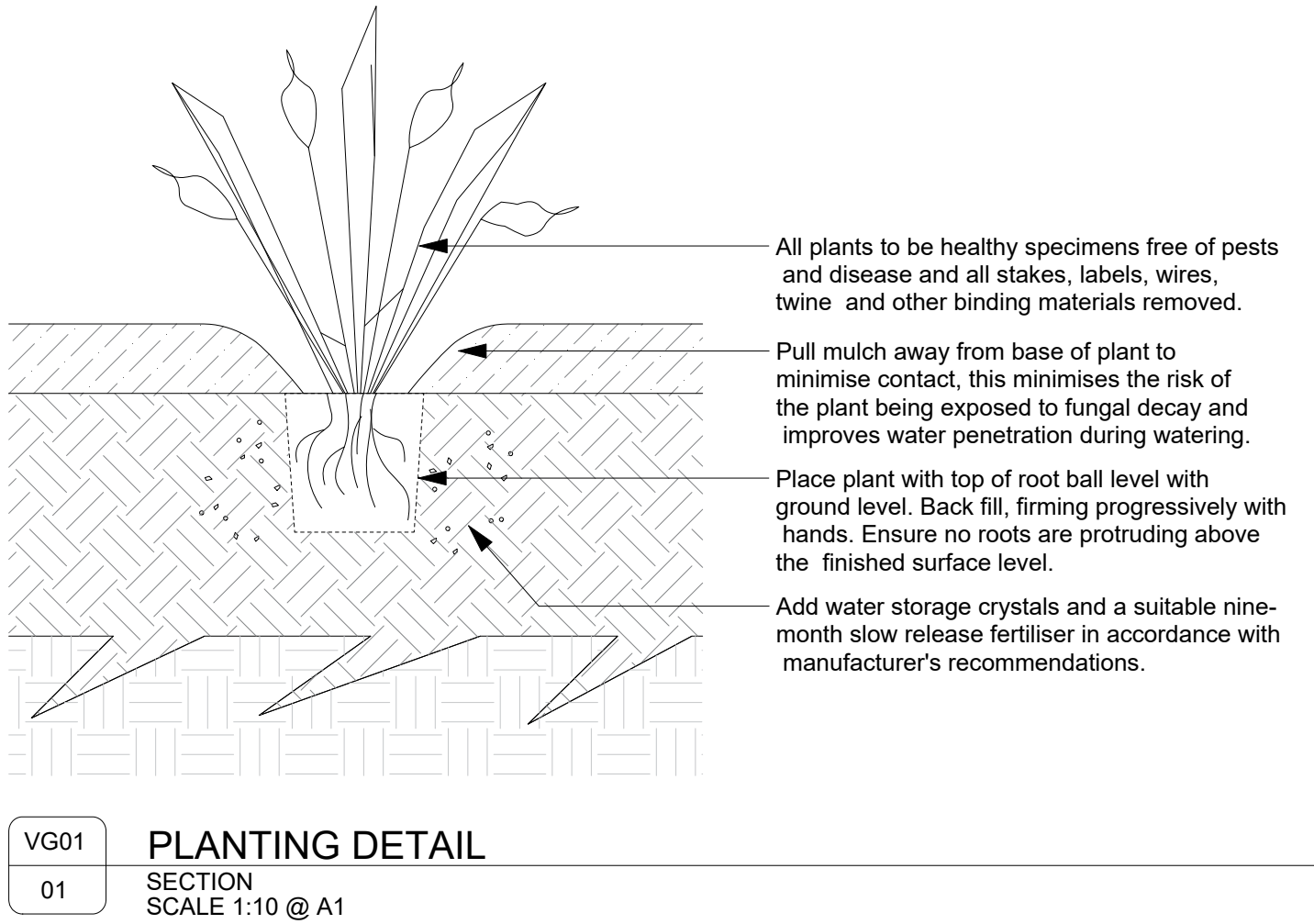
**Principal Contact:** Elliot Summers / Iris Fong  
**Contact Number:** 03 9482 7868  
**Email:** iris@stratista.com  
elliott@stratista.com  
**Date of Issue :** 23/08/2021

**Drawing Number:**  
**LS04**



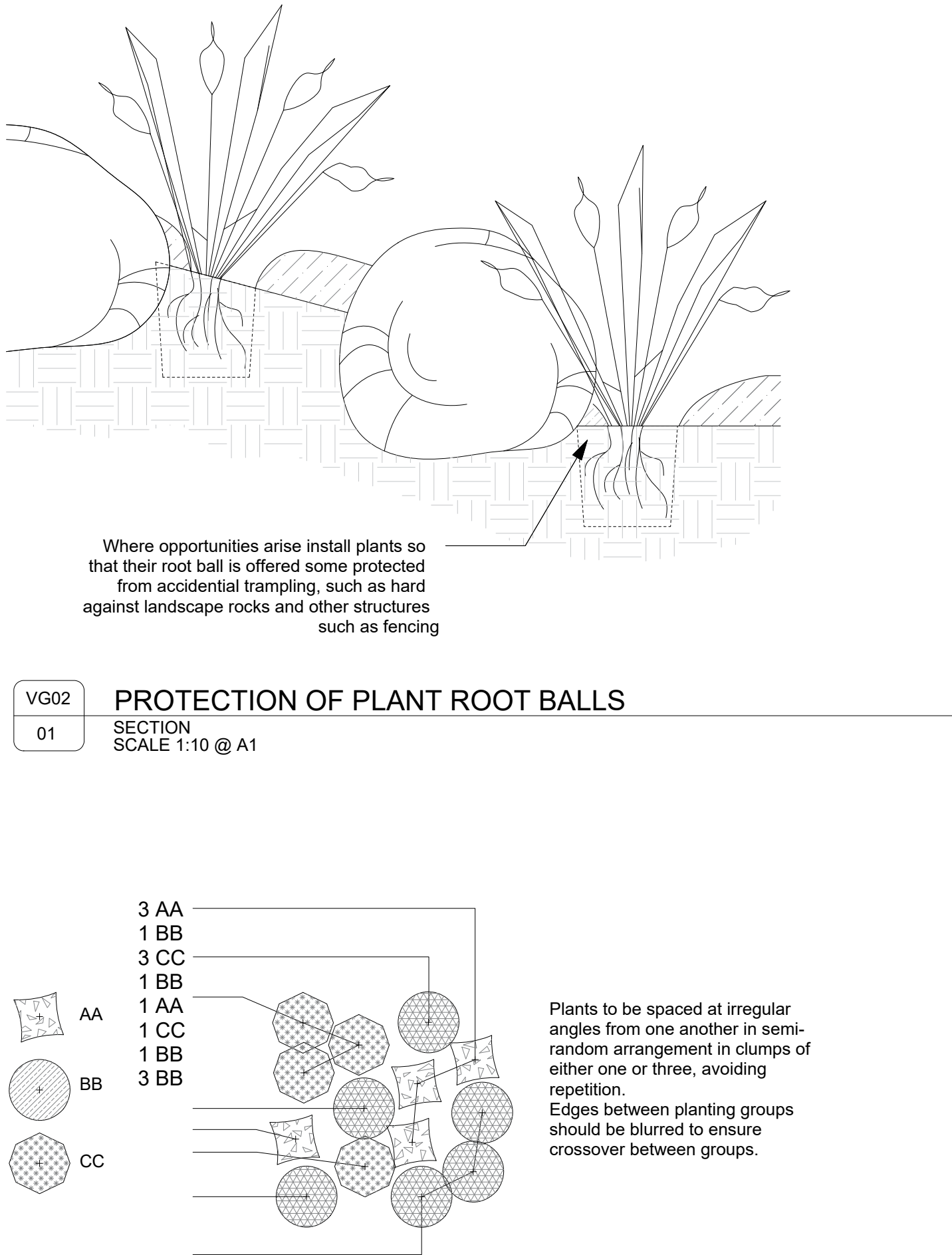
1. VEGETATION AND PLANTING

- 1.1 Immediately following collection from the nursery the contractor must ensure that at all times prior to planting all plants are stored upright in a protected location free of extremes of wind, temperature and sunlight and thoroughly watered at least early morning and late afternoon, ensuring that the entire root ball is completely saturated on each occasion.
- 1.2 Location of services (overhead and underground) to be checked prior to excavation for tree planting. Plant no species with an expected mature hedight of more than three metres under power lines. Where plants are have been specified under powerlines seek advice and direction from the landscape architect prior to proceeding.
- 1.3 All labels, wires, twine and other binding materials are to be removed from plants and root ball prior to backfilling.
- 1.4 Immediately after planting water well into saucer around crown of plant. Plants shall be thoroughly watered regardless of weather conditions. Water sufficiently to consolidate the backfill around the roots and saturate the root ball to its core.
- 1.5 Site to be left clean and tidy on completion of planting.
- 1.6 Remove weeds and building spoil from all planting beds.
- 1.7 All plants are to be true to species, healthy, free from pests disease and stress.
- 1.8 Ground levels within all landscape areas should drain away from buildings towards the paths, pits, kerbs etc. In accordance with all regulations. Ensure all drainage areas have contingency overflow clear of buildings.
- 1.9 All dimensions are to be verified on site prior to construction commencing. Any discrepancies are to be immediately reported to the Project Manager for further instruction.
- 1.10 Any variations to this detail are to be submitted for approval prior to any planting.



