



Job Ref: 9527
15 May 2023

Chief Executive Officer
Shire of Mundaring
7000 Great Eastern Highway
MUNDARING 6123 WA

Attention: Mr Adam Olivari – Co-ordinator Statutory Planning

Dear Mr Olivari,

**DEVELOPMENT APPLICATION - PROPOSED CHILD CARE PREMISES
LOTS 72 (NO. 40) MARLBORO ROAD, SWAN VIEW**

Rowe Group acts on behalf of the Charter Hall, the landowners of Lot 72 (No. 40) Marlboro Road, Swan View (**the subject site**). We have been instructed to lodge a Development Application for the construction of a Child Care Premises at the subject site.

This Application is made under Regulation 6 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (**DAP Regulations**).

The progress this Application please find enclosed:

- A signed Shire of Serpentine Jarrahdale Development Application form, DAP Form 1 and MRS form 1;
- A copy of the Certificates of Title and Deposited Plan;
- A copy of the Architectural Plans and Landscaping Plan;
- A Surface Water and Drainage Management Plan;
- A Transport Impact Statement;
- An Acoustic Report; and
- The following justification.

Upon receipt of this Application, it is requested that an invoice is produced by the Shire of Mundaring (**the Shire**). We will arrange payment of the application fee as soon as possible.

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DESCRIPTION OF THE SUBJECT SITE

The subject site is located in the suburb of Swan View, approximately 22.6km north east of the Perth Central Business Area and is approximately 2.023ha in area. Refer **Figure 1 – Regional Location**. The subject site has dual frontage to Gladstone Avenue and Marlboro Road. Gladstone Avenue and Marlboro Road are both sealed, gazetted roads. Refer **Figure 2 – Local Location**.

The subject site is currently occupied by the Swan View Shopping Centre. Refer **Figure 3 – Site Plan**.

The proposed development is located on the north east corner of the subject site which is currently occupied by a trolley return bay and 31 car parking bays. Further to the north-east is a vegetated area which contains a watercourse.

The subject site is legally described as:

- Lot 72 on Plan 1833 on Certificate of Title Volume 1961 Folio 222.

Refer to **Attachment 1 – Certificate of Title and Deposited Plan**.

PROPOSED DEVELOPMENT

This Application seeks Development Approval for a Child Care Premises at the subject site. The proposed development incorporates a single storey child care centre with outdoor play spaces provided to the north, north eastern and western portions of the proposed development.

Refer **Attachment 2 – Architectural Plans and Landscape Plan**.

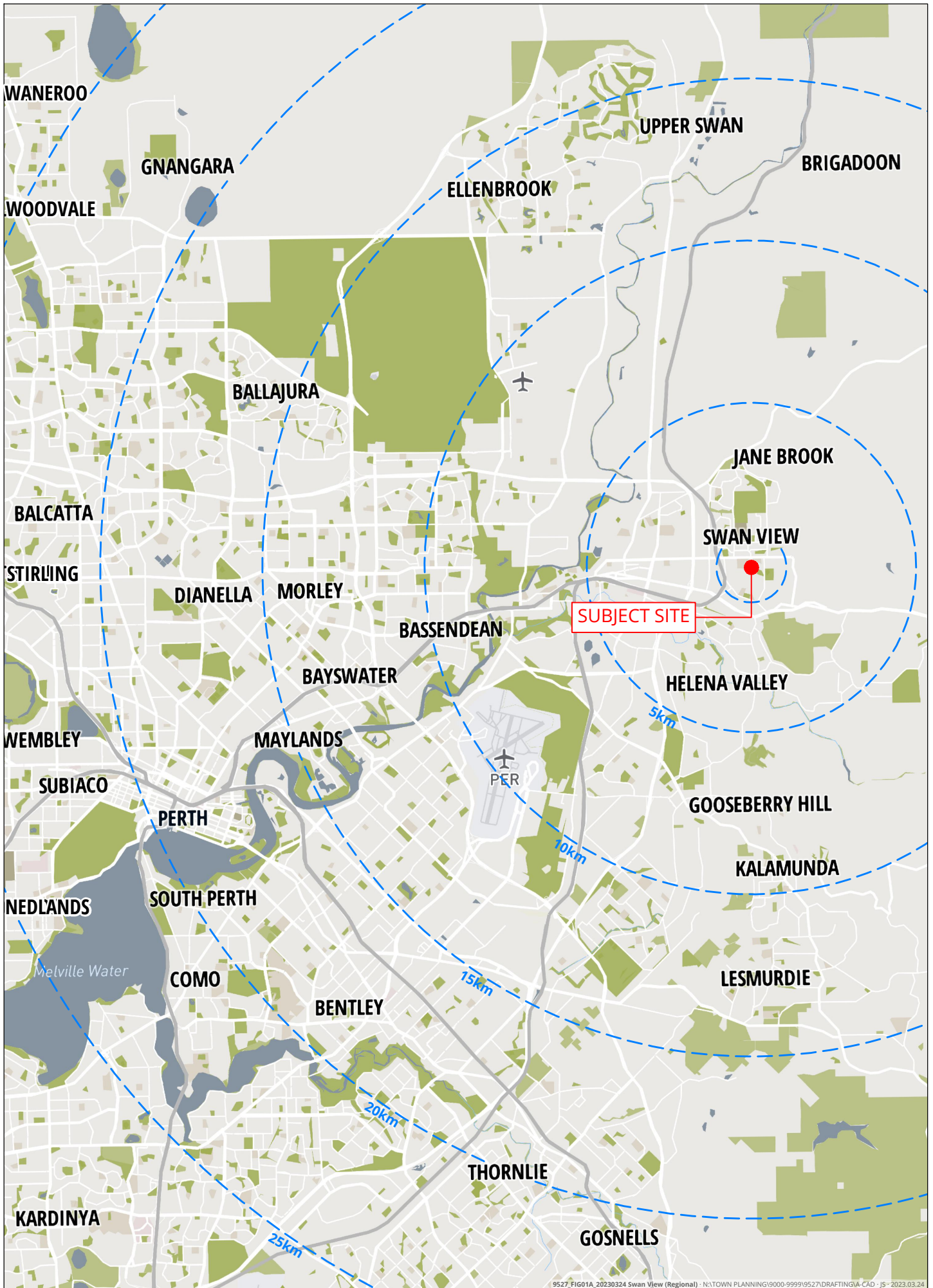
The Child Care Premises is proposed to operate as follows:

