

Our ref: 23-152

30 October 2023

Town of Victoria Park
99 Shepperton Road
Victoria Park WA 6100

**APPLICATION FOR PLANNING APPROVAL
PROPOSED CHANGE OF USE TO CHILD CARE PREMISES
LOT 7 (184A) SHEPPERTON ROAD, EAST VICTORIA PARK**

Apex Planning acts on behalf of Omni Projects, the proponent of the change of use proposed at 184A Shepperton Road, East Victoria Park (hereafter referred to as the **development site**).

Apex Planning has prepared the following application for planning approval, which involves a change of use within the existing building to establish a childcare facility at the development site. The application includes:

- A consent letter executed by the landowner, granting consent for the lodgement of this application.
- The Town's DA form and MRS Form 1, executed by the applicant.
- The current Certificate of Title and Diagram for the site (**Appendix 1**).
- A set of development plans (**Appendix 2**).
- Traffic assessment (**Appendix 3**) and acoustic assessment (**Appendix 4**).
- A comprehensive planning submission explaining the proposal and providing an assessment against the relevant aspects of the planning framework.

The subject application involves a change of use for the existing building on the site from a medical training facility (an existing non-residential land use) to a child care premises, with minor building extension and associated works to establish outdoor play areas.

The proposal will establish an important urban support service within an appropriate location of the Shepperton precinct of the municipality, where child care facilities are considered an appropriate use to serve the day to day needs of the local population.

The proposal would sustainably re-adapt the existing building and utilise existing parking to satisfy the needs of the proposed land use. An acoustic assessment has been prepared which demonstrates acceptable noise levels and minimal impacts to the amenity of neighbouring properties.

The Town's expeditious approval under delegated authority is respectfully requested. The following submission provides an assessment against the applicable planning framework.

**ALESSANDRO STAGNO
APEX PLANNING**

1 LAND DETAILS

The land subject of this application is described in **Table 1** below, as per the details on the Certificate of Title (CT):

Table 1: Lot details					
Lot	Diagram	Volume	Folio	Area	Ownership
7	82368	1929	93	1,675sqm	Anthony & June Aveling

A copy of the CT and Diagram are provided at **Appendix 1**.

As is evident from the Diagram, Lot 7 is comprised of two separate land parcels which are bisected by Butler Lane (a Right of Way). The combined area of the two parcels is 1,675sqm.

2 PRE-LODGEMENT ENGAGEMENT WITH LOCAL AUTHORITY

On 9th September 2023, the proponent and Apex Planning attended a meeting with the Town's planning staff to discuss the proposed change of use.

In short, no fundamental concerns were raised in relation to the proposed development (noting a full assessment would need to be undertaken following lodgement of a DA).

Key points of discussion included:

- Land use suitability (noting the site is within P10 precinct)
- Amenity considerations based on creation of outdoor play space
- Acoustic considerations and applicability of *State Planning Policy 5.4*
- The potential widening of Butler Lane and implications for the proposal
- DA process
- Information required to support DA

Feedback and commentary received from the Town was utilised to refine and finalise the application materials.

3 SITE CONDITIONS AND LOCAL CONTEXT

The development site is a 1,675sqm lot which is comprised of two parcels bisected by Butler Lane. The development site is currently approved as a medical training facility (ie a non-residential land use).

The development site is located at the eastern side of the Shepperton Road / Miller Street intersection, with frontage to Shepperton Road along its western boundary and an existing public car park along its northern boundary under the ownership of the State.

The south-western parcel of the site fronts Shepperton Road, comprises 1,189sqm and contains an existing building with car parking. The south-western parcel containing the existing building has only one direct sensitive interface along the southern boundary, which comprises a recently constructed two storey dwelling with walls along most of the shared boundary.

The north-eastern parcel of the site comprises 486sqm and contains car parking and a bin storage area. The north-eastern parcel containing the existing car park adjoins residential properties to the east and south.

The existing development on the site currently gains access from Butler Lane, via Miller Street.

In terms of location, the development site forms part of an R40 coded infill area and is within the walkable catchment of:

- The Albany Highway Secondary Centre (approx 200m west)
- East Victoria Park Primary School (approx 250m east)
- Carlisle Train Station (approx 700m east)
- Victoria Park Train Station (approx 800m north)
- Ursula Frayne Catholic College (approx 800m north-west)
- Victoria Park Central shopping centre (approx 800m north-west)

Shepperton Road also contains bus stops in close proximity of the site which comprise bus routes to Perth Busport, Elizabeth Quay Train Station, Kalamunda Bus Station, and Thornlie Station.

Shepperton Road is identified as an 'Other Significant Freight / Traffic Route' in accordance with *State Planning Policy 5.4 Road and Rail Noise*, and hence the land in immediate proximity of the site is within its noise trigger area (indicating an existing amenity comprised of road traffic noise) resulting in solid noise walls along Shepperton Road established as part of recent developments.