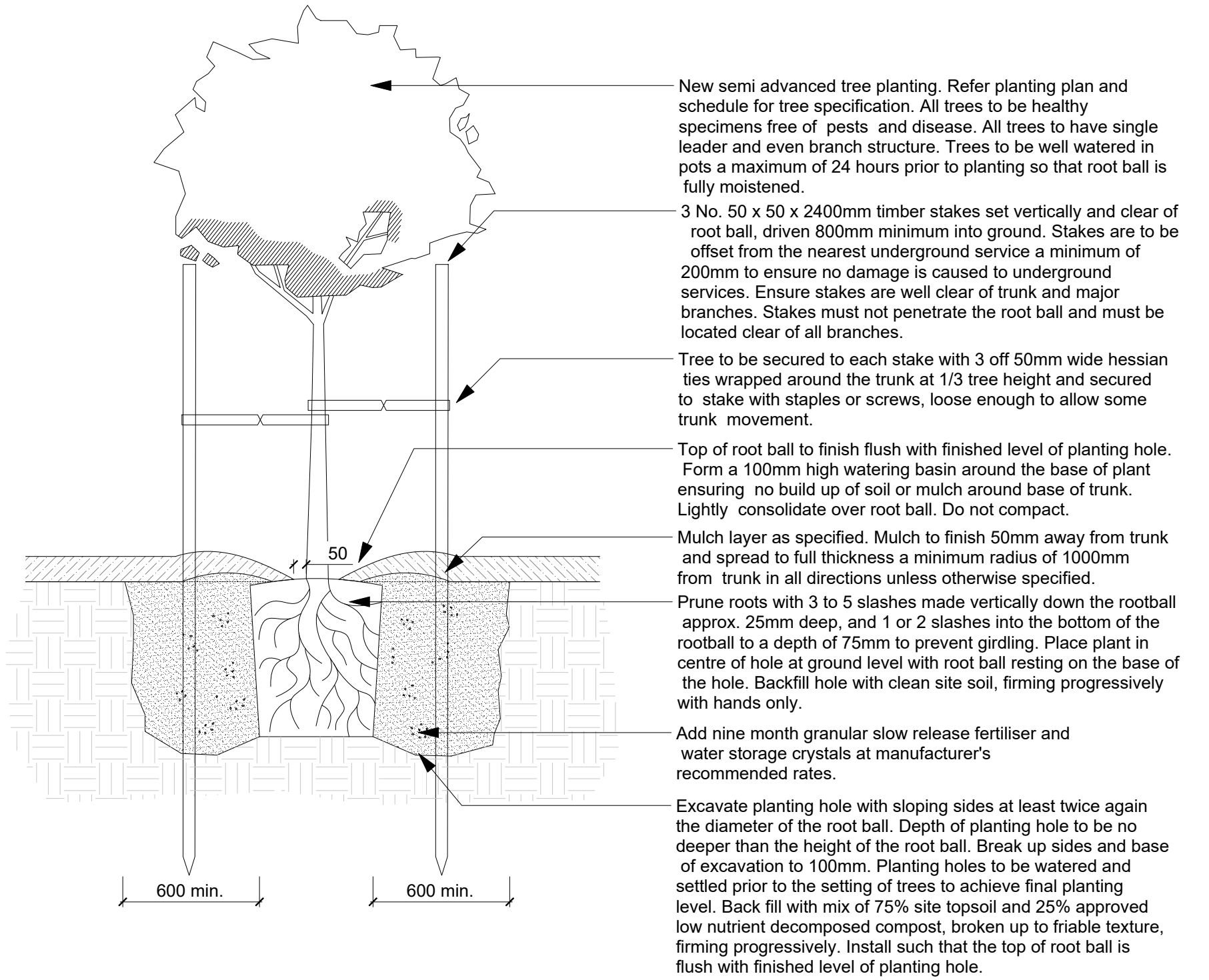
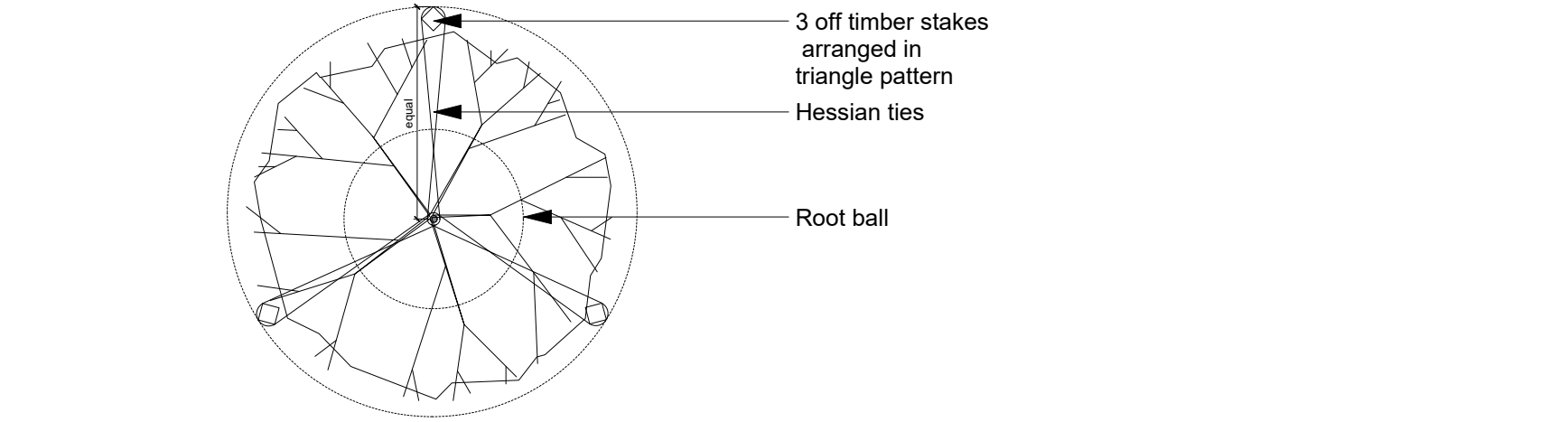
2. IRRIGATION

- 2.1 The contractor shall design an irrigation system for the entire site. The contractor shall be responsible for determining and designing accordingly for water pressure and flow rates. The system must take into account soil types and hydro-zones or planting-zones with different water requirements and different operating pressures. Where necessary the contractor is to organise as part of their works any electrical and/or plumbing that is required for the irrigation system.
- 2.2 The irrigation system is to be of a sprinkler type construction, to comprise 1) 25mm dia. HDPE feedline 25x15x25mm metric poly compression tee, 2) 15mm dia. gal. riser pipe, and 3) 15mm sprinkler spray heads and/or 15mm BSP jet riser adapter with brass micro spray head.
- 2.3 Metric poly feedline to be situated min. 200mm below finished surface level. Ensure sprinkler heads provide head to head coverage to all garden beds.
- 2.4 Each zone shall be fitted with all necessary flush and air-release/vacuum breaker valves protected by valve boxes. Valve boxes are to be placed in easily accessible yet out of the way locations.
- 2.5 Each element of the irrigation system should be positioned is so far as reasonably practical to avoid creating trip or other hazards, considering in particular that garden beds will be fully accessible to children once established. No element of the irrigation system may be exposed within the fallzone of playground equipment or obvious pedestrian traffic routes or paths under any circumstance.
- 2.6 Sprinkler jets should be directed to avoid wetting footpaths.
- 2.7 The entire irrigation system is to operate automatically by means of a controller and solenoid valves. The system shall be fitted with all necessary safety check valves and backflow prevention devices to prevent any water contamination and also for ease of servicing the system. The contractor is to supply and install the irrigation system including its components to industry best practice.
- 2.8 All irrigation works carried out are to comply with all relevant Australian Standards, including but not limited to:
- AS 1159 Polyethylene Pipe for Pressure Applications
  - AS 1432 Copper Tubes for plumbing, gas fittings and drainage applications
  - AS 1460 Fittings for use with Polyethylene Pipes
  - AS 1462 Methods for testing UPVC pipe and fittings
  - AS 2032 Code of practice for installation of UPVC pipe and fittings
  - AS 2698.1 Polyethylene micro irrigation pipe
  - As 3500.1 Section 4 and 7 National Plumbing and Drainage Code
- 2.9 Upon completion of works the contractor is to provide the client all manuals and warranties, as well as a minimum of two watering programs (eg. summer and winter) typed out and laminated.
- 2.10 Should the contractor require assistance designing the irrigation system they may engage an experienced licensed irrigation expert such as: Reece Irrigation, Ph: 03 9872 4533 Email: [irrigationdesign@reece.com.au](mailto:irrigationdesign@reece.com.au)
- 2.11 Brown dripper line shall not be used as it represents a trip hazard and is hard to maintain in a stable state when installed in active playspaces with gardens fully accessible to children.



