

**5.1 NO. 235 (LOT: 4; D/P: 1189) BRISBANE STREET, PERTH - CHANGE OF USE FROM FAMILY DAY CARE TO CHILD CARE PREMISES**

**Ward:** South Ward

**Attachments:**

1. Location and Consultation Plan
2. Development Plans
3. Noise Management Plan
4. Applicant's Justification
5. Site Photographs
6. Summary of Submissions - Administration's Response
7. Summary of Submissions - Applicant's Response
8. Determination Advice Notes

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for the Change of Use from Family Day Care to Child Care Premises at No. 235 (Lot: 4; Plan: 1189) Brisbane Street, Perth, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

**1. Development Approval**

This approval is for a Change of Use from Family Day Care to Child Care Premises as shown on the plans dated 16 May 2024. No other development forms part of this approval.

**2. Use of the Premises**

2.1. This approval is for Child Care Premises as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City.

2.2. The Child Care Premises shall be limited to the following hours of operation:

- Monday to Friday: 7:00am to 6:00pm
- Saturday, Sunday and Public Holidays: Closed

2.3. The Child Care Premises shall be limited to providing care for a maximum of seven children at any time.

2.4. The Child Care Premises shall have a maximum of two staff on site at any time.

**3. Landscaping**

Trees within the external play area shall be maintained at the expense of the owners/operators to provide for a minimum of 30 percent of the external play area as canopy coverage at maturity, to the satisfaction of the City.

**4. Bicycle Parking**

A minimum of two bicycle parking bays shall be provided on site prior to the commencement of the Child Care Premises use. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City.

**5. Noise Management**

The Child Care Premises shall at all times operate in accordance with the operational measures outlined in the approved Noise Management Plan dated 29 May 2024, to the satisfaction of the City.

## 6. Signage

**All signage shall be in strict accordance with the City of Vincent Local Planning Policy: Signs and Advertising, to the satisfaction of the City, unless further development approval is obtained.**

### EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for a Change of Use from Family Day Care to Child Care Premises at No. 235 Brisbane Street, Perth (the subject site). A location plan of the subject site is included as **Attachment 1**.

The subject site is located on the corner of Brisbane Street and Shule Lane. The subject site and adjoining properties are zoned Residential R50 under the City of Vincent Local Planning Scheme No. 2 (LPS2) and are within the Residential Built Form Area under the City's Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy). The site presents as a two-storey single house to Brisbane Street.

The site has operated as a Family Day Care centre since October 2018. In accordance with the City's Local Planning Policy: Planning Exemptions (Planning Exemptions Policy) development approval was not required to use the subject site as a Family Day Care.

The applicant is seeking a change of use from Family Day Care to Child Care Premises. The applicant seeks this change of use due to restrictions they have experienced under the *Education and Care Services National Regulations 2012*, including the requirement to engage a third-party Family Day Care Coordinator. The change of use would allow for greater flexibility in running their business.

The existing Family Day Care operates with a maximum of seven children in care and two staff members at any time. The proposed Child Care Premises seeks to operate at this same capacity and would therefore provide for the same intensity of use of the land as the existing Family Day Care.

The City has not received any complaints from the community about the operations of the existing Family Day Care on the subject site since it commenced operation in October 2018.

The area of discretion being sought under the planning framework relates to the acceptability of the proposed land use, a shortfall in long-term bicycle facilities and service vehicle parking, and absence of an Acoustic Report provided. The Child Care Premises land use is capable of approval in the Residential zone under LPS2.

The applicant has provided a Noise Management Plan (NMP) which outlines how the operator would manage noise generating activities on the subject site. An Acoustic Report has not been provided to confirm that the use would comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). Due to the scale of the development, and the proposed operational measures, the City's Health Services has advised that the likely noise generated could be managed to ensure it would not have a negative impact on the amenity of the surrounding properties and would be low risk in terms of a noise impact.

The application does not propose any long-term bicycle facilities. A condition of approval is included in Administration's recommendation that two short-term bicycle bays are provided on site. This provision would satisfy the number of bicycle bays required under the Non-Residential Parking Policy and would support a shift towards active transport modes.

The City's Local Planning Policy: Family Day Care and Child Care Premises (Child Care Policy) states that Child Care Premises in the Residential Zone shall be considered where they are adjacent to other non-residential land uses and that external play areas shall be located away from noise sensitive uses. The proposal is immediately surrounded by residential uses and the external play area is adjacent to the outdoor living area of No. 231 Brisbane Street. The proposal is compatible with the adjoining uses as the proposal will operate at a low scale as well as the same scale and intensity as a Family Day Care, which is exempt from planning approval. The proposal provides sufficient management strategies via a NMP to mitigate noise impacts to surrounding uses, and adequate parking has been provided.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

**PROPOSAL:**

The subject site is located at No. 235 Brisbane Street, Perth, as shown on the location plan included as **Attachment 1**.

The application seeks approval for a change of use of the subject site from Family Day Care to Child Care Premises.

The application seeks approval for a maximum of seven children to be cared for on the subject site. The site currently operates as a Family Day Care, which can care for a maximum of seven children under the *Education and Care Services National Regulations 2012* and is exempt from requiring development approval under the City's Planning Exemptions Policy.

Details of the proposed operation of the Child Care Premises are summarised as follows:

- Operating hours from 7:00am to 6:00pm, Monday to Friday.
- Closed on weekends and public holidays.
- A maximum of seven children under care on-site at any given time.
- A maximum of two staff members on site on-site at any given time.
- Two on-site car parking bays provided on-site, accessed from Brisbane Street. One parking bay is proposed to be used by staff and the second bay to be used for pick-up/drop-off.
- Pedestrian access for customers from Brisbane Street.
- Outdoor play to take place between 9:00am and 5:00pm, for a maximum of two one-hour sessions per day. The external play area is located to the rear of the dwelling.

No works to the existing building are proposed as a part of this application.

The proposed development plans are included as **Attachment 2**. The applicant's NMP and Written Justification are included as **Attachments 3** and **4**, respectively. Photos of the existing external play area are included as **Attachment 5**.

As detailed in the Applicant's Written Justification, the applicant is seeking to change the use of the subject site to Child Care Premises due to the costs associated with running a Family Day Care. To operate as a Family Day Care, the operator must engage an external Family Day Care Coordinator. The applicant has advised that this is a cost burden to the operation of the Day Care. The applicant has advised that by operating as a Child Care Premises, the operator would have greater autonomy in running the child care and would not be required to engage an external Coordinator, allowing them to reduce their operating costs.

**DELEGATION:**

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to applications for development approval that receive more than five objections during the community consultation period.

The proposed application received 18 objections during the community consultation period.

**BACKGROUND:**

<b>Landowner:</b>	M T Cao
<b>Applicant:</b>	M T Cao
<b>Client:</b>	M T Cao
<b>Date of Application:</b>	30 January 2024
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Residential R Code: R50
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Family Day Care
<b>Proposed Use Class:</b>	Child Care Premises
<b>Lot Area:</b>	362 square metres
<b>Right of Way (ROW):</b>	Shule Lane, 3.4 metres wide, privately owned, paved and drained.
<b>Heritage List:</b>	No

### Site Context and Zoning

The subject site is bound by Brisbane Street to the north-east, Shule Lane to the north-west and south-west, and a two-storey single house to the southeast. A Location Plan is included as **Attachment 1**.

The subject site and all adjoining and adjacent properties are zoned Residential R50 under LPS2 and are within the Residential Built Form Area under the City's Built Form Policy, with a building height standard of two storeys.

Surrounding development is characterised by single and grouped dwelling developments. Development fronting Brisbane Street, between Lake Street and Palmerston Street, as well as to the west of the site facing Palmerston Street, are characterised by one and two storey single houses and grouped dwelling developments. Robertson Park, a large multi-use recreational reserve, is located 65 metres to the west of the site.

More broadly, development that orients to Brisbane Street, located to the east of Lake Street, is zoned Local Centre and Mixed Use R80 under LPS2 and is within the Mixed Use Built Form Area under the City's Built Form Policy. The development in this section of Brisbane Street is mixed use in nature, including residential developments, restaurants, shops and taverns.

### Existing Building

The existing development on the subject site presents as a two-storey single house to Brisbane Street. The building is set back 4.2 metres from Brisbane Street and has a nil setback to Shule Lane. The site has two car parking space in a tandem arrangement, accessed from Brisbane Street.

The proposal includes 75.5 square metres of indoor play space and 97.2 square metres of external play space to the rear of the site. The external play space has existing landscaping consisting of two Pawpaw Trees (*Carica papaya*), a Pine Tree (*Cupressus sempivirens*), a Citrus Tree, a Fig Tree (*Ficus carica*) and a Golden Dewdrop (*Duranta repens*).

### Operations and Site History

The subject site has operated as a Family Day Care since October 2018.

In accordance with the *Education and Care Services National Law (WA) Act 2012* the maximum number of children that can be in care at a Family Day Care is seven. The applicant has advised that they currently operate with a maximum of seven children in care.

Under the City's former Local Planning Policy No. 7.5.1 - Minor Nature Development (Minor Nature Development Policy), Family Day Care uses were exempt from requiring development approval if care was being provided for five or fewer children.