- Maximum of 82 children, which will include up to 12 babies (less than 24 months old), 30 toddlers (24 – 36 months old) and 40 kindergarten age children (greater than 36 months old);
- A total of 15 staff employed on-site at any one time; and
- Operations hours will be from 6:30am to 6:30pm Monday to Friday.

The Swan View Shopping Centre contains existing car parking, some of which will need to be removed as part of the proposed development. A total of 31 bays will be removed by this proposal. These will be replaced by a total of 18 car bays including one (1) disabled access bay. Vehicle access is via four (4) existing crossovers to the western and southern portion of the subject site along Marlboro Road and Gladstone Avenue respectively.

There are also various types of signage on site including the following:

- A 5.3m x 0.8m wall sign showing the branding of the operator
- A 1.5m x 1.5m façade sign showing the branding of the operator; and
- A 1.3m x 3.0m free standing monolith sign showing the branding and contact details of the operator.



9527_FIG01A_20230324 Swan View (Regional) - N:\TOWN PLANNING\9000-9999\9527\DRAWING\A-CAD - JS - 2023.03.24



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FIGURE 1
REGIONAL LOCATION



9527_FIG02A_20230324 Swan View (Local) - N:\TOWN PLANNING\9000-9999\9517\DRAWING\A-CAD - JS - 2023.03.24