3. GARDEN PREPARATION

- 3.1 Refer garden preparation detail (see paving and surfaces) for detail and specifications.



05 - Planting Details

**10.1.1 – Proposed Child-Minding Centre – Lot 15 and Lot 16 Beenyup Road, Byford (PA21/646)**

<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
----------------	--

Proponent:	Rowe Group
Owner:	Liem Thanh Bui, Rose Marie Nguyen & Luke Broere
Date of Receipt:	14 July 2021
Lot Area:	2591.93m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

**Report Purpose**

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) prepared for the development application for the construction of a single storey building for use as a 'Child Minding Centre' on Lots 15 and 16 Beenyup Road, Byford. The proposal involves the demolition of the existing structures onsite and the construction of a new 'Child Minding Centre' across the two lots. It is proposed to amalgamate the parcels should development approval be secured.

The applicant has opted in for the Metro Outer Development Assessment Panel (MODAP) to determine the application. The MODAP will replace Council as the decision-making authority for the application in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011. The report is presented to Council as Officers do not have delegated authority to make a RAR direct to the MODAP. The report is also presented on the basis of objections being received.

The RAR, as contained in **attachment 1** recommends that the application be REFUSED subject to the reasons outlined in the report. Officers consider that the proposal, in its current scale, will adversely impact upon the existing and intended future amenity of neighbouring properties and the general locality, and is incompatible for this reason.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this application / issue / matter.



## Background

### Existing Development

The subject site comprises of two land parcels with a total area of 2591.93m<sup>2</sup> located within the 'Byford Old Quarter'. The site is bound by Beenyup Road to the south, Amy Street to the east and by unconstructed Corbel Lane to the north. Lot 15 to the west is developed with residential single dwelling and outbuilding, Lot 16 to the east is vacant.

The general locality predominantly comprises of modest residential dwellings constructed of face brick with tile or corrugated iron roofing. There is an existing 'Child Minding Centre' and Primary School both located approximately 100m to the north as shown in Figure 1 below. The locality also comprises of new in fill residential development. The site is nestled within the Byford Old Quarter, at a mid point between the Darling Scarp to the east and South Western Highway to the west.



Figure1: Aerial Photo

### Proposed Development

The proposal seeks approval to construct a single storey building, purpose built 'Child Minding Centre' on Lot 15 and Lot 16 Beenyup, Byford. The proposed building would be constructed of concrete panels with timber aluminium look cladding and colourbond roof. Vehicle access to the site is proposed via a new crossover to the north eastern boundary of the subject site off Amy Street.



Figure 2: Site Plan

The applicant provided information that the centre will accommodate up to 120 children falling within the following age groups:

- 24 babies (less than 24 months old);
- 30 toddlers (24 – 26 months old); and
- 66 kindergarten age children (greater than 36 months old).

Specifically, the proposal comprises of the following:

- Demolition of the existing single dwelling and all structures on Lot 15;
- Construction of a 'Child Minding Centre' building with a floor area of 800m<sup>2</sup> across Lot 15 and Lot 16;
- Building comprising of five activity rooms/playrooms, kitchen, staff room, reception, foyer, meeting rooms, prep rooms, amenity rooms, sleeping room, laundry, amenities, café seating area;
- Construction of a car park with 31 car parking bays comprising of 12 spaces for pick-up and drop-off, 19 staff car parking spaces including one (1) universal access bay, a shared space vehicle;
- Construction of two new crossovers from Amy Street to provide access to the car parking area and Corbel Lane way;
- Widening, construction and upgrading of the Corbel Lane way abutting to the development to the Shire standard, constructed and drained at the full cost of the applicant;
- Construction of solid fence (up to 2 metres) along the western boundary;
- Operation hours of the centre proposed from 6:30am to 6:30pm, Monday to Saturday;
- Employment of up to 19 full-time staff members on-site at any one time;

- Construction of outdoor play areas with a total area of 846m<sup>2</sup> provided to the north western, south western and south portions of the subject site as shown in Figure 2 above;
- Building setback 5.02m from the primary street and 1.5m from the eastern boundary;
- The proposed development incorporating landscaping within the subject site.

Full details of the proposal are contained within **attachment 2**.

## Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 21 July 2021 to 11 August 2021 to surrounding landowners within a 200m 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. In addition, a notice of the development proposal on a sign was placed on site for the same period.

At the conclusion of the consultation, 11 submissions consisting of seven objections, two letters of concern and two letters of support were received. The objections and concerns relate to the following issues, which are discussed in the relevant headings of the report and form part of the Officer assessment:

- Potential noise from the 'Child Minding Centre';
- Potential noise impacts due to increased traffic movements on the road network;
- Suitability of the subject site to accommodate up to 120 children;
- Sufficient Child-Minding Centres in the locality to cater the need;
- Insufficient parking;
- Upgrading of Corbel laneway and signage.

In response to objections received during the consultation period, particularly with noise concerns, the applicant provided an amended site plan and elevations. These plans were subsequently re-advertised for a period of 14 days from 26 August 2021 to 11 September 2021. The initial site plan and amended design, subject to this application, is shown in Figure 3 below.

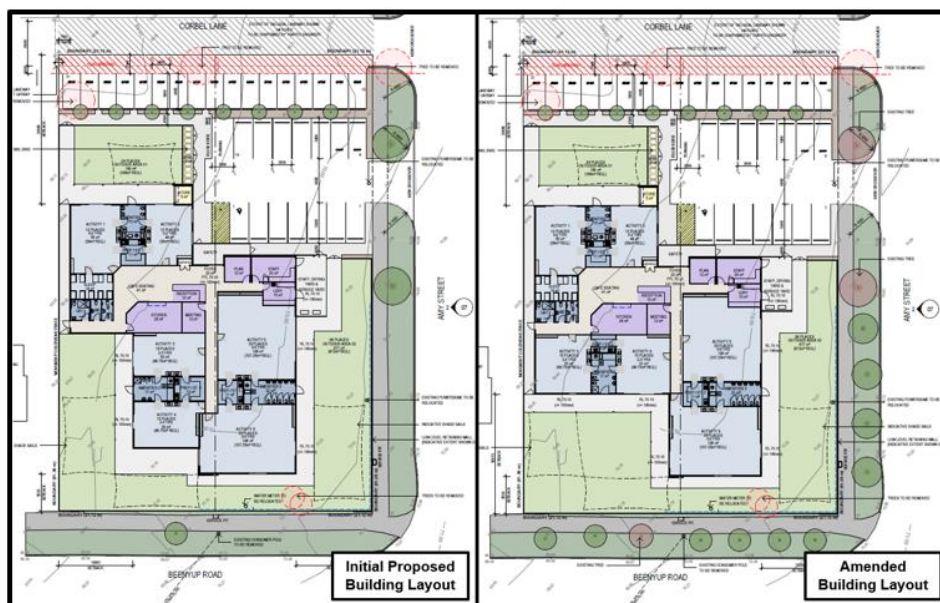


Figure 3 Site Plans

The amended layout shows the relocation and reorientation of two outdoor play space areas abutting the western neighbouring property being Activity Rooms No. 3 and 4. The applicant



provided information that the rationale to move child play areas was to minimise the extent of the outdoor play space that abuts the western lot boundary and potentially noise impact on the amenity of the neighbouring property. Activity Rooms No. 3 and 4 were to be reoriented to face Beenyp Road.

As seen in the table below, the breakdown of internal areas for the various activity areas remained the same except for a small increase of floor area for activity rooms and slight reduction of planning room.

Areas	Initial Layout	Amended Lay out
Activity Rooms (1-6)	415m <sup>2</sup>	419 m <sup>2</sup>
Outdoor Areas	846m <sup>2</sup>	846 m <sup>2</sup>
Kitchen	28m <sup>2</sup>	28 m <sup>2</sup>
Reception area and Foyer	30m <sup>2</sup>	30 m <sup>2</sup>
Meeting and planning	24m <sup>2</sup>	23 m <sup>2</sup>
Laundry	13m <sup>2</sup>	13 m <sup>2</sup>
Amenities and Prep rooms	89m <sup>2</sup>	89m <sup>2</sup>
Sleeping Room	18m <sup>2</sup>	18 m <sup>2</sup>
Café Seating	41m <sup>2</sup>	41 m <sup>2</sup>
Staff Room	20m <sup>2</sup>	20 m <sup>2</sup>
Other Amenities	15m <sup>2</sup>	15 m <sup>2</sup>
Bin Area and Store	15m <sup>2</sup>	15 m <sup>2</sup>

The applicant has also provided amended elevations plans which be viewed and discussed in the built form section of the report.