Refer to **Figure 1** below, which depicts the development site and its surroundings:



Figure 1: aerial photo

4 DESCRIPTION OF PROPOSED CHANGE OF USE

The proposal involves a change of use of the existing building on the site from the existing medical training facility to a child care premises. The facility will service demand in the locality, which is an R40 coded infill area in walking distance of local schools, an activity centre, train stations, and bus services.

The child care premises would provide education and care services to a maximum of 82 kids, serviced by up to 15 staff. The centre is intended to operate from 6:30am-6:30pm Monday-Friday.

A set of plans depicting the change of use and associated works is provided at **Appendix 2**. A traffic assessment is provided at **Appendix 3**, which demonstrates the proposal is acceptable from a traffic and access point of view. An acoustic assessment is provided at **Appendix 4**, which demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997* for outdoor play, mechanical plant and car park noise at all nearby sensitive receivers.

More specifically, the change of use entails the following:

- The repurposing of the existing building for the purpose of a child care premises, to create the usual necessary internal spaces (reception, kitchen, staff areas, activity rooms, cot room, amenities etc).
- A minor building addition of approximately 35.86sqm at its north-eastern side (fronting Butler Lane) which would contain a store room, prep room, and nappy room.
- The conversion of outdoor areas around the existing building (on the larger south-western parcel) to outdoor play spaces for the child care facility.
- The installation of fencing around the perimeter of the outdoor play areas (where fencing does not already exist). All fencing associated with the proposal is 1.8m high.
- The use of the site's existing car park and bin store already present on the north-eastern parcel. An ACROD bay will be established in the car park.
- The provision of two bike rails which provides four bike spaces.
- A standalone external storage shed at the eastern corner of the playscape.

Rather than completely redeveloping the site, the proposal seeks to efficiently/sustainably repurpose the existing building (which was formerly used for non-residential purposes) to establish the proposed child care premises.

The facility will utilise the site's existing access and parking, via Butler Lane. The main entry to the child care facility is at its northern side, linked to Butler Lane and the adjoining northern car park via a paved pathway which is partially covered by the building's existing verandah.

In addition to the sixteen bays (including one ACROD) on the development site, there is direct access to public parking on adjoining Lot 6 containing a further 10 bays.

The existing bin store located on the north-eastern parcel of the site which faces Butler Lane will be retained and reused, with waste collection to occur by a private contractor directly from the laneway. The traffic assessment contains swept paths confirming acceptable movements for 8.8m waste collection vehicles.

Based on the acoustic assessment, compliance is achieved based on existing fencing and site conditions, but subject to the incorporation of an additional sheet of Colorbond fencing along the south-eastern boundary of the playscape. This can be addressed at building permit stage.

Noise received by the centre from Shepperton Road is required to be mitigated with solid 1.8m high masonry fencing, which is depicted on the proposed drawings. This fence is provided along the Shepperton Road frontage and its corner frontage to the intersection. The Miller Street frontage of the playscape (facing the car park) will contain 1.8m high brick piers with infill panels.

With regard to landscaping arrangements, there will be only minor external soft landscaping proposed which can be addressed at building permit stage as part of a detailed landscape plan. The arrangements of the playscape will also be confirmed at building permit stage.

The proposed change of use is appropriate for the site and warrants support.

5 STATUTORY PLANNING ASSESSMENT

5.1 METROPOLITAN REGION SCHEME (MRS)

The development site is zoned Urban under the MRS.

The site fronts the Shepperton Road 'Primary Regional Roads' reserve and the Miller Street 'Other Regional Roads' reserve. The proposal simply seeks to retain the site's existing access arrangements via Butler Lane.

The proposal is consistent with the provisions of the MRS and warrants approval.

5.2 LOCAL PLANNING SCHEME NO.1 (LPS1) & P10 SHEPPERTON PRECINCT

The development site is zoned Residential R40 and falls within precinct P10 Shepperton Road under the Town's LPS1.

In accordance with the 'zoning table' contained within LPS1, the 'Child Care Premises' use is an AA discretionary use within the Residential zone and this is reflected on the P10 plan (notwithstanding the use is listed as 'Day Care Centre' on the P10 plan).

Under the P10 Shepperton Precinct Plan, the statement of intent notes that the only new non-residential activities to be permitted in the locality are those which predominantly function to provide for day-to-day local needs. Additionally, the P10 plan states that child care facilities are appropriate uses for the residential area.

Having regard for the above, it is evident that the proposed land use is contemplated on the site by the zoning and precinct planning under the Town's LPS1. The use is therefore appropriate and warrants approval.

5.3 DRAFT LOCAL PLANNING SCHEME NO.1 (LPS2)

The Town recently progressed draft LPS2 which, if eventually fully endorsed and gazetted, would replace the current LPS1. Draft LPS2 completed advertising in August 2023.