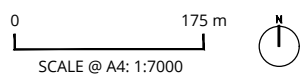
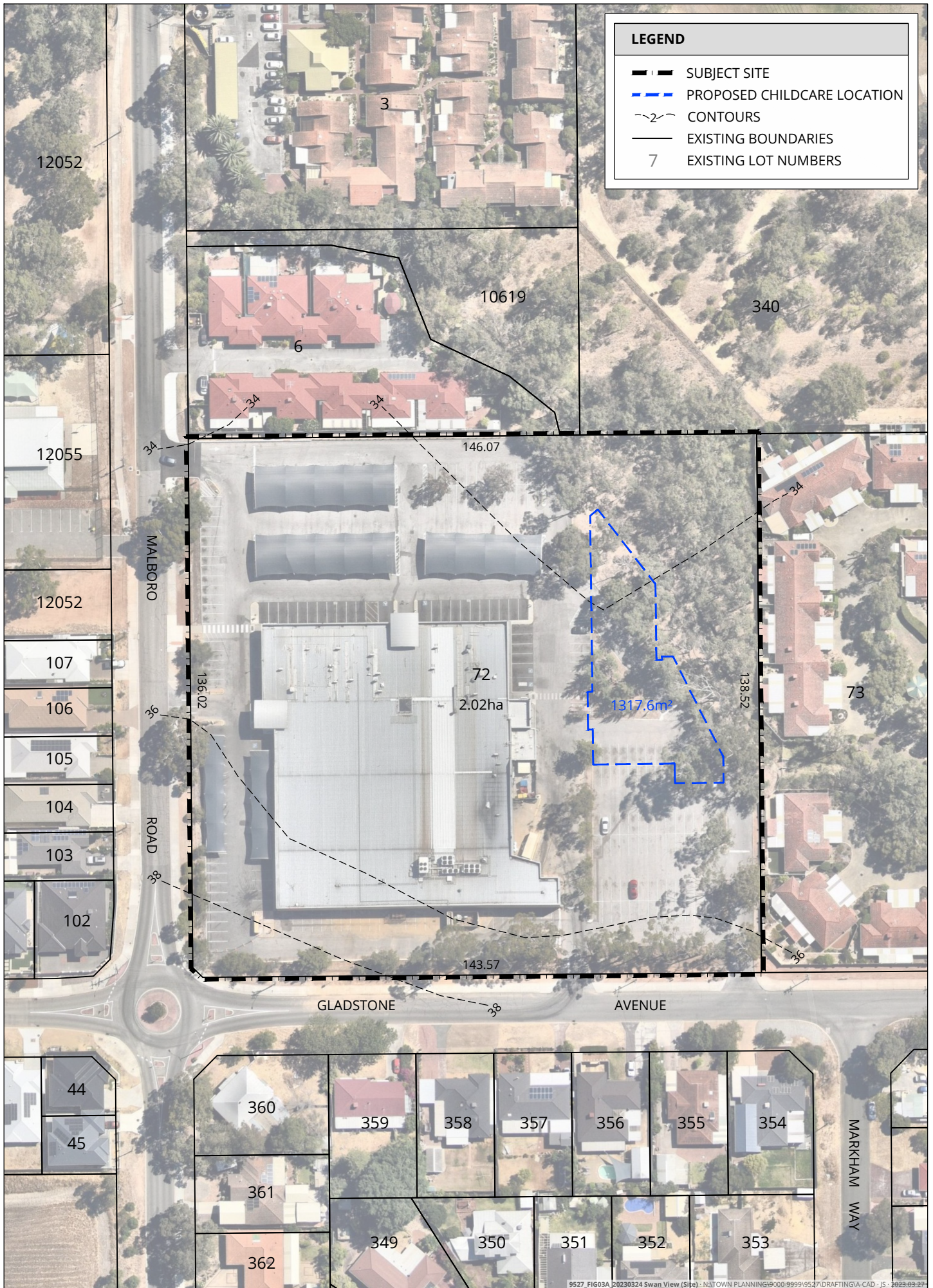


FIGURE 2
LOCAL CONTEXT



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FIGURE 3
SITE PLAN

STRATEGIC COMMUNITY PLAN 2020/2030

The Shire of Mundaring's Council adopted the *Strategic Community Plan 2020/2030 (SCP)* on 10 March 2020 for the purposes of:

- *Guide Council in its corporate business and financial planning and other decisions*
- *Engage the community in a unified sense of direction*
- *Influence others who can help make the Plan a reality (eg funding bodies)*
- *Enable Council and the community to monitor progress*

The SCP outlines four (4) goals in response to the community engagement process that was undertaken during the development of the SCP. These goals are community, natural environment, built environment and governance. We note that Item 1.3.3 of the 'Community' objectives states the following:

Provide and support family and children's facilities and activities.

The proposed development will achieve the above community objective from the SCP by providing new, high quality early learning and child care services to the surrounding residents. Furthermore, we have undertaken a preliminary review of the Australian Bureau of Statistics (**ABS**) data from the 2021 Census, which indicates that there are approximately 404 children (5.1%) aged 0-4 years old to attend childcare (Area Code: SAL51420).

In the Swan View locality, there is only one other child care premises (Milestones Early Learning Swan View) that is located approximately 800m west of the subject site and caters for 48 children. This locality is currently showing a ratio of **1 place per 8.4 children** which is deemed to be considerably undersupplied (anything over **1 place per 2.5 children** is considerably undersupplied). As there is only one other childcare within the locality, there is a distinct need for the proposed development in this area.