At the conclusion of the second round of advertising, six submissions consisting of five objections and a submission from the Department of Education were received. The objections and concerns relate to the following issues:

- Potential noise from the 'Child Minding Centre';
- Increase of traffic movements during the peak periods within the locality;
- Safety concerns due to traffic congestion from the proposal and from the primary school;
- Insufficient parking to cater for additional staff;
- Increase of Child Minding Centres within the locality.

### **Consultation with other Agencies or Consultants**

#### Department of Education (DoE)

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

#### Land Use

*The proposed Child Care Premises is considered acceptable in principle as the siting of such a use within close proximity of a primary school is consistent with the State Government's EduCare*

commitment. The EduCare commitment seeks to provide more child care, before and after school and holiday care within close proximity of each new public primary school site. Whilst Byford Primary School is an existing school, the benefits associated with locating child care premises adjacent to existing school sites is consistent with the intent and objectives of the EduCare commitment.

Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and a separate application has been submitted for a potential third Child Care Premises within the area (at nos. 13-15 Beenyup Road). It will be the responsibility of the Shire of Serpentine Jarrahdale (Shire) and the JDAP to consider whether the number of Child Care Premises within the area would be consistent with the intent and objectives of the Shire's Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).

#### Traffic Impact Statement

The Department notes that at peak drop-off/pick-up times, primary schools generate a significant number of vehicular movements in and around the sites. It is therefore critical to ensure that any development within close proximity of a school does not compromise the ability for staff, students and parents to safely and efficiently access the site.

In this instance, the Traffic Impact Statement fails to provide any detailed commentary on the impacts on the Local Access Streets surrounding the application site and the Byford Primary School site. The proposal has therefore failed to demonstrate that the local street network will be able to adequately accommodate for the projected increase in vehicular movements generated by the proposed Child Care Premises.

To address these concerns, the Department requests that additional information is provided prior to a determination being made on the application. The additional information should demonstrate that traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times. It should also consider the traffic generated from the Primary School, as well as the existing and proposed additional Child Care Premises at Nos. 13-15 Beenyup Road.

#### Car Parking and Access

The Applicant's report indicates that the number of car parking bays provided complies with the requirements of draft LPS3. However, the report advises that the Child Care Premises will operate with a minimum of 19 staff on site at any given time, whereas the car parking ratio of draft LPS3 requires one bay per staff member for the maximum number of employees on the premises at any given time.

It would therefore appear that the proposal does not comply with LPS3 if more than 19 staff members are likely to be on site at any given time. The Department would not be supportive of the proposal relying on the on and off-street car parking embayments associated with the school site being used to accommodate for overflow car parking generated by the Child Care Premises. The Department would therefore request that a condition of approval be imposed which would either:

- Require the requisite number of car parking bays to be provided on site and/or the maximum number of children on site at any given time being reduced; or
- Require a car parking management plan being submitted and implemented prior to the initial occupation of the development. A car parking management plan should ensure that the proposed number of bays are appropriately managed so as to not have a reliance on the school's on and off-site car parking bays.

#### Waste Management



*The Waste Management Plan submitted in support of the proposal indicates that waste and recycling bins will be moved by staff to the Amy Street verge and collected twice per week (four collections in total). Whilst the Department has no in principle objections to this, it is requested that a condition of approval is imposed which would require collections to occur outside of the Byford Primary School's peak drop-off /pick-up times to ensure that there is no conflict between vehicles accessing the school site and waste collection vehicles.*

### Construction Management

*Due to the application site's close proximity to Byford Primary School, it is important the school is not burdened by the impacts associated with construction works. Therefore, it is requested that a condition of approval is imposed which would require a Construction Management Plan to be submitted prior to any works being undertaken on site. The Construction Management Plan should address the following matters:*

- Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays surrounding the Byford Primary School site during peak drop-off/pick-up times.*
- How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Byford Primary School.*

### Officer Comment

Officers have addressed the submission from DoE within the body of the report.

A summary of the submissions for both advertising periods including Officers comments on the objections can be viewed in **attachment 3**.

## **Statutory Environment**

### Legislation

- Planning and Development Act 2005;*
- Planning and Development (Local Planning Schemes) Regulations 2015;*
- Environmental Protection (Noise) Regulations 1997;*
- Planning and Development (Development Assessment Panel) Regulations 2011;*
- Metropolitan Region Scheme.*

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;*
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;*
- Shire of Serpentine Jarrahdale Local Planning Strategy.*

### State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;*
- Planning Bulletin 72/2009 – Child Care Centres;*
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances.*

### 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 4.18 – Street Tree Policy (LPP4.18).

## Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

### Town Planning Scheme No. 2

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as 'Residential' within the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Local Development Plan (LDP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed land use can be considered within the designation within the Structure Plan and Local Development Plan.

Both documents refer to the subject site falling within the 'Byford Old Quarter' and for development to be sympathetic to the existing rural character and pattern of development within the area. The BDSP states as follows:

*"The area east of South Western Highway and north of Beenyup Road is referred to as the Byford Old Quarter' or Blytheswood Park, being the original estate concept for Byford influenced by the garden city movement. The area includes traditional larger lots and is contained by a green belt. The spatial development pattern is still relevant as this presents a desirable alternative to urban sprawl. This area is also the historical development approach for Byford that should be celebrated as part of the Shire's heritage."*

The relevant objective of the LDP relating to development within the area states:

*"To minimise the impact of subdivision and development on the existing character, natural environment and amenity of the area"*

In this regard, Officers consider that that the proposal, in its current scale and intensity, is likely to impact upon the existing amenity of the area and is incompatible with the expected form of development of the abovementioned documents. The addition of new development to the Byford Old Quarter, while inevitable over time, should reflect a pattern, scale, layout and intensity that is consistent with the character intended to be preserved. The quintessential pattern of low density, consistently fronted and modestly developed lots of the Old Quarter, is a perceivable aspect of the character that will be changed should this development be approved. This change is considered to detract from the prevailing and intended future character for the Byford Old Quarter.

### Land Use

The proposal falls within the TPS2 definition of 'Child Minding Centre', which is defined as follows:

*"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”.*

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.*

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. Subsequent to an assessment and consultation being undertaken, Officers consider that due to the size, scale and intensity of the proposal, the development is not compatible with the existing locality of the area, which is characterised by low density residential development, comprising of forms of development which reflects the traditional rural character of Byford.

Officers consider that although child mining centres can be found within the ‘Residential’ zones, the proposed development reflects a significantly larger, more intense operation, better located as part of, or immediately adjoining a Neighbourhood Centre. Such centres by their nature are designed with a supporting infrastructure network of roads and access streets that provide for flexible and efficient access, and have a supporting mix of primary and secondary uses which tend to create a more active urban setting. This compares to the Byford Old Quarter, which is better described as suburban in its setting, with a limited land use mix and prevailing quiet residential amenity.

#### Draft Local Planning Scheme No.3 (LPS3) and Draft Local Planning Strategy (LPS)

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

*“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 relevant objectives of the ‘Urban Development’ zone under LPS3 is to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.

As mentioned above, through the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Local Development Plan (LDP), the planned development for the area is predominantly associated with low scale moderately sized residential development. Within these documents, there is a strong expectation that development within this area celebrates or is sympathetic to the traditional rural area of Byford, known as the ‘Byford Old Quarter’.

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

An ‘A’ land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval. Subsequent to an assessment and consultation being undertaken, Officers consider that due to the size, scale and intensity of the proposal, the development is not compatible with the planned development for the area, being predominantly residential which seeks to preserve and maintain the traditional character of Byford

#### Byford District Structure Plan 2020

The purpose of this Structure Plan is to provide a “*broad-district level planning framework for development*” which provides the basis for the subsequent preparation of Local Structure Plans. The subject site is designated as ‘Residential’ under the BDSP.