In July 2023, Council resolved to repeal the Minor Nature Development Policy, and replace it with the City's Local Planning Policy: Planning Exemptions (Planning Exemptions Policy). The Planning Exemptions Policy exempts Family Day Care uses in Single Houses and Grouped Dwellings from requiring development approval where care is provided for seven or fewer children.

The proposal has operated in compliance with these respective exemptions since it commenced operation.

The City does not have any record of complaints received from surrounding community members in relation to the Family Day Care since it commenced operation in October 2018.

*Pre-Lodgement Proposal History*

In December 2019, the City received a request for written planning advice on a proposed Child Care Premises at the site with capacity for 35 children on the subject site. The proposal subject of the Written Planning Advice included works to the existing building to cater for the additional children. The purpose of Written Planning Advice is to provide applicants with information on how the City would assess a proposal. The Written Planning Advice provided in response the applicant provided information on the land use classification and permissibility standards under LPS2, community consultation requirements, parking standards, and lodgement requirements including management plans needed to support the proposal. The Written Planning Advice did not provide comment on the acceptability of the proposal under the framework.

No development application was received for this proposal.

At this time, the applicant undertook independent pre-lodgement consultation with residents in the area surrounding the subject site. The applicant has advised that they delivered letters to all houses fronting Brisbane Street between Palmerston Street and Lake Street, and allowed residents to view the subject site and the proposed plans for works at the site.

The applicant has advised that residents expressed concern that a Child Care Premises for 35 children would create too much noise and traffic congestion in this location. The applicants have advised that considering this feedback from the community, they elected not pursued this proposal further.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the Child Care Policy, Policy 7.5.21 – Sound Attenuation (Sound Attenuation Policy) and Local Planning Policy: Non-Residential Car Parking (Non-Residential Car Parking Policy). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	As Existing	Requires the Discretion of Council
Land Use			✓
Vehicle Access		✓	
Sound Attenuation Policy			✓
Child Care and Family Day Care Policy			✓
Non-Residential Parking Policy			✓

The above elements of the proposal do not meet the specified land use standards, acceptable outcomes and policy requirements are discussed in the Comments section.

*Local Planning Scheme No. 2*

In considering the appropriateness of the use, Council is to have due regard to the objectives of the relevant zone. The objectives of the Residential zone are as follows:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community;*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development;*
- *To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;*

- To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;
- To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and
- To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.

The Residential zone objectives are one matter to which Council is to give due regard in the consideration of this application under the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations). Other relevant matters to be given due regard are set out below.

#### Planning Regulations

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions of the Planning Regulations, Council are to have due regard to a range of matters to the extent that these are relevant to the development application.

Each matter listed in Clause 67(2) that requires consideration, along with Administration's comment on the matter is provided in the table below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	Child Care Premises is an 'A' use within the Residential zone under LPS2 and can be considered at the discretion of the Local Government, following community consultation.  An assessment of the acceptability of the Land Use is provided in the Comments section below.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	The suitability of the development has been assessed having regard to the relevant scheme requirements, the City's local planning framework, and the impact of the development on the area, consistent with the principles of orderly and proper planning.  There are no draft planning instruments relevant to this application.
(c) any approved State planning policy.	There are no relevant State Planning Policies that apply to this proposal.
(g) Any local planning policy for the Scheme area.	An assessment against the City's relevant local planning policies, including the Child Care Policy, the Sound Attenuation Policy and the Non-Residential Development Policy, is discussed further in Administration's comments below.
(k) the built heritage conservation of any place that is of cultural significance.	The subject site and the adjoining sites are not heritage listed.
(m) The compatibility of the development with its setting including – (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.	The proposed development would be compatible with its setting. The proposal does not include any works and the subject site would continue to present as a Single House to Brisbane Street.  The compatibility of the land use is considered further in the Comments section below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
<p>(n) The amenity of the locality including the following –</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development.</li> </ul>	<p>The subject site has operated a Family Day Care at since October 2018. The City has not received any complaints about the operations in that time. The proposed Child Care Premises would be of the same scale and intensity as the existing Family Day Care.</p> <p>Management measures are proposed to ensure the Child Care Centre would continue to operate at an acceptable scale, reducing amenity impacts to surrounding residential properties.</p> <p>The applicant has provided an NMP, included as <b>Attachment 3</b>, which demonstrates that the amenity of the locality would not be impacted. This is considered further in the Comments section below.</p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</p>	<p>The external play area to the rear of the site is landscaped with a variety of trees and plantings as shown in <b>Attachment 5</b>.</p> <p>Landscaping provided includes six trees. At maturity, these trees would provide 50.5 square metres of canopy cover. This represents 52.0 percent of the external play area, or 14.0 percent of the total site area.</p> <p>This provision of canopy coverage satisfies the landscaping requirements for Centre-Based Child Care Service in the City's Child Care Policy.</p>
<p>(s) the adequacy of —</p> <ul style="list-style-type: none"> <li>(i) the proposed means of access to and egress from the site; and</li> <li>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles</li> </ul>	<p>Two car parking bays are provided on-site, accommodating for one staff parking bay and one customer bay to be used for pick-up/drop-off.</p> <p>The proposal satisfies the car parking standard identified in the City's Non-Residential Parking Policy in relation to the number of bays for Child Care Premises.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.</p>	<p>A condition of approval is included in Administration's recommendation that two short-term bicycle bays be provided on site. These bays are provided in a secure location, situated behind existing front fencing.</p> <p>A Traffic Impact Statement is not required for this proposal in accordance with the City's Non-Residential Development Policy. This is because less than 10 children are proposed at any one time. Given only seven children are proposed, traffic movements to and from the premises will be low and would not adversely impact the traffic flow or safety.</p>

Clause 67 – Matters to be Considered	
Matter	Administration Comment
<p>(u) the availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> <li>(i) public transport services;</li> <li>(ii) public utility services;</li> <li>(iii) storage, management and collection of waste;</li> <li>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</li> <li>(v) access by older people and people with disability.</li> </ul>	<p>The subject site is located 300 metres east of Fitzgerald Street, 415 metres west of William Street and 700 metres west of Beaufort Street, all of which accommodate several bus routes.</p> <p>The surrounding road network follows a grid style which is favourable to pedestrians.</p> <p>Palmerston Street forms part of the Perth Cycle network, providing access to the broader network. A condition of approval is included in Administration's recommendation for two short-term bicycle bays to be provided on site. This is discussed further in Comments section below.</p>
<p>(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p>	<p>The proposal will continue to offer care and education services to children which would be a benefit to families in the area.</p>
<p>(w) the history of the site where the development is to be located;</p>	<p>As outlined above, the subject site has operated as a Family Day Care since October 2018. The proposed hours of operation and number of children at the site, is the same scale and intensity as a Family Day Care.</p> <p>The proposal seeks to maintain existing management practices to ensure the proposal operates at an acceptable scale relative to the context. A condition of approval is included in Administration's recommendation for the implementation of management measures.</p>
<p>(y) Any submissions received on the application.</p>	<p>The City received 18 submissions during community consultation, all of which objected to the proposal.</p> <p>A summary of the submissions received including Administrations response to each comment is included as <b>Attachment 6</b>.</p> <p>Submissions are further considered in the Consultation section of this report, below.</p>



### Detailed Assessment

The land use permissibility and deemed-to-comply/acceptable outcome (or equivalent) assessment of the elements that requires the discretion of Council are as follows:

Land Use	
Use Class Permissibility	Proposal
LPS2 – Zoning Table	
'P' permitted use	Child care premises – 'A' Use
Child Care and Family Day Care Policy	
Policy Requirement	Proposal
<b>Clause 3.2 - Suitable Locations in Residential Zones</b>	
Child Care Premises in the Residential zone adjacent to other non-residential land uses.	The proposal is within the Residential zone and is not adjacent to non-residential land uses.
<b>Clause 3.3 - External Playing Space</b>	
External play spaces are located away from adjoining noise sensitive land uses.	The external play space is adjacent to the outdoor living area of No. 231 Brisbane Street.
Non-Residential Parking Policy	
Policy Requirement	Proposal
One service bay to be provided on-site.	No service bay provided.
One long-term bicycle bay provided on-site.	Nil long-term bicycle bays provided.
Sound Attenuation Policy	
Policy Requirement	Proposal
<b>Sound Attenuation Policy</b>	
An Acoustic Report to be submitted where a non-residential development is proposed in a Residential zone.	No acoustic report has been provided with the application.

The above element of the proposal does not meet the specified deemed-to-comply standards and is discussed in the comments section below.

### CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) and the City's [Community and Stakeholder Engagement Policy](#) for a period of 14 days, from 14 March 2024 to 27 March 2024. The method of consultation included a notice on the City's website, a sign on-site to the Brisbane Street frontage and 13 letters mailed to the owners and occupiers of the adjoining and adjacent properties of the subject site as shown in **Attachment 1**.

The proposal that was advertised provided for eight children and two staff at the Child Care Premises.

A total of 18 submissions were received during the advertising period. All submissions objected to the proposal.