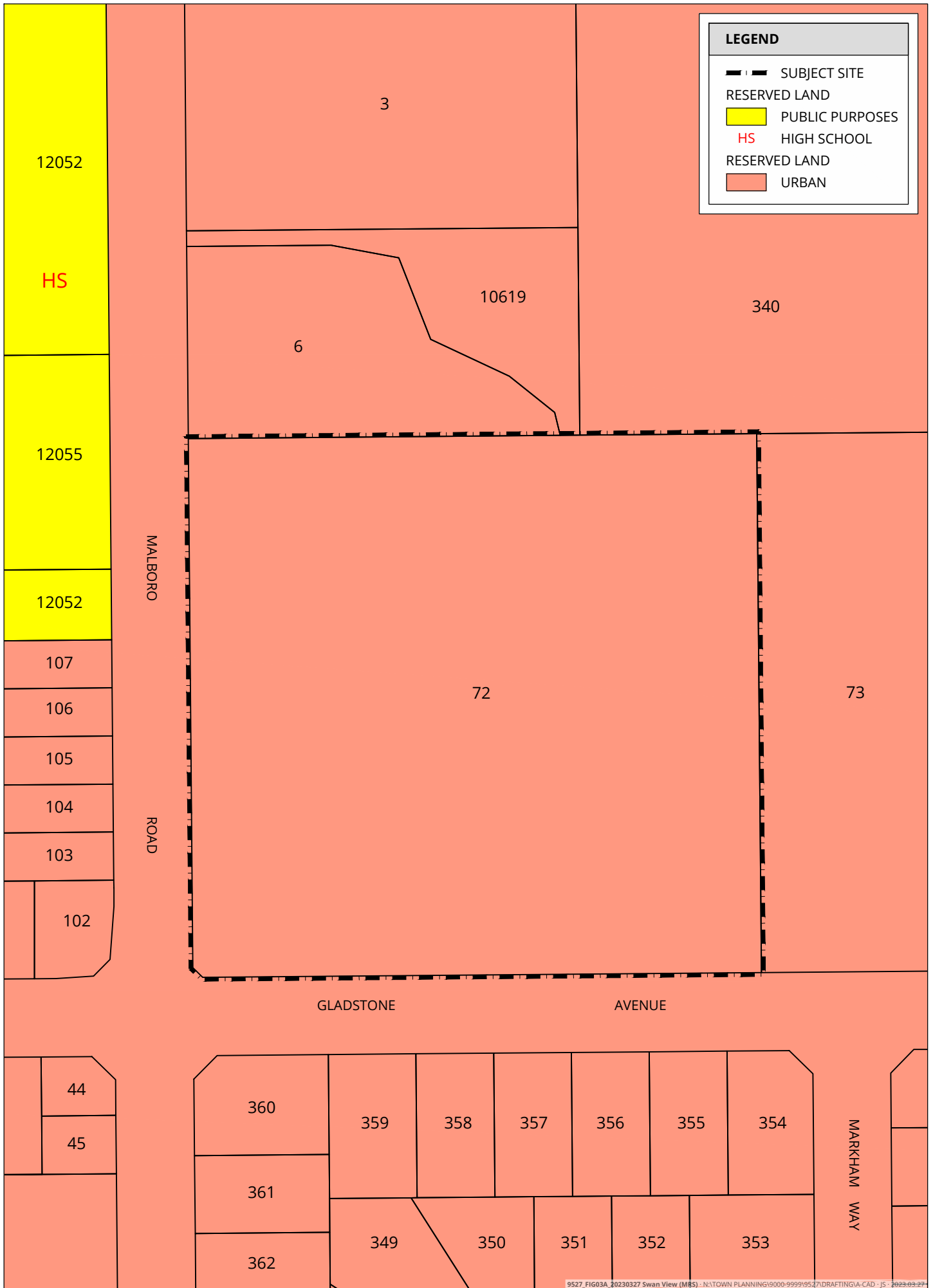
The above statistics are based on the residential population only and would be more pronounced with an allowance for the working population in the area requiring childcare, Furthermore, the co-location of a childcare centre at a shopping centre will promote greater levels of walkability around an existing activity centre. As a result, this location of the proposed childcare centre at this location is consistent with the orderly and proper planning for the area. Therefore, the Item 1.3.3 community objective should facilitate the Shire of Mundaring to favourably consider the development of any childcare facilities.

TOWN PLANNING CONSIDERATIONS

Zoning

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (**MRS**). The proposed development of a Child Care Premises is appropriate on 'Urban' Zoned land.

Refer to **Figure 4 – Metropolitan Region Scheme Zoning**.