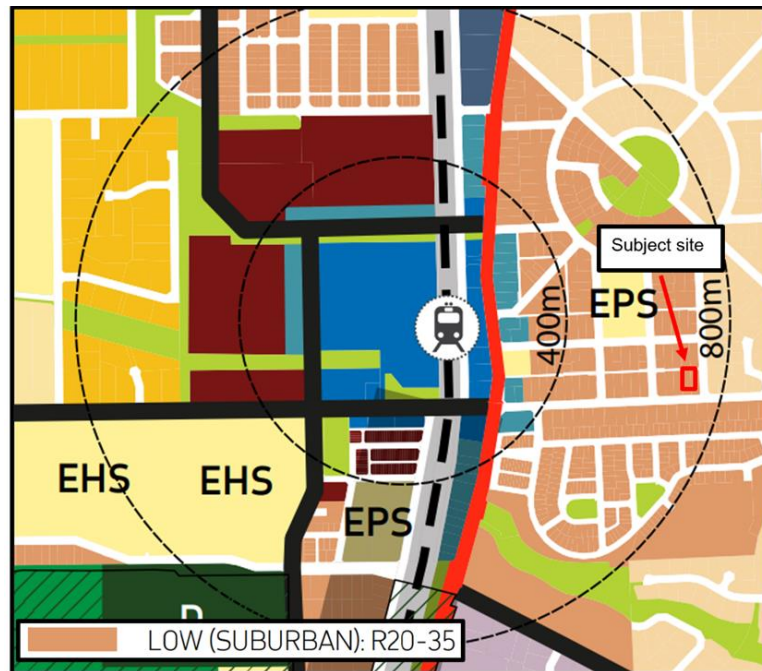


Figure:4 Byford Structure Plan 2020

It is noted as being on the very edge of the walkable catchment to the future Byford Metronet Station, and interfaces with lower dense development to the east. This establishes also a transitional role for the subject land.

#### Planning Bulletin 72/2009 – Child Care Centres

The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. The objectives of the policy are to:

- a) *locate child care centres appropriately in relation to their surrounding service area;*
- b) *minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) *minimise the impact the surrounds may have on a child care centre; and*
- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*

The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within easy walking distance and serviced by public transport. The proposal is located within a predominately residential area, but does not facilitate a through traffic movement due to the eastern edge of the Byford Old Quarter being hemmed in by the Darling Scarp. The closest bus stop, located in Clifton Street, is approximately 450 metres north west of the proposed development site. There is an existing foot path along Beenypup Road and Amy Street abutting the site.

The bulletin also states that it is crucial in limiting the impact a ‘Child Minding Centre’ may have on surrounding activities and amenity of existing residential areas. In regard to the level of impact the proposal may have on the amenity of the locality, Officers consider that the area the development



is proposed to be located within is an area characterised by low density residential development, with low sized forms of development which reflect the traditional rural suburban character of Byford. The development by way of scale, noise and increased vehicle trips to the site and broader area will negatively impact upon the existing amenity of the area. Therefore, the proposal is not considered consistent with the Bulletin.

During the consultation period, concerns were raised regarding the increasing number of 'Child Minding Centres' in the locality and whether a demand analysis study had been undertaken. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy. While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances do not relate to this proposal.

Notwithstanding this, the applicant also provided a demand analysis study which concluded that there is a need for an early learning centre in this locality currently and in the future. The study considered projected population growth and other proposed centres in the Byford area.

#### Car Parking:

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 120 children, a minimum of 24 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 31 bays, including one (1) universal bay.

Officers note that parking availability onsite could be significantly impacted upon by the take up of bays by the 19 employed staff, leaving only 12 available for patrons. It is noted earlier that public transport is not conveniently located nearby the subject land, leading to this mode of transport being unlikely to be utilised. This creates a reasonable degree of planning uncertainty as to whether a centre of up to 120 children, and 19 staff, arriving at similar times of the day can occur in a safe manner. Officers consider that a parking utilisation study should have been completed to demonstrate that the proposed development can achieve a safe operational outcome in respect of parking, drop and pick up activities, noting the prevailing character and amenity of local streets does not see any parking or access spill out in to such streets. For example, a parking utilisation study would help determine if the peak am/pm trips (84) and daily vehicle movements (420) can be efficiently accommodated.

The applicant has provided following table which summarises the parking requirements for the proposed development under LPS3:

LAND USE	PARKING REQUIREMENT	NO. OF CHILDREN / STAFF	PARKING REQUIRED	PARKING PROPOSED
Child Minding Centre	1:10 children, plus	120	12	12
	1:1 employee	19	19	19
Total	-	-	31	31

Officers consider that although the parking requirements have been met, there are still concerns that insufficient information has been provided to demonstrate that the development will be able to deal with the peak hour demand and overall trips generated by the development.

During the consultation period, these concerns were shared by the Department of Education. The DoE also raised concerns that the development did not cater for additional part-time staff on the premises that may be required.

## Development Requirements

Table 11 TPS 2 set out site requirements for selected uses in the Residential Zone

<b>Child Minding Centre</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<u>Setbacks</u>			
Front (Beenyup Road)	7.5m	5.02m	No
Rear (Corbell Lane)	7.5m	20.65m	Yes
Side (Western neighbour)	3.0m	1.5m	No
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.32	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.32	No

The front and side setbacks of the building are not consistent with Site Requirements of TPS2, which requires a minimum front and rear setback of 7.5m and a 3m side setback. The proposal also exceeds the minimum site coverage.

Officers acknowledge that the development slightly exceeds the prescribed site coverage requirements of TPS 2. The 0.3m site coverage provision reflects the maximum amount of area permitted to be developed upon. This is not a given; site coverage should be considered in context of the scale of development located within the surrounding area to ensure compatibility. In this regard, development within the locality of the subject site, is considered as low scale, moderately sized residential development, with traditional rural character. A development proposal of a commercial nature, which is at the higher end of the site coverage threshold, is considered to impact upon the amenity of the established area.

In terms of the front setback, the proposed development is set back 5.02m from Beenyup Road. The development is also proposed to be a setback of 10.2m from Amy Street, which does not achieve consistency with the existing streetscape. Dwellings along Amy street to the north and east generally have a front setback of 4m. Although the proposed setback of 10m has been increased to allow outdoor play areas further away from the western boundary, it is considered to detract from the existing streetscape.

Officers also consider that the solid wall proposed along Beenyup Road boundary and Amy Street boundary will adversely dominate the existing residential streetscape. Officers consider that the development, in terms of scale, is considered to impact upon the amenity of the area as it is considered out of character from the existing form of development within the area.

### Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area A – Old Quarter of the DAP, which predominantly features single storey residential dwellings commonly constructed with face brick, and weather board with iron roofing. The DAP also sets out the aspirations of the future built form of the character area and as such, an assessment against the BDAP provisions under Character A is contained in the table below:

<b>DAP Requirement</b>	<b>Proposed Development</b>
<b>Lot sizes (infill)</b> Lots shall conform with the Residential Design Codes of Western Australia (RCodes) for R20 i.e. minimum 440m <sup>2</sup> average 500m <sup>2</sup> . (Lots within 400m	<b>Complies</b> – The application does not propose any infill development. The application proposes to amalgamate the two lots if planning approval



DAP Requirement	Proposed Development
of the intersection of Beenyp Road and the South West Highway, may be permitted to develop to the R30 code.	were secured.
<p><b>Lot Configuration</b></p> <p>Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.</p>	<p><b>Complies</b> - The site abuts a Right of Way (RoW) Corbel Laneway on its northern boundary, which provide access to the car park to the development. The RoW is proposed to be widened for a depth of 2.5m as shown on the site plan forming part of this assessment. The applicant has provided information that the lane way will be ceded to the Shire.</p>
<p><b>Building Setbacks</b></p> <p>New buildings constructed fronting the existing streets shall be set back to achieve consistency within the streetscape.</p>	<p><b>Does not Comply</b> – The proposed development is set back a minimum of 10.2m from Amy Street and 5.02m from Beenyp Road. The proposed setback of 10m along Amy Street does not achieve consistency with the existing streetscape where dwellings along Amy Street generally have a front setback of 4m. Although the proposed setback of 10m has been increased to allow outdoor play areas further away from the western boundary, this is considered to distort the existing streetscape.</p> <p>Officers also consider that the solid wall proposed along Beenyp Road boundary and Amy Street boundary would detract from the existing residential streetscape.</p>
<p><b>Dwelling Placement and Orientation</b></p> <p>All dwellings shall front the street to maximise casual surveillance of the street or open space, at least one room shall face the street. They shall be orientated along a north–south or east–west axis to maximise solar access.</p>	<p><b>Complies</b> – The proposed building is orientated along a north–south axis. The activity rooms have major openings that would allow natural light.</p>
<p><b>Scale, Proportion &amp; Built Form (infill)</b></p> <p>The existing built form, as described above, is of modest, single storey homes with porches, verandahs and/or awnings and steep roof pitches. New development shall complement this character. All new dwellings and/or additions to existing dwellings shall have:</p> <ul style="list-style-type: none"> <li>- a porch, verandah or fixed window awnings to the front of the dwelling (mandatory);</li> <li>- Roof pitch of no less than 25 degrees.</li> </ul>	<p><b>Does not comply.</b> The proposed scale and built form of the 'Child Minding Centre' is not considered to be compatible with the immediate locality, which is characterised by single storey modest homes. The design of the 'Child-Minding Centre' does not in any way attempt to mimic the existing architectural designs of the dwellings in the immediate vicinity. The building will stand out as a modern building, which is not sympathetic of the existing built form. The quintessential pattern of low density, consistently fronted and modestly developed lots of the Old Quarter, is a perceivable aspect</p>

