

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Administration's response to each comment.

Comments Received in Support:	Administration Comment:
<p>The current family day care centre at the site, with up to 7 children, is appropriate at the site.</p>	<p>Following consultation, the applicant amended the proposal to reduce the number of children in care on the site at the site at any time from eight to seven.</p>

Comments Received in Objection:	Administration Comment:
<p><u>Land Use</u></p> <ul style="list-style-type: none"> • Concerns that the area will change from mainly residential uses to commercial uses. • The proposal is surrounded by entirely residential development, a child care centre is not appropriate at the site. • The proposal does not meet the objectives of the City's Local Planning Policy: Child Care and Family Day Care (Child Care Policy). Specifically, Clause 3.2 which says that Child Care Centres in the Residential zone shall be considered where it is adjacent to other non-residential land uses. • The proposal does not comply with the City's Child Care Policy, the application should be refused on this basis. • 'Child Care Centre' is an 'A' use under the City's Local Planning Scheme No.2. Discretion should be applied to the proposal considering it is an 'A' use and the shortfall in parking. • An objective of the 'Residential' zone is <i>"To provide for a range of non-residential uses, which are compatible with and complementary to residential development."</i> The proposal is neither compatible or complementary to the 'Residential' zone. 	<ul style="list-style-type: none"> • A Child Care Premises is an 'A' use within the 'Residential Zone' under the City of Vincent's Local Planning Scheme, meaning that it can be considered. The subject and adjoining sites would continue to be zoned Residential, and any development applications for commercial uses would be considered against the objectives of the Residential Zone. • Where a proposal does not meet the standards laid out in a policy, it is assessed against the objectives of the policy. In considering the low intensity of the proposal, which is commensurate with that of a Family Day Care, the use meets the objectives of the Child Care Policy because: <ul style="list-style-type: none"> ○ Due to the operational measures and low intensity, it would not adversely affect the amenity of the adjoining properties. ○ It would not adversely affect the availability of on street car parking because sufficient car parking is available on site. • Following consultation, the application was amended to reduce the maximum number of children in care from eight to seven. This reduced the car parking requirement to two car bays under the City's Local Planning Policy: Non-Residential Car Parking (Non-Residential Parking Policy). Two car bays are proposed to be provided on the subject site and as such the application does not provide a shortfall in on site car parking. • The proposal satisfies the objectives of the Residential Zone because: <ul style="list-style-type: none"> ○ It would retain the existing residential built form character of the area, as the building would continue to present to Brisbane Street as a two storey dwelling. ○ The proposed use would operate at a scale and intensity of a Family Day Care service which is exempt from planning approval and has been established as being a commercial operation that is compatible with the residential zone due to its low intensity.

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<p><u>Traffic</u></p> <ul style="list-style-type: none"> The road network could not handle the additional cars. Traffic congestion is an issue on Brisbane Street, the proposal will make congestion worse. The local road network already has issues of road safety, this proposal would exacerbate current road safety issues. 	<ul style="list-style-type: none"> Following consultation, the applicant amended the application to reduce the maximum number of children in care from eight to seven. This means that the proposal would not result in any increase in traffic above the existing Family Day Care. The use would be expected to generate a maximum of nine movements in the morning and evening as one to two staff members arrive on site and up to seven children are dropped off. In accordance with the City's Child Care Policy a Traffic Impact Statement is not required for Child Care Premises where fewer than 10 children are in care. This is reflective of the reduced traffic movements associated with smaller child care centres, such as this proposal.
<p><u>Parking</u></p> <ul style="list-style-type: none"> Brisbane Street already has limited street parking, the proposal will worsen this. If the proposal would expand past the proposed 8 children, there would be no possibility of providing additional onsite parking. There is no capacity for more street parking on Brisbane Street. The proposal includes 2 parking bays where 3 are required. No bicycle parking has been included in the proposal. 	<p>Following consultation, the applicant amended the application to reduce the maximum number of children in care from eight to seven. This reduced the car parking requirement to two car bays under the City's Non-Residential Parking Policy. Two car bays are proposed to be provided on the subject site and as such the application does not provide a shortfall in on site car parking.</p> <ul style="list-style-type: none"> Administration's recommendation includes a condition of approval is that two bicycle parking bays are provided on site prior to occupation. This is to assist in supporting a shift to active transport, consistent with the objectives of the Non-Residential Parking Policy.
<p><u>Noise Pollution</u></p> <ul style="list-style-type: none"> The proposal will generate high pitched screaming associated with young children. The proposal would generate more noise than a residential dwelling. 	<ul style="list-style-type: none"> The applicant has submitted a Noise Management Plan which includes operational measures on how noise generated by the use would be managed. These include: <ul style="list-style-type: none"> Limiting outdoor play to after 9am Limiting outdoor play to two hours Provision of soft surfaces to reduce noise transmission. Notification to parents and guardians about the residential nature of the area. <p>These measures would assist in mitigating the generation of noise on site and reducing any impacts on the adjoining properties. The intensity of noise generation would be consistent with that of a Family Day Care, which is has been operating on the subject site since 2018. In that time no complaints have been received about the operations.</p>
<p><u>Laneway Interaction</u></p>	