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FIGURE 4
METROPOLITAN REGION SCHEME ZONING

9527_FIG03A_20230327 Swan View (MRS) - N:\TOWN PLANNING\9000-9999\9527\DRAWING\A-CAD - JS - 2023-03-27

The subject site is zoned 'Local Centre' under the provisions of the Shire of Mundaring's Local Planning Scheme No. 4 (**LPS4**). The objectives of the 'Local Centre' zone are defined as (underlined for emphasis):

- (a) To provide for a range of retail, commercial and community uses to meet the immediate needs of individual neighbourhoods and townsites.
- (b) To provide for appropriate uses catering to tourism activity.
- (c) To ensure a high quality of urban design and development, in keeping with the existing character of each local centre.
- (d) To provide a safe, convenient and accessible environment in local centres for pedestrians and cyclists.

In this regard, the proposed development is consistent with the Local Centre Zone objectives for the following reasons:

- The proposed Child Care Premises is defined as a commercial and community use within the local planning framework;
- Charter Hall are the leading provider of all Child Care Centres in Australia and provide developments of high-quality standards that are complimentary with the existing area; and
- The proposed development will not affect the subject site's ability to provide a safe, convenient and accessible environment for pedestrians and cyclists alike.

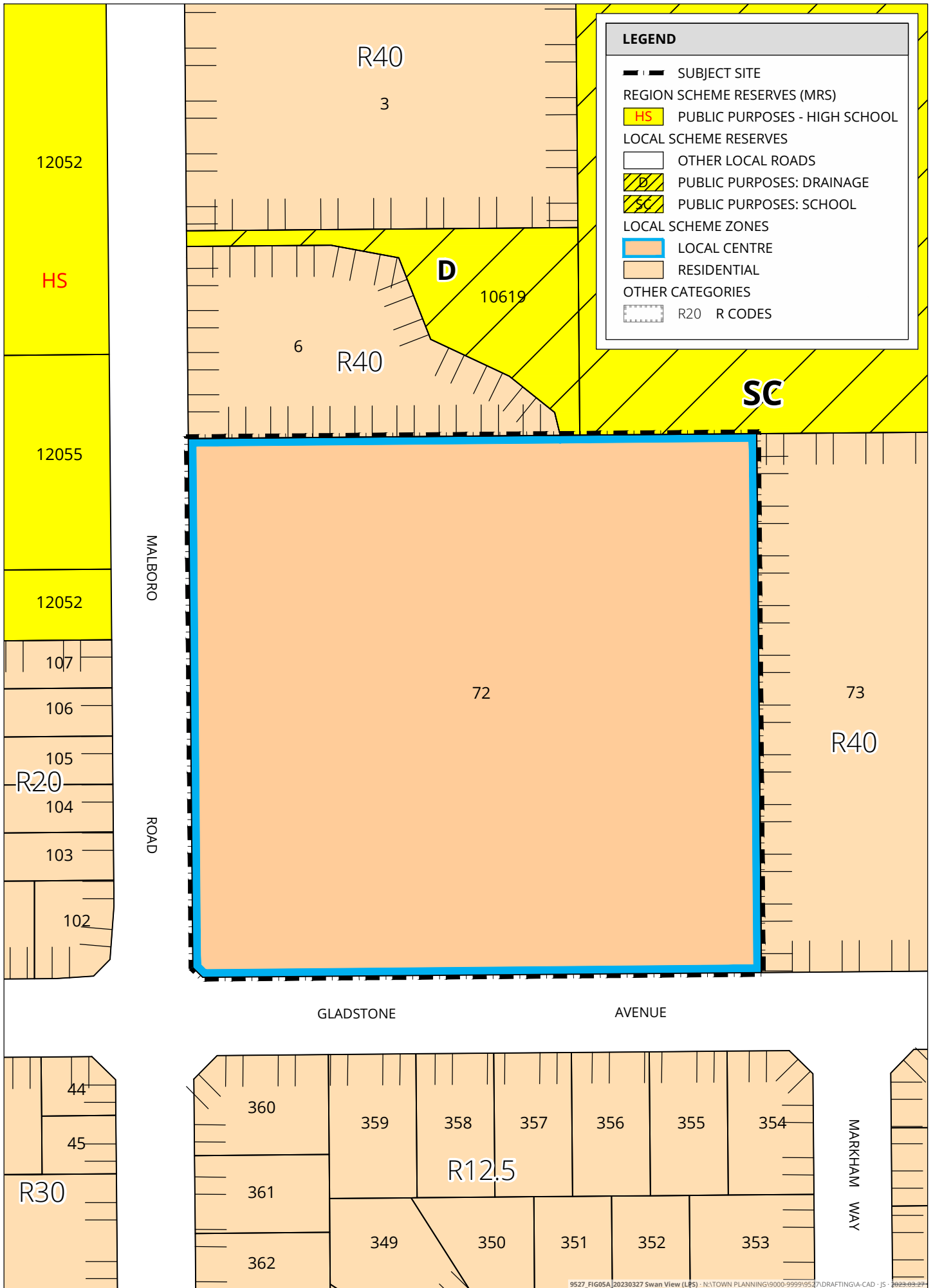
Refer to **Figure 5 – Shire of Mundaring Local Planning Scheme No. 4 Zoning**.