DAP Requirement	Proposed Development
	<p>of the character that will be changed should this development be approved. This change is considered to detract from the prevailing and intended future character for the Byford Old Quarter. While the building incorporates an awning fronting Beenyup and Amy Street, the built form is not considered consistent with the surroundings.</p> <p>The roof pitch is also not compliant.</p>
<p><b>Building Materials and Colour</b></p> <p>Colours that take inspiration from the local soils and vegetation are most appropriate. The following materials and colours are not supported:</p> <ul style="list-style-type: none"> <li>• Walls of custom orb steel sheeting, or concrete tilt up panels.</li> <li>• Colours that are garish and/or sharply contrasting with neighbouring dwellings and the context of the dwelling.</li> </ul>	<p><b>Does not comply</b> – The building is proposed to be constructed of tilt up concrete tilts and timber cladding. The applicant provided information that Dark grey and timber colours will be used to ensure the building is sympathetic to natural soils and vegetation</p>
<p><b>Corner Sites</b></p> <p>Due to their prominence in the neighbourhood, new dwellings situated on a corner lot must provide a frontage to both streets. This may be achieved by the use of feature windows, wrap-around verandahs, together with architectural detailing which reduces the visual impact of the façade. There should be no blank building facades facing either street.</p>	<p><b>Complies</b> – The proposed development incorporates an awning around the periphery of the building fronting Beenyup Road and Amy Street.</p> <p>Officers are however of the opinion that the scale of the building will result in a built form that is not compatible with the existing vicinity.</p>
<p><b>Servicing (bin storage, clothes drying areas, air conditioning units etc)</b></p> <p>Bin storage, clothes drying areas, air conditioning units, water heating systems and other plant and/or equipment are to be located such that they are not visible from the street, and all noisy plant and equipment shall be located and insulated to minimise noise impacts on neighbouring properties.</p>	<p><b>Complies</b> – a provision for bin storage has been located to the rear of the building on the northern boundary near the main car park away from the and areas of street view.</p>
<p><b>Landscaping</b></p> <p>Encouraging a more sustainable or environmentally friendly approach to</p>	<p><b>Complies</b> – The applicant has provided a Landscape Plan and Revegetation Plan. The commercial nature of the land use limits the capacity to minimise the extent of outdoor</p>



DAP Requirement	Proposed Development
development should be inclusive of the development of private gardens.	<p>paving to achieve the desired car parking for the site and soft landscaping required for child play areas.</p> <p>The proposed landscaping plan demonstrates through design and plant selection to be drought resistant to significantly reduce the requirement for continual reticulation.</p>
<p><b>Paving</b></p> <p>The hard landscape component comprises mainly surface treatments in the form of footpaths, kerbs and crossovers and of course the general road pavement.</p>	<p><b>Complies</b> – The subject site has existing footpath along the verges of Beenyup Road and (Amy Street). Two new crossovers are proposed along Amy street</p>
<p><b>Walls and Structures</b></p> <p>This incorporates public hard landscaping features, and features on private properties such as landscaping walls, steps, retaining walls, etc.</p> <p>Walls and structures should be constructed of appropriate materials.</p> <p>Limestone or limestone like constructions should not be permitted except where they are not visible from the street. Appropriate materials are timber, metal, red brick and granite or laterite rock constructions. These materials are consistent with the natural environment of the locality.</p>	<p><b>Complies</b> – The proposed retaining walls along the street boundaries have been included on the Landscape and Revegetation Plan.</p>
<p><b>Street Trees</b></p> <p>Street trees are an integral part of Byford. Where subdivision occurs, street trees shall be planted by the developer at a rate of 10 per 100m, or proportional amount depending on the width of the subdivided lot. The type of street trees to be planted shall be determined by Council to ensure consistency within the street.</p>	<p><b>Complies</b> – The proposed development will include the planting of ten (10) new street trees shrubs, and grass. A Landscape and Revegetation Plan has been provided and is forming part of this assessment.</p>
<p><b>Fences</b></p> <p>Front fences in Byford are not common, and therefore new front fencing is not encouraged.</p> <p>a) No fences over 1.2m high in front of the building setback.</p> <p>In the case of corner lots, fencing over 1.2m shall only be permitted in front of the</p>	<p><b>Does not comply.</b> The application proposes construction of solid walls with an overall height of 2m. The solid wall with perspex infills is proposed along Beenyup Road to Amy Street. While the wall is required to provide security for children and achieve the acceptable noise levels, Officers note that a 2m solid fence has the potential to visually impact the adjoining</p>

DAP Requirement	Proposed Development
secondary street building setback, as determined by Council and at its discretion.	properties and distort the streetscape. This proposal is therefore not suited for the residential place.

Form of Development:

TPS2 does not specifically set out development standards for development in the 'Urban Development' zone. Part VII of TPS2 does however provide general development standards.

The objective of provision 7.1 – General Appearance of Buildings and Preservation of Amenity seeks to ensure architectural style, height, bulk colour, use of materials and the general appearance of buildings are harmonious with existing buildings and the amenity of the locality.

Below are the first set of elevations, as viewed from the north (Corbel lane Way), east (Amy Street) and north Beenyup Road).



The applicant has provided updated elevations as follows:





**Figure 5: Revised Elevation Plans**

The proposed 'Child Minding Centre', as shown in Figure 5 above, would be constructed of concrete panels with timber aluminium look cladding with a colourbond roof. In reviewing these, Officers consider that the elevations do not reflect the built form of the 'Byford Old Quarter

Character A', as it seeks to ensure that new development respects and compliments the traditional style of development in the area which typically reflects rural character.

The proposed form of development is considered modern, enclosing an expansive space and with punctured openings to panels reflective of the intended function of the adjoining rooms. While modern development forms do have a place especially in commercial areas where technology often drives for efficient operation, such is inconsistent with the expressed intent for the Byford Old Quarter.

The proposal presents a commercial design that is not sympathetic with the surrounding residential context. The overall design and materials proposed do not replicate the existing residential dwellings, thereby imposing on the existing streetscape. The scale of the building (800m<sup>2</sup>) is otherwise considered inconsistent with the surrounding buildings in terms of scale and design. The overall design of the proposal fails to complement the established patterns and character of the general locality.

#### Amenity

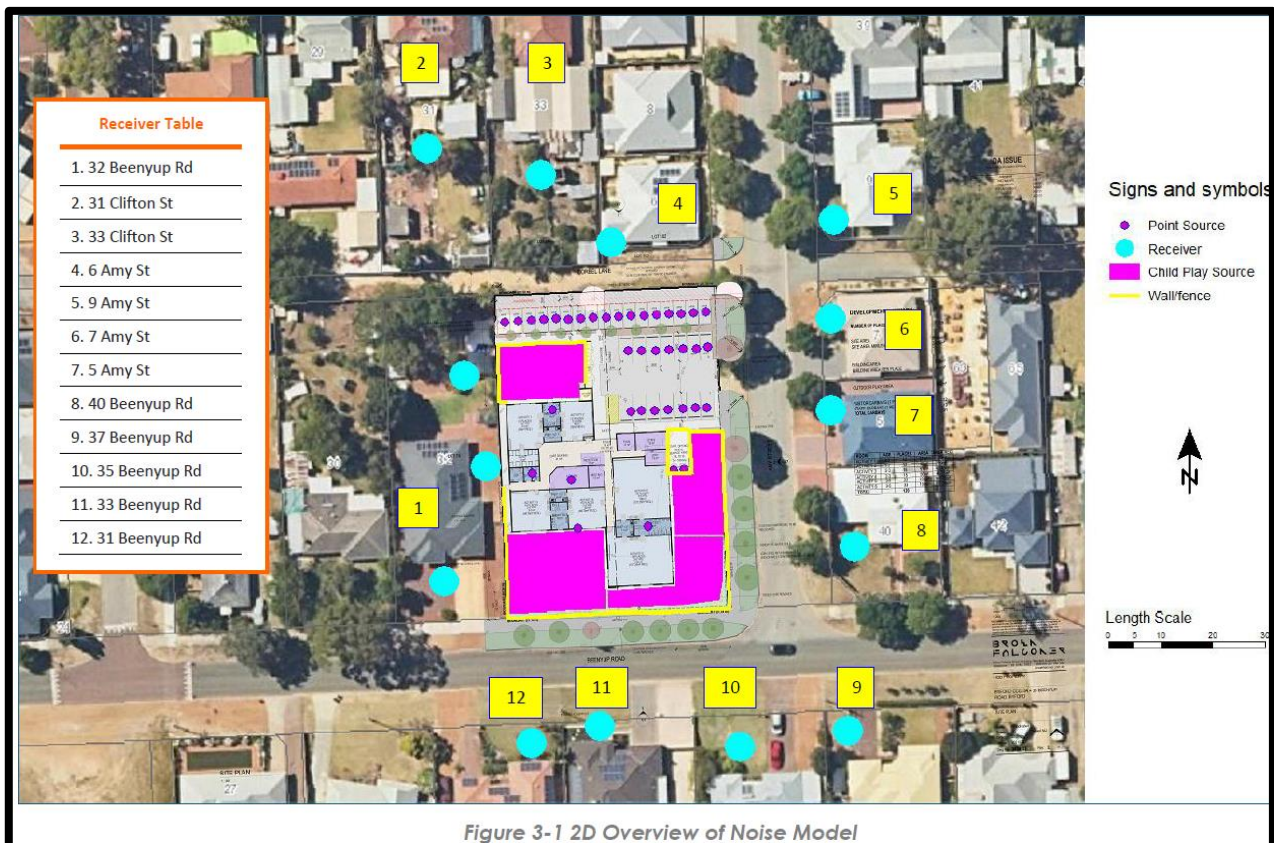
During the consultation period, neighbouring residents raised significant concerns in relation to noise impacts of the proposal on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the scale of the 'Child Minding Centre' with a capacity of 120 Children.