The key concerns raised in the consultation period are summarised below:

- The subject site is not a suitable location for the Child Care Premises because it is surrounded by residential development.
- Child Care Premises generate additional noise and traffic and are not suitable in a residential area.
- Child Care Premises are usually purpose built and are well setback from lot boundaries.
- The proposal has not provided a traffic impact assessment or noise assessment.
- Express concern that if approved, the operator would seek to increase the number of children in care on the subject site in the future.
- The proposal would exacerbate existing parking and road safety issues on Brisbane Street.
- The proposal does not include detail on any proposed signage. Commercial signage in a residential area would negatively impact amenity.

13 submitters included comments within their submission that they would support the existing Family Day Care at the site for up to seven children.

A summary of submissions received during consultation, along with Administration's response to the submissions is provided in **Attachment 6**. The applicant's response to the submissions received is provided in **Attachment 7**.

Following consultation, the applicant amended their proposal to reduce the number of children in care from eight to seven. Further consultation was not undertaken on the amended proposal because the change to the proposal did not result in any new or increased departures to the planning framework. Administration has notified submitters of the modification to the proposal.

#### **Design Review Panel (DRP):**

Referred to DRP: No

The proposal was not referred to the City's DRP because does not include a works component. The function of the DRP is to provide comments on the design and site planning of a proposal. The application does not propose to change the design or site planning.

#### **LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form Policy;
- Policy No. 7.5.21 – Sound Attenuation;
- Local Planning Policy: Non-Residential Parking; and
- Local Planning Policy: Child Care and Family Day Care.

#### *Planning and Development Act 2005*

In accordance with Schedule 2, Clause 76(2) of the Planning Regulations and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

#### Education and Care Services Legislation

As detailed in the Background section of this report, the applicant is seeking this change of use approval to provide the operator with greater flexibility in how they manage their business. This includes the removal of the cost of engaging a Family Day Care Coordinator. The information provided below is to contextualise the proposal but is not a matter to be considered under Clause 67 of the Deemed Provisions in determining the acceptability of this application.

Services that provide early childhood education and care in Western Australia are regulated under the *Education and Care Services National Law (WA) Act 2012* and the *Education and Care Services National Regulations 2012*.

Under this legislation a Family Day Care Service is a care service that is provided across more than one venue or residence. The subject site is operated as a Family Day Care Residence as part of a Family Day Care Service.

#### *Requirement for a Coordinator*

A Family Day Care Service is required to engage a Family Day Care Coordinator to oversee and support the operations of a Family Day Care Service. One Coordinator is required per 25 Family Day Care Educators, with a role to monitor and support the educators. This requirement does not exist for centre-based Child Care services.

#### *Play Area Requirements*

The legislation has requirements for internal and external space for Child Care premises. These standards do not apply to Family Day Care venues. The space requirements for a Child Care Premises are:

- For each child being educated, 3.25 square metres of unencumbered indoor space. Based on seven children this is a requirement for 22.75 square metres.
- For each child being educated, 7 square metres of unencumbered outdoor space. Based on seven children this is a requirement for 49 square metres.

The subject site has 75.5 square metres of indoor play space and 97.2 square metres of outdoor play space and satisfies these standards.

#### *Staff Requirements*

Educator-to-child ratios for Child Care Premises are as follows:

- Children less than 24 months – one educator per four children
- Children over 24 months and less than 36 months – one educator per five children
- Children aged 36 months or over (not including children over preschool age) – one educator per 10 children.

This means that the premises can operate with one staff member on site, if caring for children over 36 months (3 years) of age. If caring for younger children, two staff members would be needed on site.

#### **RISK MANAGEMENT IMPLICATIONS:**

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2022-2032:

##### Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

#### **SUSTAINABILITY IMPLICATIONS:**

This application does not contribute to any environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the entire building on the site through this application as it relates to a change of use of an existing building with no external works component.

#### **PUBLIC HEALTH IMPLICATIONS:**

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no finance or budget implications from this report.

**COMMENTS:**Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The proposal seeks to care for a low number of children and provides management measures through a NMP, which allows for the proposal to operate at a scale appropriate to the surrounding residential context.
- The proposed Child Care Premises would operate at the same scale and intensity as a Family Day Care, which is exempt from requiring development approval. The subject site has been operated as a Family Day Care since 2018. Since operations have commenced, the City has not received any complaints or concerns about the use of the premises or impact on the amenity of the surrounding residential area.
- The proposal includes no works, the site will continue to present to Brisbane Street as a single dwelling which is complementary to the existing built form of Brisbane Street which is characterised by one and two storey dwellings.
- A condition of approval is recommended for the provision of two on-site short-term bicycle bays, which would be secured behind front fencing, and would meet the required number of bicycle bays as prescribed by the City's Non-Residential Development Parking Policy.
- The proposal provides a non-residential use that is compatible and complementary to the residential development.

Land Use and Location Acceptability

A Child Care Premises is an 'A' use within the Residential zone. This means that the use is not permitted unless Council exercises discretion by approving a development application for the use following consultation with the community.

In considering the appropriateness of the use, due regard must be given to the [objectives](#) of the Residential zone under LPS2 and relevant matters of Clause 67(2) of the Planning Regulations including the [objectives](#) of the Child Care Policy.

The land use is acceptable for the following reasons:

- Continued Operation at a Low Scale: The proposed Child Care Premises seeks to operate at the same scale and intensity that the existing Family Day Care has operated as since October 2018. This proposed operation would otherwise be exempt from requiring development approval, in accordance with the City's Planning Exemption Policy, if it were to remain as a Family Day Care. The proposed number of children and hours of operation align with those permitted for a Family Day Care under the Planning Exemption Policy. On this basis, the operation is of a small scale as identified within the City's Planning Framework, assisting in reduced amenity impacts to surrounding properties.
- Consistency with Residential Context: Impacts to surrounding properties are reduced due to the low number of children proposed on-site at any one time, due to the day-time operation hours, and due to restricted outdoor play operating hours between the hours of 9:00am and 5:00pm only for a maximum of two hours per day. The proposed operation in combination with management measures identified in the NMP, ensure the proposal operates at a scale that is consistent with the character of the surrounding residential context. The site has operated at this scale, as a Family Day Care, since October 2018 without any record of complaints received from residents. On this basis, the operators have sufficiently demonstrated that a child care facility of the proposed scale is capable of operating at the subject site without impacting the amenity of the surrounding residential development. Conditions of approval are recommended to safeguard this proposed operation, including management measures to reduce amenity impacts to surrounding residential properties.
- Retention of Housing Stock: The subject site would continue to present as a Single House to Brisbane Street and the development would continue to positively contribute to the residential character of the existing neighbourhood. The subject site could be re-purposed for use as a dwelling in the future if the Child Care Premises were to cease operations.

- Configuration of the Site: The Child Care Policy requires that external play spaces are located away from adjoining noise-sensitive land uses. The external play area of the site is immediately adjacent to the outdoor living area of No. 231 Brisbane Street. The location of the external play area is acceptable in this instance as the use of the area would be appropriately managed by the NMP (detailed further below). The low number of children proposed, and measures detailed within the NMP, would ensure that outdoor play would not adversely impact the adjoining properties rear outdoor space.
- Sufficient Privacy to Adjoining Properties: The proposal does not result in overlooking of major openings or outdoor living areas of the adjoining properties. This is because all child care components of the Child Care Premises are located on the ground floor, with existing dividing fences around the perimeter of the subject site provide privacy protection between ground floor spaces. The first floor of the building is identified to be used as an office for the Child Care Premises and includes two large windows in the south eastern elevation. Views from these major openings would not impact the privacy of No. 231 Brisbane Street the property does not have any openings to habitable rooms on its north-western elevation.
- Low traffic volumes: The City's Non-Residential Parking Policy standard is for two car parking bays to be provided on site, the proposal meets this development standard. In accordance with the Child Care Policy, a Traffic Impact Statement is not required for this proposal because it would cater for fewer than 10 children. This is in consideration of the reduced impact of low scale developments and is consistent with the WAPC's Transport Impact Assessment Guidelines.
- Legibility and Wayfinding of the Site: The building on the site is orientated towards Brisbane Street with the front door and other openings visible from Brisbane Street. The site has a single vehicle crossover and separate pedestrian access way to Brisbane Street, with a visually permeable fence and gate. The change front fence design and openings to the front façade provide sound legibility for visitors.

#### Child Care Policy and Sound Attenuation Policy

The applicant provided a NMP in support of the proposed application, as included in **Attachment 3**.

The proposal would satisfy the [objectives](#) of the Child Care Policy and the [objectives](#) of the Sound Attenuation Policy for the following reasons:

- Noise Management Plan: Due the low scale and intensity of the use, the City's Health Team confirmed that an Acoustic Report was not required, in this instance, and that operations could be appropriately managed through a NMP. This is primarily due to the low number of children cared for at any given time. The Applicant's NMP outlines how the Child Care would operate to minimise the impact of operations on the amenity of the adjoining properties. Measures included in the NMP provided include the following:
  - Management of Outdoor Play Area: The outdoor play area is located adjacent to the outdoor living area of No. 231 Brisbane Street. Outdoor play will be restricted to business hours, between 9:00am and 5:00pm as well as to two one-hour sessions per day. Operational measures to further reduce noise impact as detailed within the Applicant's NMP include that children interacting with the boundary fence would be redirected to other activities by child care providers, that soft finishes would be used to minimise the external impact of noise, and there would be no percussive or hard wheeled toys in the outdoor play area.
  - Management of Car Parking: Parents and guardians responsible for drop off and pick up would be advised of the requirements of NMP when children are enrolled in the Child Care Premises. This includes avoiding the slamming of car doors, centre doors or gates, and for parents and guardians to avoid loud discussions when picking up or dropping off children. Signage is proposed in the carparking area requesting parents and guardians to keep noise to a minimum. The noise signage would be subject to the requirements of Local Planning Policy: Signs and Advertising, which forms a recommended condition of approval.