Land Use Permissibility

The proposed development is consistent with the Child Care Premises land use definition in the Schedule 1 of the Shire's LPS 4 which reads:

Child Care Premises - means land or buildings used for a child care service as defined under section 4 of the Child Care Services Act 2007 but does not include family day care.

A Child Care Premises is a 'D' (Discretionary) use within the 'Local Centre' zone under the provisions of LPS4. This means that the proposed use is capable of being approved subject the determination or discretion of the Council. With regards to the above, as the proposed development is demonstrated to comply with the objectives for the Local Centre zone, we believe this facilitates the proposed development to be capable of approval.



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FIGURE 5
SHIRE OF MUNDARING LOCAL PLANNING SCHEME No.4 ZONING

DEVELOPMENT STANDARDS

The following section contains an assessment of the proposed development against the relevant development standards contained in LPS4 and associated local planning framework.

Watercourse Protection and Setbacks

The rear portion of the proposed development will encroach over the embankment of the nearby watercourse and LPS4 requires buildings and earthworks to be set back 30m from the watercourse embankment. The proposed development will immediately abut this watercourse area. In this instance, where a reduced setback is proposed, the draft Watercourse Hierarchy Strategy provides the following matters for consideration, which we have assessed against the proposed development:

The nature and scale of the proposed land use and/or works.	The location of the building and infrastructure do not affect in any way the natural flow of the watercourse. Due to the relatively small-scale size of the development and its location above the embankment and will have no impact on the runoff and erosion.
The potential for erosion as a result of any proposed works.	The works do not propose any soil erosion
The likely flow amount and frequency the watercourse receives.	The location of the development will not affect water flow
The type, extent and health of all existing native vegetation adjacent to the watercourse.	There is a variety of trees and vegetation along this portion of the subject site
Whether revegetation is required, and the types of species which should be used.	The removal of approximately four (4) trees will be mitigated by the planting of six (6) additional trees on site.
Whether the watercourse has been historically modified or if the watercourse is in its natural state and alignment.	It appears to be in its natural state and location
The effluent disposal system location requirements of the Government Sewerage Policy.	The site is sewerage sensitive as it is in proximity to the Swan and Scott coastal plains
Whether any improvements are proposed which would improve the health of the watercourse or mitigate any impacts introduced by the development.	The development does not propose any effects on the watercourse area.
Whether there are any implications for bushfire risk and, if applicable, achieving the BAL-29 rating for future development.	N/A
Whether the watercourse is on existing or proposed public open space, or on private property.	Existing on private property with other developments located within 30m
Any adopted local planning policies and state planning policies.	Please see relevant section

Table 2: Watercourse Protection Criteria

The proposed development will have no impact on the existing watercourse on the subject site. The main effect will be the loss of four (4) native trees, which are to be replaced with six (6) trees as part of the proposed development. Furthermore, there are additional developments on adjacent lots that are located within 30m of the watercourse area. Therefore, as long as the proposed development complies with the above provisions, we request that the Shire consider this reduced setback in accordance with the Watercourse Hierarchy Strategy.

Refer to **Attachment 3 – Surface Water and Drainage Management Plan**.

Vegetation Protection

Clause 5.7.12.2 states the following:

The ringbarking, cutting down, topping, removal, injuring or wilful destruction of any local native vegetation is prohibited unless approved by the Shire or unless the native vegetation is exempted from compliance with this provision pursuant to clause 5.7.12.3.

As this vegetation is native, it is not exempt from being removed. As such, please see our justification to remove this vegetation against Clause 5.7.12.5:

- As a large portion of the subject site is not capable of development, the proposed Child Care Premises makes the best use of the site area while also providing minimal effect on the vegetated area;
- These are standard native trees (need to confirm species) that while in good condition, however, these are not rare at all;
- The amenity of this local natural area will still be retained on the subject site;
- The environment will not be affected by the loss of vegetation, as there will be additional trees planted as part of the development to offset the loss of trees; and
- Retaining walls are proposed along the rear of proposed development to reduce runoff into this area.