Under draft LPS2, the site is proposed to retain its current zoning of Residential R40 where childcare premises remains a use capable of consideration.

5.4 PARKING ASSESSMENT (LPP2.3)

In accordance with section 6.2 of the Town's LPP2.3, a Child Care Premises requires:

1 bay for every 5 children

For 82 children, 16.4 bays would be required. Rounding to the nearest whole number, the proposal would require 16 parking bays. The development site contains 16 parking bays, which complies with policy requirements.

5.5 LPP3 NON RESIDENTIAL USES IN OR ADJACENT TO RESIDENTIAL AREAS

The Town's LPP3 applies to the proposal. It is noted that this proposal seeks to retain and repurpose the site's existing building and utilise the existing car park. Consequently, the remaining provisions of LPP3 which relate to land use considerations are already covered by LPP6, which is addressed below.

5.6 LPP6 FAMILY DAY CARE AND CHILD CARE PREMISES

Applications involving childcare centres within the scheme area are assessed against the Town's LPP6. An assessment against the relevant requirements of LPP6 is provided in **Table 2** below.

Table 2: LPP6 assessment	
Policy standard	Response
<u>2. Requirements applying to child care premises</u>	
2.1 Child care premises proposed within or adjacent to residential areas Where a child care premises is proposed adjacent to or on land zoned for Residential purposes, the provisions of Council's Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas (LPP3) shall apply to the development, in addition to the provisions of this policy. In the circumstance that there is a conflict between a provision of this policy and a provision of LPP3 then the provisions of this policy shall prevail. LPP3 provides a range of provisions relating to building size/plot ratio, setbacks, design, privacy, landscaping, signage, traffic and noise (amongst others) that may affect the location, design or operation of a child care premises proposed on or adjacent to Residential zoned land, in addition to the policy requirements outlined below.	<p>This proposal involves the change of use of an existing building (which was previously used for non-residential purposes) to establish a childcare facility, with minor external works.</p> <p>As noted earlier, child care is a use which is encouraged within this particular residential area under the P10 precinct plan. The site is within the walkable catchment of schools, shopping precinct, public transportation.</p> <p>As the existing building is being retained, provisions relating to built form are not applicable.</p> <p>Outdoor play areas are being established within the outdoor spaces around the existing building. These areas have been subject to an acoustic assessment and found to be totally acceptable/compliant with regard to noise generation with only a minor fence upgrade required.</p> <p>The site's existing car parking and access is being retained with no change. A traffic assessment has been prepared demonstrating acceptable outcomes.</p> <p>It is evident that this proposal is minor in nature, and that the establishment of a child care premises on the site would not create adverse impacts to the locality.</p>

2.2 Location

Child care premises should be appropriately located to ensure they meet the needs of children and their families as well as limiting the impact they may have on surrounding activities and vice versa.

(a) A proposed child care premises may be suitable in locations that are:

- i. within convenient walking distance (5-10 minutes), or part of, appropriate commercial, recreation or community nodes and education facilities (e.g. local parks and playground facilities, schools and kindergartens, etc.);
- ii. located in areas where adjoining uses are compatible with a child care premises (includes considering all permissible uses under the zoning of adjoining properties);
- iii. serviced by public transport;
- iv. considered suitable from a traffic engineering/safety perspective; and
- v. of sufficient size and dimension to accommodate the development, including provision of sufficient outdoor play space and other facilities as required by the Act and the Regulations, and on-site car parking, without unreasonably affecting the amenity of the area.

(b) Child care premises are not considered suitable in locations where:

- i. soil contamination exceeds the levels regarded by DEC and DOH as suitable for standard residential land uses with accessible soils as published in guideline "Assessment Levels for Soil, Sediment and Water" (Department of Environment, November 2003);
- ii. groundwater is to be abstracted for the irrigation of gardens and play area within the child care premises and groundwater contamination exceeds 10 x Australian Drinking Water Criteria in accordance with the "Contaminated Sites Reporting Guideline for chemicals in groundwater" (Department of Health 2006);
- iii. access is from a major road or in close proximity to a major intersection where there may be safety concerns;
- iv. access is from a local access street where there may be unreasonable adverse amenity impacts due to traffic and parking;
- v. the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on site;

The site is an appropriate location for a child care premises, noting:

- It is within 5-10 minutes walking distance of two schools, two train stations, a shopping precinct.
- The P10 precinct plan acknowledges child care facilities are an appropriate use for the residential area.
- It is well serviced by public transport, noting bus services along Shepperton Road and proximity to train stations.
- The site's existing access is being retained with no modification, and has been confirmed to be acceptable through a traffic assessment.
- It is clearly of a sufficient size to accommodate the proposed land use, with minimal changes required beyond a repurposing of the existing building, a minor building addition, and the creation of outdoor play areas.