The operational measures proposed, including the limitation of the use of the outdoor play area to business hours and for a maximum of two hours, would reduce potential impacts to adjoining properties. As the surrounding properties are residential, during these times it can be expected that people would be working away from home during that time.

Administration's recommendation includes a condition of approval that the proposed Child Care Premises operate in accordance with the operational measures included in the NMP. Additionally, the Child Care Premises venue would also be subject to compliance with the assigned level requirements of the *Environmental Protection (Noise) Regulations 1997*. The noise generated by children at the site would not be captured by the Noise Regulations, as such, a NMP is required to manage the impacts of this noise source.

- Amenity of Existing and Future Residential Development: The proposal is of a low scale and intensity, consistent with that of a Family Day Care, which would be permitted to operate on the subject site. Due to the intensity of development, the proposal would not generate excessive sound levels or traffic movements. This low intensity of use would ensure that it is consistent with and complementary to the established residential neighbourhood. Any increase in numbers of children or changes to the overall operation of the Child Care Centre would require an amended development application for consideration against the relevant planning framework.

#### Non-Residential Parking Policy

The proposal would satisfy the [objectives](#) of the Non-Residential Parking Policy for the following reasons:

- No Service Bay Previously Required: The City does not require a service bay to be provided for a Family Day Care due to the low intensity of the land use. This application does not intensify the use of the site and would not increase the demand for a service bay to be provided. The applicant has advised that due to the scale of the proposal, they do not require service vehicles to come to the site. Instead, materials are brought to site by the operator, who would park in the staff car parking bay. This means there would be no reduction in on street car parking associated with the lack of a service bay.
- Provision of Bicycle Parking: The City's Non-Residential Parking Policy standard is for the provision of one short-term and one long-term bicycle bay on site. The proposal requires one short-term and one long-term bicycle bay, but no bicycle parking has been proposed. A condition of approval is included in Administration's recommendation for two short-term bicycle parking facility be provided on-site prior to the operation of the site as a Child Care Premises. Two short-term in lieu of one long-term and short-term is acceptable as there is opportunity for bike parking in the front setback of the site, the area is does not meet the requirements for long-term bicycle parking under AS2890.3, but they are out of view from the footpath and provide an acceptable level of security.

#### Signage

The application does not include details of any proposed signs and shows indicative signage only within the NMP. The City's Local Planning Policy: Signs and Advertising (Signs and Advertising Policy) identifies a maximum of two signs for a commercial use in a Residential zone. This restriction limits the potential for the proliferation of signs and advertising on the site.

Administration's recommendation includes a condition of approval that any signage is to comply with the deemed to comply standards of the Signs and Advertising Policy. A further advice note is provided to encourage the applicant liaise with Administration prior to the installation of the sign shown in the NMP.



CITY OF VINCENT  
LOCAL PLANNING SCHEME NO. 2  
SCHEME MAP 1 - LEEDERVILLE

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission (one of the Department of Planning, Water and Infrastructure's (DPI) planning committees) has approved the Metropolitan Region Scheme Reserves for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY/REGIONAL ROADS RESERVATION**
- HS High School
  - TS Technical School
  - CP Car Park
  - U University
  - CG Commonwealth Government
  - HS High School
  - WSD Water Supply, Sewerage and Drainage
  - P Prison
- RAILWAYS**
- PUBLIC PURPOSES**
- Particular use identified as follows:
- H Hospital
  - HS High School
  - TS Technical School
  - CP Car Park
  - U University
  - CG Commonwealth Government
  - HS High School
  - WSD Water Supply, Sewerage and Drainage
  - P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
- Particular use identified as follows:
- PS Primary School
  - CP Car Park
  - CU Civic Uses
  - HS High School
  - I Institute for the Deaf
  - W Water Supply, Sewerage and Drainage
  - TS Technical School

CITY OF VINCENT SCHEME ZONES

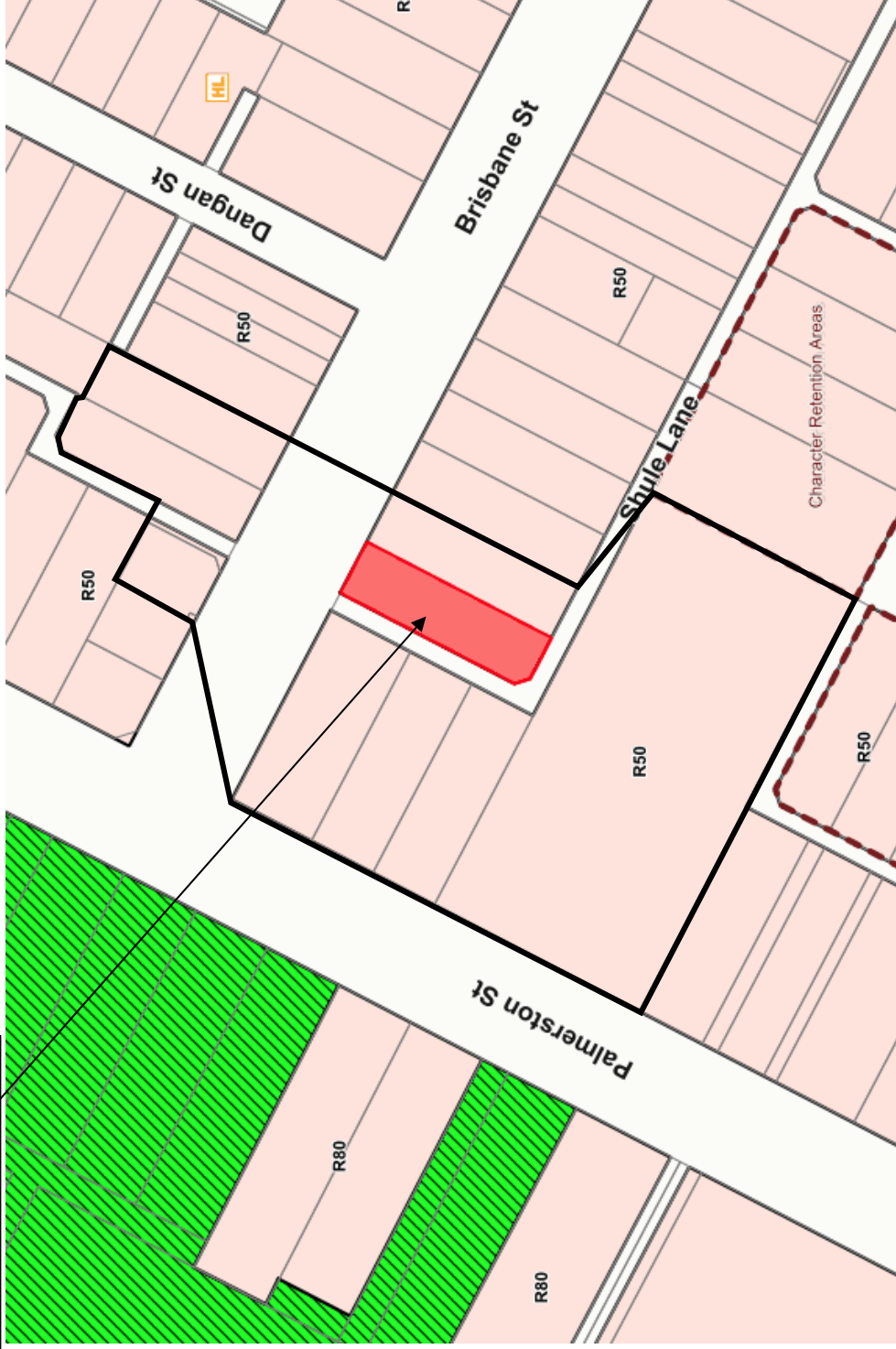
- RESIDENTIAL**
- R50
  - R80
- MIXED USE**
- M1
- COMMERCIAL**
- C1
- LOCAL CENTRE**
- L1
- DISTRICT CENTRE**
- D1
- REGIONAL CENTRE**
- R1
- SPECIAL USE**
- Particular use identified as follows:
- CP Car Park
  - CU Civic Uses
  - HS High School
  - HC Hall and Non-Residential Club
  - H Hotel
  - PW Place of Worship
  - S Service Station

ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**
- 1:500
  - 1:1000

SUBJECT  
SITE



Extent of Consultation

Location Map

No. 235 Brisbane Street, Perth

The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).