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 existing neighbouring residential dwellings (sensitive receptors).

To address noise, the applicant submitted an Environmental and Noise Assessment (ENA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). This can be viewed as **attachment 5**. The report assessed noise emissions from outdoor child play areas, car doors closing in the car park and mechanical plants (air conditioning units, plant and extraction fans), against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*.

The Regulations set out the maximum allowable noise level that may be emitted, measured from the point of the receiver of that noise. In this case, computer modelling was used to predict noise emissions from the development at all sensitive receptors as shown below and demonstrated within the ENA.





The predicted noise levels received at the sensitive receptors within the ENA for the major noise sources has been detailed within tables 5-1, 5-2 and 5-3 of **attachment 5**. The location of the sensitive receptors and noise receivers at this location have been captured in the above plan.

In terms of the child play assessment, the ENA demonstrates the noise receivers located at 1, 6, 7, 8, 9, 10, 11, and 12 will be exposed to noise levels at the higher end of the assigned 47 decibels (dB) level of the threshold. The sensitive receptors within these locations will be exposed to levels between 40 dB – 47 dB.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that noise receivers located at 1, 6, 7, 8 although comply with the Regulation, will be exposed to noise levels at the higher end of the 37 dB assigned level of the Regulations. The sensitive receptors at these locations will be exposed to noise levels between 27 dB - 30 dB.

In respect to car doors opening and closing, ENA demonstrates that receivers 6 and 7 exceed the 57 dB assigned level of the Regulation. Furthermore, Officers note the receivers at 1, 4, 6, 7 will be exposed to noise levels at the higher end of the 57 dB assigned level of the Regulations.

Officers consider that although the predicted noise levels generally comply with the Regulations, the sensitive receptors, due to the scale and intensity of the development, will be exposed to frequent noise emissions over a duration of the day, which will impact upon the amenity afforded to the occupiers of dwellings. In this regard, section 3(3) of the *Environmental Act 1986* sets out the circumstances where noise will be considered unreasonable (and therefore an offence under the EP Act). Noise is considered unreasonable when it contravenes the noise regulations, but it is also considered to be unreasonable where, in section 3(3)(b) states:

*“having regard to the nature and duration of the noise emissions, the frequency of similar noise emissions from the same source (or a source under the control of the same person or persons) and the time of day at which the noise is emitted, the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person;”*

In terms of frequency and duration of noise from car doors, in the SAT matter *Land Alliance Pty Ltd and City of Belmont (205) WASAT 100* it was determined that drop off and pick up events associated with child mining centres would typically require three door openings and closing events.

*"The car will be in the car park and the driver will open the driver's door, alight from the car and close the door. The door where the child is located will then be opened, the child will alight, and that door will be closed, there may also be a requirement for the driver to remove equipment from the boot that child needs for their day. After taking the child into the centre the driver will need to open and close the door."*

The proposed development will generate 84 vehicle trips during the am (7am -10am) and pm (3pm to 6pm) peak times using a conservative amount of three door openings and closing events would trigger 126 events during the peak periods (42 x 3). In terms of the am peak period, Officers consider this to be a significant number of events at a time in the morning where low level activities in a low density residential suburb may be expected. The ENA has already demonstrated noise levels associated with this event being at the higher end of the threshold.

In terms of the outdoor play area, this will be available for use after 7am. There are no other details surrounding the periodic use of these areas subject to groups. The play areas are located around the north, south and west of the building and are in close proximity to residential properties. Within these play areas, there are likely to be number of activity points (such as a sandpit) which will attract children, thereby increasing the likelihood of concentration, frequency and extended periods of noise being received at the nearby sensitive receptors. Again, the ENA already demonstrates noise levels received at a number of the sensitive receptors are at the higher end of the threshold.

The mechanical plant comprises of the kitchen rangehood and exhaust fan to be located on the roof, various exhaust fans (toilets, laundry, nappy room) also to be located on the roof, AC plant to be located on ground level to be operational throughout periods of the day. The ENA stating that *"the most critical mechanical plant noise levels are to the residences to the east"*. The nature of the mechanical plant means that noise would be emitted over the course of the day and before 7am.

Officers therefore consider that the proposed development in respect to the frequency, concentration and duration of the noise emissions generated from the development to pose an unreasonable impost on the amenity of the area afforded to the occupiers of the nearby sensitive receptors. The development in this regard should not be supported.

Officers advise however, even if the applicant argues that the noise emission are not unreasonable as they comply with the Regulations, Officers consider compliance with the Regulations should not be the only test of deeming the appropriateness of a proposal.

Consideration needs to be given to the noise emissions generated from the development in context to the existing levels of noise in the locality, which form part of the amenity of the area to appropriately determine the impacts of a development. This position is consistent with Supreme Court's decision in *G Rossetto & Co Pty Ltd v District Council of East Torrens (1984) LGRA 390*, Matheson regarding the South Australian Noise Control Act 1976-1977 which was also cited by the Western Australian Town Planning Appeal Tribunal in *BSD Consultants Pty Ltd and McDonalds Australia Ltd v City of Stirling* (Appeal No 1 of 1996, 24 May 1996) as follows:

*"The Act is thus an Act to control excessive noise and provides a penalty for breach of its provisions. I can understand the reference to it by the acoustical engineers, but I do not think it by any means follows that emission of noise that is not excessive pursuant to its provisions and to the said regulations has of necessity no effect on the amenity of a particular locality."*



As such, without an assessment demonstrating the existing noise levels, there is insufficient information to assess the impacts of noise and the appropriateness of the development. Making a decision purely on meeting the assigned levels of the Regulations does not reflect proper and orderly planning. Assigned noise levels can be poor measures especially in quieter areas, and the logarithmic nature of noise means for every 3db increase in noise from what currently exists, the noise is perceived as being twice as loud. This explains some of the importance in understand clearly existing noise levels.

### Traffic

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. Vehicle access to the subject site is proposed via two crossovers from Amy Street. The northern crossover will provide access to the staff car park abutting Corbel Lane way with 17 bays. The southern crossover will provide access to the main parking area comprising of 14 parking spaces, including two staff spaces plus one Accessible (disabled) space. There are existing footpaths along the northern side of Beenyup Road and the western side of Amy Street, immediately adjacent to the proposed development.

During the consultation period, concerns were raised to 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 **attachment 6** to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the surrounding local road network, which includes South Western Highway, Clifton Street, Mary Street and Amy Street.

Beenyup Road is classified as a Local Distributor Road and Amy Street is classified as an Access Road, both under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h.

The findings on the volume of traffic likely to be generated by the proposal was estimated using surveyed traffic counts obtained from the Main Roads WA Traffic Map website and available data. The TIS states that the AM and PM peak periods for the early learning centre is 7am to 10am and 3pm to 6pm, respectively. The peak periods were aligned, with the early learning centre having more staggered peak. The TIS provided that the development is estimated to generate a total of 420 vehicle trips per day, with a peak hour flow of 84 vehicle trips per hour during both the AM and PM peaks, which falls under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines.