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<p>The laneway adjacent to the site has antisocial behaviour.</p> <p><u>Future Applications / Expansion of the Child Care Centre</u></p> <ul style="list-style-type: none"> The applicants will later seek to expand the Child Care Centre to 35 children. The applicant previously sought community consultation on a two storey child care centre that would accommodate 35 children. The subject site is not an appropriate local for such a facility. If approved, the child care could expand the number of children present at the site under different State and Federal legislations that would permit more children at the site. These additional approving authorities would circumnavigate the City of Vincent approvals. The proposal includes no works, however the applicants will likely propose works to increase the size of the Child Care Centre once the use has been approved. If the use is approved it cannot be taken away. It can only be conditioned and managed for compliance, this is too onerous for the City and neighbours. 	<p>The proposal encourages the activation of the site which would assist to reduce antisocial behaviour in the surrounding area.</p> <ul style="list-style-type: none"> This application proposes a Child Care Premises with seven children in care. The City is obliged to consider the application before it on its merits and cannot consider future applications that may be submitted. Administration's recommendation includes a condition that limits the number of children in care at any time to seven. This is consistent with the maximum number of children permitted within a Family Day Care. The <i>Planning and Development Act 2005</i> requires that developments comply with conditions of approval. Separate legislations relating to Child Care Premises, for example, the <i>Education and Care Services National Law (WA) Act 2012</i> or the <i>Education and Care Services National Regulations 2012</i> do not override conditions imposed under the <i>Planning and Development Act 2005</i>. If the operators wanted to increase the number of children on the site or undertake works to increase the size of the premises, further development approval would need to be obtained. If approved, the use would be required to operate in accordance with the terms and conditions of their approval. Administration's recommendation includes conditions that limit the number of children to seven. If the Child Care Premises were not operated in accordance with the approval, the City's Compliance team could open a compliance investigation and pursue enforcement action against the owner/operator.
<p><u>Amenity Impacts</u></p> <p>The proposal will impact the amenity and value of surrounding properties.</p>	<p>Please refer to comments regarding compatibility of the land use with the Residential Zone. Impact to property values is not a consideration under the planning framework.</p>
<p><u>Impact on Character of Area</u></p> <p>Brisbane Street between Palmerston Street and Lake Street is entirely residential, this should be preserved as it adds the value and character of the street. The proposal would erode the purely residential dwellings in the area.</p>	<p>The building would continue to present as a single house to Brisbane Street which would assist in maintaining the character of the area.</p>

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<p><u>Suitability of Site</u></p> <ul style="list-style-type: none">• Child Care Centres have different requirements to a Family Day Care Centre. Family Day Care Centres primarily operate out of people's homes and do not generate the same amount of traffic and noise as a Child Care Centre.• Child Care Centres are purpose built and have setbacks from lot boundaries to reduce the impact to the surrounding areas and have better considered parking arrangements. They are typically on corner lots and located with other non-residential uses.	<ul style="list-style-type: none">• The applicant has reduced the number of children at the site from eight to seven, the proposal will in effect be operating as a Family Day Care service. The proposal does not change the size and scale of a Family Day Care which could operate at the site. Please refer to comments above regarding Land Use, Car Parking, Traffic and Noise. The proposal seeks to use the existing residence on site, which would assist in retaining the existing residential character of the area.
<p><u>Signage</u></p> <p>No indicative signage was included in the advertising material, signage to the site will impact the amenity of Brisbane Street.</p>	<p>No signage is included on the development plans. A recommended condition of approval is that future signage comply with the City's Local Planning Policy: Signs and Advertising (Signs and Advertising Policy). Where a proposed future sign departs from the Policy, a development application would be required.</p> <p>The Signs and Advertising Policy allows a maximum of two signs per tenancy in the Residential Zone.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.