**SUBJECT  
SITE**



**CITY OF VINCENT**

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**No. 235 Brisbane Street, Perth**





# Brisbane St Childcare Centre

235 Brisbane Street, 6000 Perth, WA, Australia

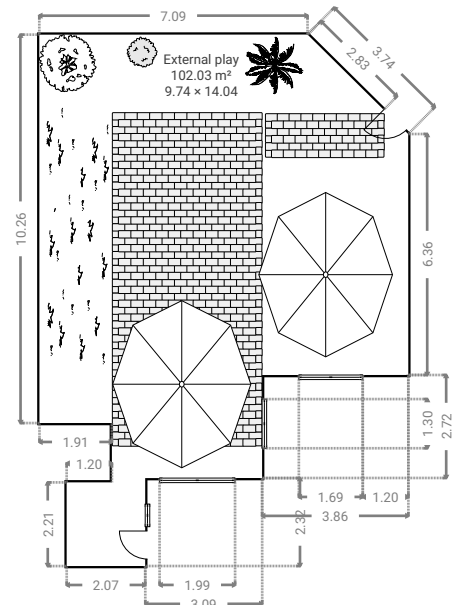
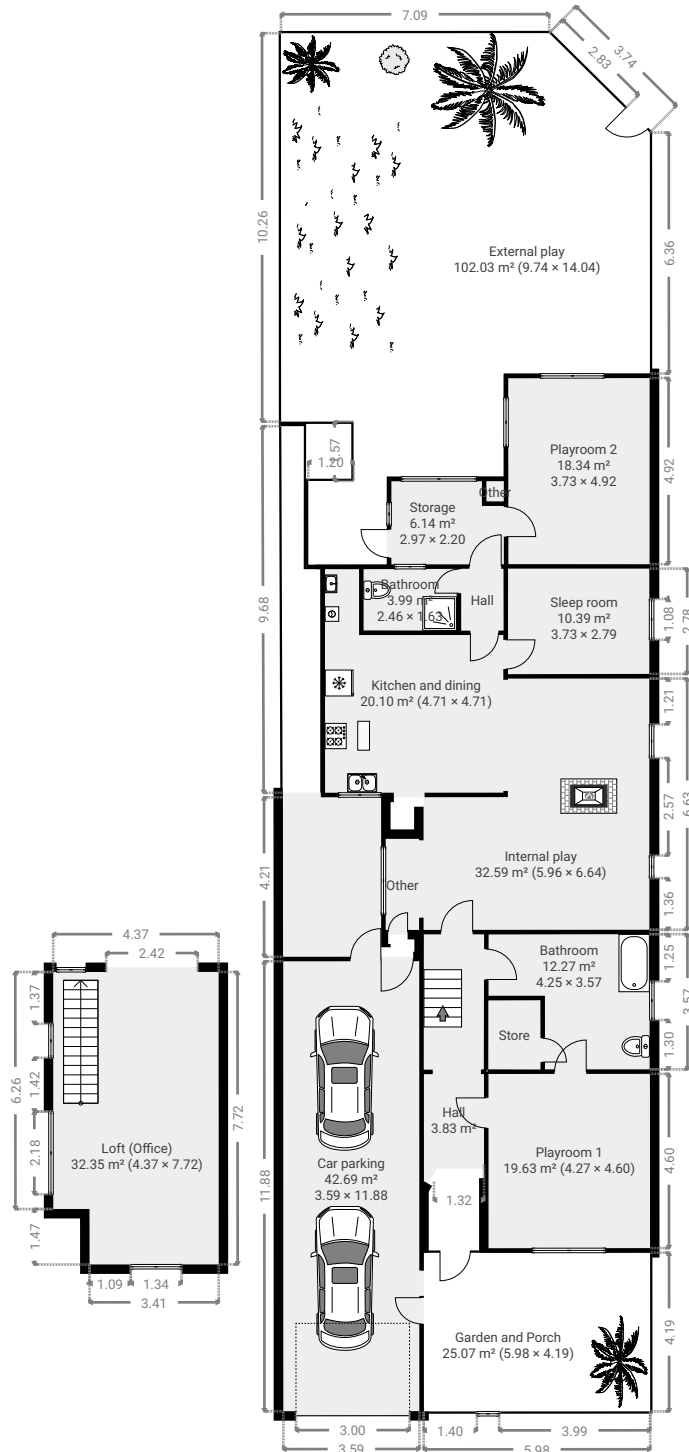
TOTAL AREA: 463.76 m<sup>2</sup> • LIVING AREA: 183.80 m<sup>2</sup> • FLOORS: 2 • ROOMS: 19



## ▼ Ground Floor

TOTAL AREA: 463.76 m<sup>2</sup> • LIVING AREA: 183.80 m<sup>2</sup> • ROOMS: 19

CITY OF VINCENT  
RECEIVED  
16 May 2024



# Noise Management Plan

235 Brisbane Street Perth WA 6000

## Document control

Version	Description	Checked	Date approved
1.1	Draft	AH	28.05.24

Version: 1.1  
Reviewed: May 2024

CITY OF VINCENT  
RECEIVED  
29 May 2024

## Introduction

The Noise Management Plan (NMP) aims to protect the acoustic privacy of nearby residents in their homes and private open spaces. The service is committed to preventing the generation of unacceptable noise levels that may impact upon the amenity of neighbours. This NMP aligns with the principles set out in the Environmental Protection (Noise) Regulations 1997 and the City of Vincent's noise management guidelines.

## Operation details

Hours of operation:

- The centre will operate between the hours of 7.00am to 6.00pm Monday to Friday.
- The centre will be closed on Saturday, Sunday and on public holidays.

Number of children on site:

- The centre will accommodate a maximum of seven (7) children at any one time.

## General noise management principles

The centre manager will ensure that children are adequately supervised at all times, and will respond to any child that is distressed or in need of assistance or support.

Any activity that may potentially create noise breakout from the premises will be kept to a minimum. Doors and windows will be kept closed during indoor activities that emit noise.

The behaviour and 'style of play' of children will be monitored to prevent particularly loud activity e.g., loud banging/crashing of objects, 'group' shouts/yelling.

Stereo and audio systems will be used on low volume settings to avoid the potential for noise breakout from the premises. Any music played within indoors would be 'light' music with no significant bass content and played at a relatively low volume level.

The NMP will be provided to all parents upon enrolment of their child. The NMP will be regularly reviewed at intervals not exceeding 12 months and more frequently as required. Any changes will be communicated to all relevant parties in writing.

## Parents

Upon enrolment, parents will be informed of the NMP and the importance of minimising noise that could potentially affect neighbouring properties.

Parents will be advised:

- Of the importance of the NMP and acknowledge their acceptance of the plan;
- When arriving to and departing from the centre, to be considerate of the neighbouring properties by keeping noise levels to a minimum.

Parents will be informed that the aim of the NMP is to implement strategies to reduce potential noise breakout from the centre.

The NMP requires co-operation of all parents. Parents will be advised to avoid:

- Slamming car doors, centre doors or gates
- Calling out loudly when delivering or collecting children; and
- Loud discussions outside with educators or other parents

Parents will be asked to share this information to anyone (i.e., grandparents) who may be dropping off or collecting children from the centre.

### Outdoor play

- Children will not be permitted to play outside before 9am.
- Outdoor play will be restricted to two one-hour sessions per day
- A separate daily program for both the warmer and cooler months will be established in order to regulate the total time spent outdoors and indoors
- Any child interacting with the boundary fence, such as throwing balls or hitting fences will be redirected to another play area to participate in an alternative activity.
- Children who are crying outdoors will be comforted by staff. If the child continues to cry, they will be taken inside. A quiet space is available indoors for calming upset children.
- Soft finishes will be used to minimise the external impact of noise (e.g., grass, sand pits, rubber mats) over timber or plastic.
- Preference will be given to the use of soft balls and rubber wheeled toys. There will be no use of percussive, hard wheeled and other potentially noisy toys in the outdoor play area.
- Potentially noisy activities such as music and singing will be conducted indoors with doors and windows closed to ensure that noise is not audible to neighbouring properties.

### Monitoring and management

The contact details of the owner/centre manager will be provided to neighbours. This provides residents with a point of contact, should an issue relating noise arise. If complaints are received, the centre manager will take immediate action to rectify the complaint and will follow the complaints procedure.

All staff and parents will be made aware of the requirement to comply with this NMP. Parents of children attending the centre will be provided with information outlined in the NMP (which is reviewed and revised regularly in compliance with service audits).

### Staff responsibilities

The centre will continue to be run by an owner-operator. If additional staff are employed, they will be informed of the NMP and this will become part of their induction.

Staff will be advised:

- About the requirements of the NMP during their induction
- To supervise children at all times
- To provide stimulating and engaging play-based activities that align with the principles of the NMP
- To talk to children and try to resolve conflicts rather than shouting across play areas.
- If children are yelling or screaming, to redirect the child to a quieter play area.
- That for babies who are crying, staff should try to comfort the baby. However, if the baby continues to cry, they are to be taken to a quiet area inside.

## Car parking and traffic management

The aim of this section of the NMP is to ensure that access to and from the centre parking areas occurs in an appropriate manner to minimise noise emission, and to ensure that appropriate arrangements are in place to coordinate vehicle parking for parents and/or carers. Pick-up and drop-off times will be provided to both accommodate and encourage the staggering of vehicle movements during peak periods.

### Drop off and pick up

Staff will advise parents and carers that drop-off and pick-up of children is to occur within the drop-off designated parking bays, when possible, to reduce any potential noise breakout.