*"The TIS assumed that 55 percent of the total trip generation will access the site to/from the west (via Beenyup Road and South Western Highway), while 30 percent is expected to/from the east, leaving 15 percent to/from the north. It also states that a significant proportion of the total traffic generation will be 'passing trips' that are already on the road network, travelling from the surrounding residential area to/from South Western Highway or to/from the nearby Primary School. The report therefore contents that the proposed development is therefore expected to have little or no traffic impact on the current operation of the nearby signalised intersection and surrounding road network. The traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times".*

Notwithstanding the findings of the report concluding that the road network has the capacity to accommodate the extra traffic, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality. The 420 additional vehicle movements to the site (84 vehicle trips per hour during the AM and PM) would be a significant increase from the existing vehicle movements within the locality which is predominately associated

with residential development. The extra vehicle movements and noise associated with it aligns more towards a scale of development which would be better placed within a commercial or centre zone of the Shire where there are the appropriate buffers to sensitive receptors and where the expectation of development is different.

#### 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. The applicant acknowledged that the provisions of the LPP further provided a view that the imposition of a condition did not serve a proper planning purpose and made reference advice with DR 87 of 2018 (**the BGC Case**) on 4 September 2018. However, Officers consider that there are differences between the matters. This development, if approved, will be a commercial development within a residential setting. The above case involved public art for industrial development within an Industrial zone. The impacts upon the residential amenity from commercial development being constructed, can be balanced by art which seeks to reflect the broader characteristics of the locality, reducing the overall impact of the development.

In this instance, commercial development is proposed within a residential setting which, by way of its natural form of development, can impact upon the amenity of the area. The area currently comprises of residential development within a traditional rural character area of Byford. The purpose of the public art in this case would be to celebrate this and contribute towards a sense of place.

To this end, should the application be approved, a percentage for art condition of development approval would be recommended by way of a condition, consistent with the policy. The condition would ensure that public art is accounted for and further negotiation with the applicant can be undertaken as part of the ongoing process.

#### Local Planning Policy 4.11 (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 were to be 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 the stormwater incident to the site is managed shall be provided prior to commencement of works. The SMP shall address the stormwater management and treatment system for managing stormwater quality and quantity from small, minor and major rainfall events.

The car park stormwater drainage system to be designed, constructed and managed in accordance with the DWER's *Decision process for stormwater management in Western Australia (November 2017)*. Rain gardens and flush kerbing providing first flush storage and water treatment is considered an important design response for the land. This would be included as a condition of approval if the development were to be approved.

#### Local Planning Policy 24 (LPP24) – Designing Out Crime

LPP24 encourages commercial development to incorporate principles of Crime Prevention through Environmental Design (CPTED). LPP24 sets out five key crime prevention principles that are to be applied to different levels of the planning framework according to the policy. A development application needs to be assessed against the principles of the policy. The principles relate to surveillance, access control, territorial reinforcement, target hardening, management, and maintenance.

Officers note that a solid wall has been included, which would normally impact passive surveillance and design out of crime. The use of perspective infill elements appears to address some degree of visual surveillance of the surrounding public realm.

#### Developer Contributions (DCA3)

This development falls within Development Contribution Area No. 1 (DCA1), which is incorporated into the Town Planning Scheme No. 2 under Plan No.10A (Byford Traditional Infrastructure DCP). It is therefore subject to the provisions of the DCP, and the landowner will be required to make the associated Development Contribution payment when the liability is triggered (the application for the Building Permit).

As the Byford Traditional Infrastructure DCP is currently undergoing an Amendment (Amendment 208) to the Town Planning Scheme, which is considered Seriously Entertained (being adopted by Council and submitted to the WAPC for final approval), the landowner will be required to make a payment in line with the new Amendment, once gazette and the associated DCP Report Revision is in place, at which point the revised Contribution Per Lot value will be confirmed.

As such, the subject site will be subject to Development Contributions if approval of the development were to be issued.

### **Options and Implications**

#### Option 1

That Council RESOLVES the following Responsible Authority Recommendation:

That the Metro Outer Joint Assessment Panel REFUSES the development application for the construction of a 'Child Minding Centre' at Lot 15 and Lot 16 Beenyup, Byford due to the following reasons:

- a. The development is considered to be an inappropriate scale that is incompatible with the 'Residential' character and will detrimentally impact on the preservation of the amenity of adjoining and nearby landowners.

- b. Noise generated from the development will adversely impact upon the existing amenity of the general locality and the adjoining neighbouring properties.
- c. The commercial nature of the development is not considered compatible with the low density of residential development (R20 – 35) within the immediate locality.
- d. Insufficient information has been provided to demonstrate that the onsite parking is sufficient for the proposed development.
- e. The proposal does not comply with the Shire of Serpentine Jarrahdale Byford Townsite DAP in regard to the expected overall built form outcome which not considered to be sympathetic to the surrounding residential area.

### Option 2

That Council RESOLVES the following Responsible Authority Recommendation:

That the Metro Outer Joint Assessment Panel APPROVES the application for a 'Child Minding Centre' development at Lot 15 and Lot 16 Beenyup Road subject to the following conditions:

- a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.
  - Revised Architectural Plans
  - Environmental Noise Assessment
  - Transport Impact Assessment
  - Landscape and Revegetation Plan
- b. The maximum number of children on the premises at any one time shall not exceed 120.
- c. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Saturday, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- d. A 2.5m strip along the northern boundary of the subject land, as well as a 3m by 3m truncation to Amy Street, being subdivided and created as road widening of Corbel Lane, at no cost to the Shire, prior to the issue of a Building Permit.
- e. Plans submitted for a building permit are to demonstrate the following infrastructure upgrades being undertaken by the applicant, to the specifications and satisfaction of the Shire of Serpentine Jarrahdale:
  - Corbel Lane being upgraded to a 5m wide asphalt sealed, semi mountable kerbed and centrally drained standard, from Amy Street to Mary Street;
  - The new 2.5m southern verge of Corbel Lane created by condition (d) being upgraded as a semi mountable kerbed, 2.5m red asphalt strip, and flush kerb to demarcate the property line;
  - The footpath along the southern and eastern frontages of the lot being suitably upgraded and supplemented with shade trees at no greater spacings than 3m.
  - Once the plans are approved, the full infrastructure upgrades are to be undertaken by the applicant prior to occupation of the development.
- f. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Noise Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.

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- g. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
  - h. A minimum of one (1) 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.
  - i. The Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
  - j. 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.
  - k. Prior to issuing 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.
  - l. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.
  - m. Prior to issuing of a Building Permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government)
  - n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.

Option 1 is recommended.

## Conclusion

This report is presented to Council to endorse a Responsible Authority Reports for the Metro Outer Joint Assessment Panel for a 'Child Minding Centre' development Byford. Officers consider that the proposed 'Child Minding Centre' proposed to cater a maximum of 120 children is a significant scale development that would adversely impact on the surrounding residential amenity property by way of noise. The resultant built form is not considered to be sympathetic to the surrounding residential area which is characterised by contemporary modest single dwellings predominant of the Byford Old Quarter.

Officers are concerned that the proposal in its current form and scale is not compatible with the residential settings of this locality and would adversely impact the amenity of the locality and therefore recommends refusal of the application.

## Attachments

- **10.1.1 – attachment 1** – Responsible Authority Report (E21/10937)
- **10.1.1 – attachment 2** – Revised Architectural Drawings Elevations (IN21/21811)



- **10.1.1 – attachment 3** – Summary of Submissions (IN21/22794)
- **10.1.1 – attachment 4** – Deemed Provisions Regulations Clause 67 Checklist (E21/10908)
- **10.1.1 – attachment 5** – Environmental Noise Assessment (IN21/21815)
- **10.1.1 – attachment 6** – Transport Impact Assessment (IN21/21816)
- **10.1.1 – attachment 7** – Genius Demand Analysis (IN21/21818)
- **10.1.1 – attachment 8** – Landscape and Revegetation Plan (IN21/21810)

### Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

### Financial Implications

Nil.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	That Council RESOLVES the Responsible Authority Recommendation for the MODAP to approve the application subject to conditions.	Planning framework	Organisational Performance	Possible	Moderate	MODERATE	Explain reasons for decision

**Voting Requirements:** Simple Majority

**OCM268/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Atwell**

**That Council RESOLVES the following Responsible Authority Recommendation:**

**That the Metro Outer Joint Assessment Panel REFUSES the development application for the construction of a 'Child Minding Centre' at Lot 15 and Lot 16 Beenyup, Byford due to the following reasons:**

- a. The development is considered to be an inappropriate scale that is incompatible with the 'Residential' character and will detrimentally impact on the preservation of the amenity of adjoining and nearby landowners.**
- b. Noise generated from the development will adversely impact upon the existing amenity of the general locality and the adjoining neighbouring properties.**
- c. The commercial nature of the development is not considered compatible with the low density of residential development (R20 – 35) within the immediate locality.**
- d. Insufficient information has been provided to demonstrate that the onsite parking is sufficient for the proposed development.**
- e. The proposal does not comply with the Shire of Serpentine Jarrahdale Byford Townsite DAP in regard to the expected overall built form outcome which not considered to be sympathetic to the surrounding residential area.**

**CARRIED UNANIMOUSLY 9/0**