Car Parking

A suitably qualified traffic and parking consultant (**KCTT**) have been engaged to prepare a supporting technical report to demonstrate anticipated parking and traffic volumes on the subject site. Given the nature of the proposed land use and site context, the following points inform KCTT's opinion that the proposed car parking provision can meet the development demands:

- *According to Local Planning Scheme No. 4, the existing shopping centre and the proposed development will require 278 parking bays.*
- *Currently, there are 295 car parking bays at the shopping centre.*
- *The construction of the proposed childcare requires removing 31 bays (30 bays impacted by the building and 1 additional bay will be removed to accommodate the rigid truck movement) and adding 16 new bays.*
- *The reorganised parking area will have 280 parking bays available to both the shopping and childcare centres.*
- *Therefore, after the completion of the Childcare centre, there will be a surplus of 2 parking bays for the entire development (inclusive of the existing shopping centre and proposed childcare centre).*

Therefore, there is an operational surplus of car parking across the subject site to accommodate the existing shopping centre and the proposed development.

Refer to **Attachment 4 – Transport Impact Statement**.

RELEVANT PLANNING POLICIES

Shire of Mundaring’s Local Planning Policy 3.1 – Public Art

The Shire’s *Local Planning Policy 3.1 – Public Art* provides the parameters for which a 1% percent contribution for public art may be taken for development with a construction value of \$2 million or greater. The contribution can be via provision of public art within the development or via a cash in lieu option.

As the estimated cost of construction for the proposed development is \$2.5 million, the provisions of this policy apply. In this regard, the proposed development would require public art provision on site or a financial contribution of \$25,000. In order to allow some flexibility for the proponent to nominate to provide either an on-site public art outcome or a financial contribution towards the provision of public art elsewhere within the locality, we request the Shire to recommend the JDAP to impose a condition of development approval which permits the proponent to nominate at a later stage.

Draft Position Statement: Child Care Premises

The Draft Position Statement: Child Care Premises (**Position Statement**) was prepared by the Department of Planning, Lands and Heritage (**DPLH**) and was advertised for public comment between 11 November 2022 and 10 February 2023. We understand that the Draft Position Statement will replace the existing Planning Bulletin 72/2009 – Child Care Centres.

The Position Statement is designed to provide a more consistent policy approach to the planning for child care premises in Western Australia, in order to deliver key improvements to the location and operation of child care operations. The key objectives of the Position Statement have been considered in this Application as represented in the table below:

OBJECTIVE	COMPLIANCE
Encourage the co-location of child care premises on scheme reserves (intended for community and educational uses) and mixed commercial type zones.	The subject site will be located on an existing ‘Commercial’ neighbourhood centre site, providing a mix of commercial uses.
Locate child care premises where they are compatible with and complementary to residential land use and the road network.	The proposed development will be complementary to the existing development on the subject site and the desired future land use character of the area. Due to its location on the subject site, it will have no impact to surrounding residential properties or the existing road network.

OBJECTIVE	COMPLIANCE
Ensure child care premises do not have a detrimental impact on the amenity of the adjoining residents and the locality.	Operational management aspects such as acoustic, landscaping and traffic matters have been considered as part of this application and discussed in this letter.
Minimise any detrimental impact that surrounding land uses may have on a child care premises.	The surrounding land use is residential in nature, with the subject site acting as the centre for 'Commercial' land uses. The surrounding land uses will not be detrimental to the Application.
Ensure child care premises are appropriately designed to ensure the health and safety of children attending the early childhood education and care service.	Operational management aspects such as acoustic, waste and traffic matters have been considered as part of this application and discussed in this letter. The design of the premises is considered high quality and will ensure the safety of all children.

Table 3: Position Statement – Child Care Premises Policy Objectives

However, as we are unaware of the DPLH’s position, the Position Statement is still in draft form and is not yet seriously entertained. While we have given regard to the key objectives, the weight of the current Child Care Regulations is of consideration. Despite this, the proposed development complies with the policy objectives of the Position Statement.

Planning Bulletin 72/2009 – Child Care Centres

The purpose of Planning Bulletin 72/2009 (**the Planning Bulletin**) is to provide guidance on suitable locations for child care centres. While child cares are broadly located in residential areas, consideration will need to be given to the potential traffic and noise impacts, as well as the characteristics of the site: The criteria for a suitable location includes:

- (a) distributed strategically to provide the maximum benefit to the community it serves;*
- (b) within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;*
- (c) located in areas where adjoining uses are compatible with a child care centre (includes considering all permissible uses under the zoning of adjoining properties);*
- (d) serviced by public transport (where available);*
- (e) considered suitable from a traffic engineering/safety point of view; and*
- (f) of sufficient size and dimension to accommodate the development without affecting the amenity of the area.*

The proposed child care centre will address these criteria with the following considerations:

- The proposed child care centre is located within a designated activity centre. It is appropriate for a childcare centre to be located within an activity centre.
- The subject site abuts the Swan View Primary School and in proximity to the Swan View Senior High School. It is appropriate that a child care centre is located in proximity to existing educational centres.