To assist in maintaining low noise levels, signs will be erected, advising the following:

- Parents not to call out loudly during drop off and pick up.
- Staff and parents to converse at a low volume at all times when outdoors.
- Gates and car doors must not be slammed.
- Staff and parents converse at normal speech levels and not to shout across the car parking area.

Parents and carers are required to accompany their child when entering the centre from the car parking area and will be advised of the NMP as part of the enrolment process.

Parents will be discouraged from entering into prolonged conversations with other parents in the car parking area as this is deemed to be unsafe. This information will be contained in information packs provided on enrolment and maintained on-site by the centre manager.

## Contact details and complaints procedure

Where possible, neighbours are encouraged to report any noise concerns to the centre manager directly. Any complaints relating to noise can be directed to Abby by calling 0430 515 506.

If the centre manager is not available, a message can be left and this will be followed up as soon as practicable (within 24 hours).

Any noise complaints received will be recorded in the complaints record keeping book, which will include the following information:

- The date and time of the complaint;
- The details of the person(s) making the complaint;
- Suspected/actual source of the noise (parking area, children playing outdoors); and
- The proposed resolution provided to the resident(s) and suitable outcome.

The complaints record keeping book supports appropriate record keeping, trend analysis and facilitates any necessary changes or modifications to current noise management procedures.

### Future changes and modifications

This NMP will be reviewed at the minimum, yearly by the centre manager. More frequent review can be implemented if required based on feedback and regulatory requirements.

Below is an example of a sign to be placed in the car park and outdoor play area.

**Dear Parents and Staff**

**PLEASE KEEP  
NOISE TO A  
MINIMUM**



**PLEASE RESPECT  
OUR NEIGHBOURS**

Please remember our Noise Management Plan  
Please close car doors, centre doors and gates gently.  
Please walk over to your children rather than calling out loudly.  
Please converse with staff, other parents and your children quietly.  
We appreciate your cooperation.

Dear City of Vincent,

## **RE: Proposal for change of use Family Day Care to Child Care Service**

I am writing to provide further information regarding my application to change the use of 235 Brisbane Street, Perth, from Family Day Care Service to Child Care Centre. I appreciate the opportunity to explain the rationale behind this proposed change.

### **Consultation comments**

We have been approached by several neighbours concerned about a previous proposal to develop a large Child Care Service. This is likely due to an earlier proposal to build a 35-child capacity child care centre at the same location. However, this plan was abandoned after receiving feedback from neighbours.

While the City's Public Notice was clear in terms of what the new application was for, we are concerned that neighbours may have not reviewed the Application information in detail, with feedback received possibly representing sentiment on the previous proposal. We hope this letter can provide clarity for local residents who may be concerned about the proposal.

### **Background**

Brisbane Street Family Day Care has been operating as a Family Day Care Service for over five years since January 2019. This service was approved by the City of Vincent in line with the *Local Planning Policy: Child Care and Family Day Care*.

### **Current situation**

Due to the increasing cost-of-living pressures and the ongoing economic inflationary environment, it has become increasingly difficult for our small Family Day Care business to continue providing services to local families. This is partly due to the significant membership fees that must be paid to third-party management providers, which is mandatory for all family day care operators. This requirement does not apply to Child Care Centres, which allows for an approved provider to operate services under the *Education and Care Services National Law (WA) Act 2012*.

### **Proposal**

My wife Abby has been operating Brisbane Street Family Day Care for over five years and has more than ten years' experience in the childcare industry. She also holds a Bachelor of Education (Primary Education) from Curtin University. She hopes to be able to assume responsibility in the management of the service and apply for approval via the Education and Care Regulatory Unit (ECRU), through the WA Department of Communities. However, this would first require the site to be approved by the City as a Centre-Based Child Care Service.

The proposal for the change in use aims to improve the overall quality of care provided to children and families in the community. This change will allow for greater flexibility in decision-making and resource allocation, enabling us to meet the unique needs and preferences of families serviced by the centre.

Please note that the proposal does not intend to make any structural changes to the building, nor will there be any increase to the number of children already

approved under current policy (i.e., no more than seven children will be educated and cared for at the any one time).

In considering the feedback from neighbours and the City, the initial proposal for eight children will be reduced to seven children in line with policy and the current approval. **There is no proposal to increase the intensity of the site.**

## **Responses to issues raised by Council**

1. *“To provide for a range of non-residential uses, which are compatible with and complementary to residential development. (Zone Objective).*

a) *The proposal would not be compatible with residential development as it would introduce the waste, parking and noise considerations of a commercial use into the residential zone.”*

- We have operated a family day care service from 235 Brisbane Street, Perth for five (5) years without any reported concerns or complaints. There is no plan to increase the intensity of the site and we request approval to continue to operate under the current approval (i.e., no more than seven children will be on site at any one time) albeit as a Day Care Centre rather than a Family Day Care service. Due to no change in intensity or operations, we do not anticipate any changes to waste, parking or noise. The aim of changing from Family Day Care to Centre-Based Child Care is simply to facilitate independent management of operations as explained above.

2. *“Centre-Based Child Care Services are adjacent to and complement other non-residential land uses, and are located so as to avoid non-residential development encroaching upon areas which are residential in nature and resulting in adverse impacts. (Policy Objective)*

a) *The proposal is surrounded by entirely residential uses and is not adjacent to non-residential land uses. The closest non-residential property is approx. 85m east of the subject site at No. 197 Lake Street. As such, the proposal does not meet the objective of the Policy.”*

- While the proposed centre-based child care service is not located immediately next to other non-residential land uses, we believe the centre would complement local other non-residential land uses. The family day care service has been operating for five years providing essential services to the local community without any reported adverse impacts. Therefore, we believe the proposal would meet the City’s Policy Objective.
- There are several other businesses within walking distance nearby that are also within residential areas that have been approved for non-residential land use including: Ton Sian Groceries, The Witch’s Hat, Abbey Madison Photography, Eternal IT, and Palmerston Association. We believe a small childcare centre located a few minutes’ walk to Robertson Park would complement other non-residential land uses in the area.
- There are several Centre-Based Child Care Services located in residential areas that have been approved by the City, which



may set a precedence for consideration of approval within residential areas. Examples include:

- Indigo Montessori 174 Grosvenor Road, North Perth
- Busy Bees at Mt Lawley South, 66 Forrest Street, Mount Lawley
- Milestones Early Learning Yokine, 136 Swan Street, Yokine
- Akidamy School of Early Learning, 105 Summers Street, Perth
- Busy Bees at Yokine, 43 Blythe Avenue, Yokine
- Leaps & Bounds Preschool Highgate, 386 Lord Street, Highgate.

3. *“Noise-generating activities such as outdoor play areas, vehicle access ways, car parking areas and any plant and equipment is located away from noise-sensitive land uses (such as residential dwellings). (Policy Objective)*

*a) An outdoor play area is proposed immediately adjacent to the outdoor living area of 231 Brisbane Street and in close proximity to other dwellings. A second outdoor play area is also proposed at the front of the lot, adjacent to the street. The outdoor play areas would be a noise generating activity that isn’t typical to the residential area. As such, the proposal does not meet the objective of the Policy.”*

- The same outdoor play area located to the rear of the property has been used for the family day care service for five years without any noise concerns or complaints being raised. As there would not be any increase in the number of children, nor will there be any change in any plant and equipment used, neighbours should not experience any difference in noise generation. We remain committed to working with our neighbours and the City to ensure that any concerns regarding noise will be addressed immediately should they occur.
- The City approved the operation of Brisbane Street Family Day Care without the need for an acoustic report. The new proposal does not change the intensity of children on site, nor will there be any change to noise generating activities. Several Acoustic Consultants contacted have advised that due to the small scale of the business and the limited operating hours, much of the details on an acoustic report would not be relevant. In view of this and that there have not been any concerns or complaints being received to date relating to noise, we kindly request that the City exercise its discretion that an acoustic report is not required at this time.
- The second proposed outdoor play area at the front of the property will be withdrawn and will remain as a garden and porch area. Please see attached revised plans.
- Car parking: Family Day Care Services are not required to provide any additional car parking bays, other than what is required under the Residential Design Codes. To date, we have not received any complaints or feedback relating to traffic or parking-related concerns. With no change in operations or

intensity of children on site, we do not anticipate any adverse impacts. However, in compliance with the requirements we will provide two dedicated car parking bays on site in line with the Centre-Based Child Care Service requirements.

### Waste management plan

#### a) Summary of the development

- The location of the development is 235 Brisbane Street, Perth. The premises is a single ground floor with one additional loft area accessible by staircase to be used as an office space.
- The premises is 362m<sup>2</sup> with 196m<sup>2</sup> of internal space. The intended use of the premises is a Centre-Based Child Care Centre servicing a maximum of seven (7) children.

#### b) Anticipated waste generation

- Brisbane Street Family Day Care has operated for the past five (5) years under the City's current residential wastage services and this has been sufficient. The proposal does not increase the intensity of the number of children on site. Therefore, we do not anticipate an increase in waste disposal requirements. However, the plan below attempts to mitigate against possible increased waste requirements as well as align with the City's Waste Management Policy.
- The actual internal space used (for seven children) will be closer to 22.75m<sup>2</sup> (3.25 m<sup>2</sup> for each child, represents ~11.6% of available internal space). It is estimated that no more than 50% of the calculated waste requirements will be required to service this small business.

Anticipated waste generation for general waste, comingled recycling and FOGO is calculated as below in accordance with the *Waste Guidelines for New Developments*:

Childcare	240	240	120	L/100m <sup>2</sup> /week
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Based on an internal space of 196m<sup>2</sup> (~200m<sup>2</sup>), the following applies:

- i. General waste red bins: 2 x 240L per week
- ii. Comingled recycling yellow bins: 2 x 240L per week
- iii. FOGO green bins: 2 x 120L = 1 x 240L per week

**Calculated total of five (5) bins per week. However, due to the nature of smaller operations, it is anticipated that fortnightly rather than weekly collections in line with the existing residential collection schedule will be sufficient for waste management (i.e., 50% of calculated waste requirements).**

To accommodate the above, a request for an additional fee payment to increase the waste bin capacity utilising the City's commercial business (micro-business) charged service option will be undertaken.

- Upgrade existing garbage (red) bin from 140L to 240L plus one additional 240L garbage (red) bin (total 2 x 240L)
- 1 x additional 240L comingled recycling (yellow) bin (total 2 x 240L)

Bin sizes: The total bin requirements will be easily accommodated in the proposed refuge storage area.

Bin Capacity	140L	240L	360L
Height (mm)	1065	1080	1100
Depth (mm)	540	735	885
Width (mm)	500	580	600

b) Bin access and storage

- Waste will be transported from the source to the appropriate bin located in the refuge store area. This area is 10.92m<sup>2</sup> and is shown in the floor plan. The area adjacent is suitable for wash-down and has appropriate storm water drainage. The area is in an open space and is well-ventilated. Vermin prevention strategies will exist in the form of commercial baits.

c) Waste system (internal collection methods and equipment)

- External bins will be located in the bin storage area. Internal waste will be placed in internal bins and when full will be taken by hand to the appropriate external bin area for disposal.

d) Collection method and frequency

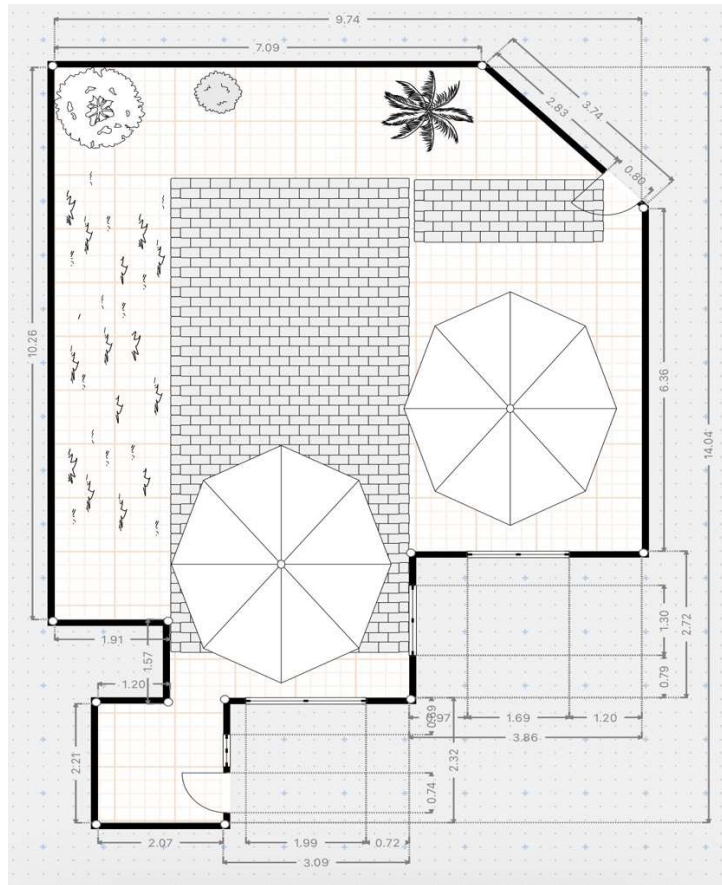
- The City's (residential) Collection Vehicle will be used. Bins in the storage area will be taken to the verge collection point on the specified day for collection. The frequency will be fortnightly.

e) Waste Service Provider (if commercial)

- Not applicable.

## Landscaping plan

- A landscaping plan is included below. This indicates that at least 30% of the external play area will be provided as canopy coverage (i.e. 31m<sup>2</sup>). This will be achieved with the installation of two round shaped UV umbrella parasols (pictured in white below).
- The design of the outdoor external playing space is shown in the four photographs (Outdoor 1, 2, 3 and 4). Please note that there is no intention to change to the current play spaces, except for the proposed inclusion of the undercover canopy areas.
- Please note as mentioned above, the second proposed outdoor play area located at the front of the dwelling has been withdrawn.



Thank you for considering my application and for the opportunity to provide further clarification on this matter. Please do not hesitate to reach out if you have any additional questions or require further information.

Yours sincerely

Michael Cao

16 May 2024



**Site Photographs:**





**Site Photographs:**



## 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:
The current family day care centre at the site, with up to 7 children, is appropriate at the site.	Following consultation, the applicant amended the proposal to reduce the number of children in care on the site at any time from eight to seven.

Comments Received in Objection:	Administration Comment:
<p><u>Land Use</u></p> <ul style="list-style-type: none"> <li>Concerns that the area will change from mainly residential uses to commercial uses.</li> <li>The proposal is surrounded by entirely residential development, a child care centre is not appropriate at the site.</li> <li>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.</li> <li>The proposal does not comply with the City's Child Care Policy, the application should be refused on this basis.</li> <li>'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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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"> <li>Due to the operational measures and low intensity, it would not adversely affect the amenity of the adjoining properties.</li> <li>It would not adversely affect the availability of on street car parking because sufficient car parking is available on site.</li> </ul> </li> <li>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.</li> <li>The proposal satisfies the objectives of the Residential Zone because: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> </li> </ul>

## Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Traffic</u></p> <ul style="list-style-type: none"> <li>• The road network could not handle the additional cars.</li> <li>• Traffic congestion is an issue on Brisbane Street, the proposal will make congestion worse.</li> <li>• The local road network already has issues of road safety, this proposal would exacerbate current road safety issues.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><u>Parking</u></p> <ul style="list-style-type: none"> <li>• Brisbane Street already has limited street parking, the proposal will worsen this.</li> <li>• 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.</li> <li>• The proposal includes 2 parking bays where 3 are required.</li> <li>• No bicycle parking has been included in the proposal.</li> </ul>	<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"> <li>• 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.</li> </ul>
<p><u>Noise Pollution</u></p> <ul style="list-style-type: none"> <li>• The proposal will generate high pitched screaming associated with young children.</li> <li>• The proposal would generate more noise than a residential dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>• 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"> <li>○ Limiting outdoor play to after 9am</li> <li>○ Limiting outdoor play to two hours</li> <li>○ Provision of soft surfaces to reduce noise transmission.</li> <li>○ Notification to parents and guardians about the residential nature of the area.</li> </ul> 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. </li> </ul>
<p><u>Laneway Interaction</u></p>	



## Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
<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>

## Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Suitability of Site</u></p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>	<ul style="list-style-type: none"><li>• 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.</li></ul>
<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.

## **Summary of Submissions:**

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

<b>Comments received in support</b>	<b>Applicant comment</b>
The current family day care centre at the site, with up to 7 children, is appropriate at the site.	We agree. In considering the feedback from neighbours and the City, the initial proposal for eight (8) children has been reduced to seven (7) children in line with policy and the current approval.
<b>Comments received in objection</b>	<b>Applicant comment</b>
<p><u>Land Use</u></p> <p>Concerns that the area will change from mainly residential uses to commercial uses.</p> <p>The proposal is surrounded by entirely residential development, a child care centre is not appropriate at the site.</p> <p>The proposal does not meet the objectives of the City's 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.</p> <p>The proposal does not comply with the City's Child Care Policy, the application should be refused on this basis.</p> <p>'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.</p> <p>An objective of the 'Residential' zone is "To provide for a range of non-residential uses, which are compatible with and complementary to residential development." The proposal is neither compatible or complementary to the 'Residential' zone.</p>	<p>We have no intention now or in the future to change the site from residential to commercial use. There is also no intention to request a zoning change in the area from residential to commercial use.</p> <p>We agree that the area is surrounded by entirely residential development and a large child care centre is not appropriate at the site. The proposal is to maintain the current approved service capacity of seven (7) children. The difference being a change in service model which will allow for independent management without the need for third party external control.</p> <p>We believe that the current child care service meets the objectives of the City's Child Care Policy. While the proposed child care service is not located immediately next to other non-residential land uses, the centre would complement other local non-residential land uses. The centre has been operating for five years providing essential child care services to the local community without any reported adverse impacts.</p> <p>There are several other businesses within walking distance nearby that are also within residential areas that have been approved for non-residential land use. A small childcare service located a few minutes' walk to Robertson Park would complement other non-residential land uses in the area. There are also several Centre-Based Child Care Services located in residential areas that have been approved by the City, which set a precedence for consideration of approval within residential areas.</p> <p>With the capacity capped at a maximum of seven children, the application complies with the on-site parking requirements as there are two (2) car bays available. Hence, the proposal will not have any shortfall in parking.</p>