- The subject site is located in proximity to existing community and recreational facilities, including the Brown Park Community Centre, Brown Park, the Bruce Douglas Sporting Pavilion and the Swan View Uniting Church.
- The subject site is serviced by existing public transport services, including 11 bus stops located within a 400m catchment of the subject site serviced by various bus routes.
- The proposed development is supported by a Transport Impact Statement that has been prepared by a suitably qualified traffic engineer. The Transport Impact Statement demonstrates that the proposal will not detrimentally affect the surrounding network or cause safety issues.
- The subject site is a square lot with a 20,231m² area which has sufficient space to develop the proposed child care centre without affecting the local amenity.

On the basis of the above, the proposal is consistent with the Planning Bulletin.

OPERATIONAL MANAGEMENT

Traffic Matters

As mentioned previously, a Traffic Impact Statement (TIS) has been prepared by KCTT in support of the proposed development and in accordance with the WAPC's Transport Impact Statement Guidelines. As well as parking, the TIS makes the following observations relation to volumes of traffic generated:

- *As stated above, the additional traffic attracted to the subject site is expected to increase by a maximum of 358 vehicular trips per day and 66 vehicular trips in the peak hour.*
- *The existing Swan View Shopping Centre currently generates up to 5,000 VPD (rough estimation).*
- *Therefore, the additional traffic is only a fraction of the existing, and it will be dispersed when distributed to all four crossovers to Gladstone Avenue and Marlboro Road.*
- *Other surrounding roads would absorb significantly less traffic than Gladstone Avenue and Marlboro Road, and therefore, the impact on other roads can be considered negligible.*
- *In summary KCTT believe that the proposed development will not have a negative impact on the surrounding road network.*

Based on the estimated volume of traffic moving around the subject site, zebra crossings will not be required for pedestrians. The Traffic Impact Statement concludes that the proposed development is expected to have little or no traffic impact on the current operation of the surrounding road network.

Refer to **Attachment 4 – Transport Impact Statement.**

Noise Mitigation and Acoustic Considerations

An Environmental Acoustic Assessment (**EAA**) has been undertaken and is detailed within a report prepared by Herring Storer Acoustics. The conclusion section within the EAA provides a summary of the findings. The key findings are reproduced below:

- *Noise received at the neighbouring residences from the outdoor play area would comply with day period assigned noise level with the boundary fencing proposed.*
- *The air conditioning condensing units have also been assessed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.*
- *Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 for the proposed hours of operation, with the inclusion of the following:*
 - › *Although the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Additionally, the fencing to the child care centre be as shown in Figure 5.1 in Section 5.1 – Modelling.*
 - › *We note that for this development, colourbond is an acceptable fencing material.*
 - › *The air conditioning condensing units to be located within the drying yard / bin store.*

Refer **Attachment 5 – Environmental Acoustic Assessment.**

SUMMARY

In summary, this Application seeks Development Approval for the construction and operation of a Child Care Premises on Lot 72 (No. 40) Marlboro Road, Swan View (the 'subject site'). We request that the Shire of Mundaring (**the 'Shire'**) recommend the Metro Outer Joint Development Assessment Panel resolve to approve the proposed development for the following reasons:

- The proposed development would align with the Shire of Mundaring's *Strategic Community Plan 2020/2030* by providing and supporting family and children's facilities and activities. This is further justified by the demographic of the locality and the current provision of childcares located within Swan View.
- The proposed development is appropriate within the 'Urban' Zone under the provisions of the Metropolitan Region Scheme ('MRS');
- A Child Care Premises is a 'D' (Discretionary) use within the 'Local Centre' zone under the provisions of LPS4;
- The proposed development will comply with the development standards for watercourses, vegetation protection and the provision of vehicle parking bays.
- The development will comply with the state and local planning frameworks for public art and child care premises respectively; and
- The proposed development does not result in any adverse acoustic and traffic impacts on the surrounding local area.



Should you require any further information or clarification in relation to this matter, please contact the undersigned on 9221 1991.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Kieran McGovern', is positioned above the printed name.

Kieran McGovern

Rowe Group