## Summary of Submissions:

Comments received in objection	Applicant comment
<p><u>Road Safety / Road Network</u></p> <p>The road network could not handle the additional cars.</p> <p>The local road network already has issues of road safety, this proposal would exacerbate current road safety issues.</p> <p>Traffic congestion is an issue on Brisbane Street, the proposal will make congestion worse.</p>	<p>The childcare service has been operating for the past five years without any issues or concerns raised relating to road safety and road network not being to handle additional cars.</p> <p>In accordance with the <i>Local Planning Policy: Non-residential parking</i>, the development will generate less than 10 vehicle trips in peak hour. Therefore, negative impacts to traffic, safety or congestion are not expected.</p> <p>Note there is no intention to increase the intensity of the site and the proposal maintains the current maximum number of children permitted as seven (7) children.</p>
<p><u>Parking</u></p> <p>Brisbane Street already has limited street parking, the proposal will worsen this.</p> <p>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.</p> <p>The proposal includes 2 parking bays where 3 are required. No bicycle parking has been included in the proposal.</p>	<p>The application complies with the <i>City's Local Planning Policy – Non-residential Development Parking Requirements</i>.</p> <p>The revised application reduces the maximum number of children permitted on site from eight (8) to seven (7) children. This complies with on-site parking requirements due to there being two (2) dedicated car bays available.</p> <p>The service will mainly cater to families living and/or working locally. Families will be able to use the City's existing walking paths to access the service.</p> <p>Families will have access to bicycle parking on-site if required.</p>
<p><u>Noise Pollution</u></p> <p>The proposal will generate high pitched screaming associated with young children.</p> <p>The proposal would generate more noise than a residential dwelling</p>	<p>We have operated a child care service from the site for five (5) years without any reported noise concerns or complaints. Note that there is no plan to increase the intensity of the site and we request approval to continue to operate under the current approval (i.e., no more than seven children will be on site at any one time). Due to no change in intensity or operations, we do not anticipate any changes to noise generation.</p>

## Summary of Submissions:

Comments received in objection	Applicant comment
	<p>A Noise Management Plan (NMP) has been developed to protect the acoustic privacy of nearby residents in their homes and private open spaces. We are committed to preventing the generation of unacceptable noise levels that may impact upon the amenity of neighbours. The NMP aligns with the principles set out in the Environmental Protection (Noise) Regulations 1997 and the City of Vincent's noise management guidelines.</p>
<p><u>Laneway Interaction</u></p> <p>The laneway adjacent to the site has antisocial behaviour.</p>	<p>In response to concerns regarding antisocial behaviour in the laneway adjacent to the site, such activity is generally only relevant after hours late at night when the centre is not operating.</p> <p>Notwithstanding the above, several measures will be implemented to ensure the safety and well-being of the children in our care. These measures include continual supervision of children, appropriate security and safety training for staff, and collaboration with police as and when necessary.</p> <p>Additionally, we will establish clear communication channels with parents and the local community to keep key stakeholders informed of ongoing efforts to maintain a secure environment. Our approach ensures that the childcare service remains a safe and nurturing space for all children.</p>
<p><u>Future Applications / Expansion of the Child Care Centre</u></p> <p>The applicants will later seek to expand the Child Care Centre to 35 children. The applicant previously sought community consultation on a 2 storey child care centre that would accommodate 35 children. The subject site is not an appropriate local for such a facility.</p> <p>If approved, the child care could expand the number of children present at the site under different State and Federal legislations that</p>	<p>There is no intention to expand the capacity or intensity of the child care service beyond the seven (7) maximum capacity currently approved.</p> <p>We have acted in an open and transparent manner in seeking early community feedback, and based on the feedback received, we have cancelled our plans to build a 35-place child care centre at the site. We acknowledge and agree that the site is not an appropriate location for a 35-place child care centre.</p>

## Summary of Submissions:

Comments received in objection	Applicant comment
<p>would permit more children at the site. These additional approving authorities would circumnavigate the City of Vincent approvals.</p> <p>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.</p> <p>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>	<p>As a proud member of the local community, we acknowledge and respect the community's wishes not to increase the intensity of the site beyond the current approved capacity.</p>
<p><u>Amenity Impacts</u></p> <p>The proposal will impact the amenity and value of surrounding properties</p>	<p>We do not believe that the proposal will impact on the amenity or value of surrounding properties. The child care service has been operating for five (5) years without any concern raised regarding negative impact to amenity or value of surrounding properties.</p> <p>Note that the proposal does not intend for any significant external changes and the service will operate in the same way. The differences relate to internal management changes only. Thus, there will unlikely be any impact to the amenity or value to surrounding properties. Residents will notice very little if any change to the current situation.</p>
<p><u>Precedent</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>We agree that the area should remain residential. The proposal will preserve the purely residential dwellings in the area and does not request a change in zoning or any capital works.</p> <p>Note that the proposal does not intend for any significant external changes and the existing service that has been in place for 5 years will operate in the same way. The differences relate to internal management changes only. Thus, there will unlikely be any impact to the value or character of the street. Residents will notice very little if any change to the current situation.</p>

## Summary of Submissions:

Comments received in objection	Applicant comment
<p><u>The Subject Site is Suited to a Family Day Care Only</u></p> <p>Child Care Centres have different requirements to a Family Day Care Centre. Family Day Care Centres are primarily operate out of people's homes and do not generate the same amount of traffic and noise as a Child Care Centre.</p> <p>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.</p>	<p>The proposal seeks to maintain the maximum capacity of seven (7) children. Therefore, there is no anticipation of a change in traffic or noise.</p> <p>The childcare service has been operating for the past five (5) years without any complaints or concerns raised relating to traffic, noise or parking. The proposal complies with the City's traffic and parking requirements.</p> <p>The proposal does not intend to make any substantial changes and will operate similarly to how it has been operating. Due to no change in intensity or operations, we do not anticipate any negative impacts or changes to parking, traffic or noise.</p> <p>A Noise Management Plan (NMP) has been developed to protect the acoustic privacy of nearby residents in their homes and private open spaces. We are committed to preventing the generation of unacceptable noise levels that may impact upon the amenity of neighbours. The NMP aligns with the principles set out in the Environmental Protection (Noise) Regulations 1997 and the City of Vincent's noise management guidelines.</p>
<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>The service intends to fully comply with the City's requirements for signage and/or advertising material. Due to the small nature of operations, we do not anticipate the need for signage or advertising.</p> <p>However, if signage is required, this will be kept to a minimal to minimise any impact on the amenity of Brisbane Street.</p>

### **Determination Advice Notes:**

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The applicant is advised that operational management measures in the Noise Management Plan (NMP) include:
  - Limitation of outdoor play:
    - Not permitted before 9am.
    - For a maximum of two hours per day.
    - Limits on the types of activities that take place.
  - Provision of contact details for the operator to neighbours.
  - Notification of and communication with parents/guardians regarding the NMP.
7. Should the Child Care Premises provide food services, a documented and audited Food Safety Program (FSP), is required under Standard 3.3.1 (Food Safety Programs for Food Service to Vulnerable Persons) of the Australia New Zealand Food Standards Code.  
  
Refer to [https://www.health.wa.gov.au/articles/n\\_r/regulatory-food-safety-auditing-for-food-businesses](https://www.health.wa.gov.au/articles/n_r/regulatory-food-safety-auditing-for-food-businesses) for more information.
8. Any food business must comply with the *Food Act 2008*, *Food Regulations 2009* and the Australia New Zealand Food Standards Code. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services on 9273 6000 to discuss the requirements further with an Environmental Health Officer.
9. Any noise created at the premises must ensure compliance with the provisions within the *Environmental Protection (Noise) Regulations 1997*.
10. For the proposal to be eligible for the microbusiness waste agreement, the proposal must adhere to the following bin standards:
  - 1x 140 litre general waste bin, collected fortnightly.
  - 1x 240 litre recycling bin, collected fortnightly.
  - 1x 240 litre FOGO bin, collected weekly.If the proposal exceeds this bin standards, a private contractor for waste removal must be engaged.



**Determination Advice Notes:**

11. The change of use from Family Day Care to a Child Care Premises will require an Occupancy Permit to be obtained under the *Building Act 2011*. The existing building has been approved as a Class 1a residential dwelling. By changing its use to a Child Care Premises, it is changing the building classification to a Class 9b building under the National Construction Code.
  - 11.1. The change of building classification will need to demonstrate compliance with the NCC performance requirements for a Class 9b building (Early Childhood Centre). The applicant/landowner will need to engage a private building surveyor to certify the change of class. The private building surveyor will need to submit a building assessment application to the Department of Fire and Emergency Services (DFES) for their review and approval as part of the certification process.
  - 11.2. To find a building surveyor, there is a Building Surveyor Register on the Department of Energy, Mines, Industry Regulation & Safety website:  
<https://www.commerce.wa.gov.au/building-and-energy/find-registered-building-surveyor>
- For queries relating to the Occupancy Permit process, please contact the Building Services Team on 9273 6000 or [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au).
12. Signage associated with the proposal shall be provided in strict accordance with signage standards of the City's Local Planning Policy: Signs and Advertising. The applicant is encouraged to liaise with the City's Development and Design team to ensure that signs proposed through the Noise Management Plan are designed to be consistent with signage standards.