It is evident that the location of the proposed child care premises is appropriate.

In respect of the other key considerations:

- Investigations carried out by the landowner indicate the site is not adversely affected by contamination.
- The site is not near any uses which would be likely to generate an adverse impact to the centre, and the land around the site is generally zoned residential.
- Existing access arrangements are being maintained with no modification.
- A road traffic noise assessment has been undertaken and compliance with *State Planning Policy 5.4* has been demonstrated.

<p>vi. noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or</p> <p>vii. the site is in a heavy industry area or within the buffer area of a heavy industry area.</p>	
<p>2.3 Site Characteristics</p> <p>(a) Size and Shape of Site</p> <p>i. Sites selected for child care premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping.</p> <p>ii. Sites in residential areas should have a regular shape, with a minimum lot area of 1,000m² and effective frontage of 20 metres width to provide the opportunity for design aimed at minimising the impact on surrounding properties.</p> <p>(b) Topography</p> <p>The site should generally be flat or gently sloping, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.</p> <p>(c) Site Contamination</p> <p>As a sensitive land use, any party considering development of a child care premises should obtain and consider any information the Department of Water and Environment Regulation (DWER) may have about the contamination status of a given site. Even in the absence of a report to DWER there is no guarantee that the site has not been contaminated by a previously operating land use and applicants/operators must exercise a duty of care to ensure that the site is suitable for use as a child care premises.</p> <p>If the site or adjoining site(s) may have been used for a potentially contaminating activity, a Form 2 – Request for a Summary of Records in Respect of Land is to be applied for and obtained from the Department of Water and Environment Regulation (available from https://www.der.wa.gov.au/your-environment/contaminated-sites/57-forms) for all relevant sites, and supplied to Council with the development application.</p> <p>The site will be assessed by Council to determine potential of soil or groundwater contamination having regard to previous or currently operating land uses on and within the vicinity of the site, and may refer the application to the Department of Water and Environment Regulation for comment and advice should the subject site be known or suspected to be affected by a potentially contaminating land use.</p>	<p>The development site is of a suitable size and shape to accommodate an 82 place childcare facility, as evident from the development plans. The proposal will retain and repurpose the existing building, establishing outdoor play areas within the existing outdoor spaces, and retains/reuses existing access and parking.</p> <p>The landowner has carried out an independent contamination investigation for the site, confirming the land is suitable for the development of a child care premises. A copy of the contamination study is provided at Appendix 5.</p>

2.4 Design

(a) Building Appearance

i. The visual appearance of the development should reflect the character of the area, enhance its amenity and be considered appropriate for regular use by children, with a welcoming and inviting appearance from the street.

ii. The development should be designed having regard to any adopted design guidelines, built form/streetscape policies or other development requirements applicable to the site under the relevant Precinct Plan.

iii. Development within or adjacent to residential areas should reflect a residential appearance, character and proportions that responds to the requirements of Council's Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas. Particular regard should be given to appropriate building setbacks, roof form and style, external colours, finishes and materials and orientation of building openings, that is sympathetic to surrounding development.

(b) Street Walls and Fencing

i. Fencing and walls visible from the street should be suitably designed to provide appropriate access, privacy, safety and security, whilst maintaining adequate levels of passive surveillance (i.e. 'open style' fencing) and have a visually interesting appearance.

ii. Areas of solid walls or screening visible from the street should be of high quality materials and be articulated/visually interesting. Soft landscaping should also be used to reduce the visual dominance of solid portions of walls or fences and soften their appearance from the street.

iii. Front fences to child care premises within or adjacent to residential areas should attempt to comply with residential street fencing requirements as far as possible and be constructed of appropriate materials that compliment the development and respect the amenity of the streetscape and surrounding residential properties.

(c) Fencing to Boundaries with Neighbouring Properties

i. New or upgraded boundary fencing shall be required to be a minimum of 1.8 metres high and is encouraged to be of masonry construction in a colour/finish that complements the development as well being of compatible colours and materials to any neighbouring residential properties.

In considering the policy criteria under Section 2.4, it is important to note that the proposal is a change of use which reuses and repurposes an existing building. Therefore, some policy criteria will not strictly apply.

(a) The building is existing and no substantial external works are proposed. The building is already designed in a manner which integrates with its surroundings, and this is not proposed to change.

(b) Fencing along the Shepperton Road frontage is required to be solid at a minimum 1.8m high in order to comply with road traffic noise requirements under *State Planning Policy 5.4*. This is a common feature along Shepperton Road for recently constructed projects and entirely consistent with local amenity. Fencing along the Miller Street frontage contains permeable infill panels which allows passive surveillance over the car park and road reserve.

(c) An acoustic assessment has been produced which recommends minimum 1.8m high double sheeted Colorbond fencing along the eastern boundary of the outdoor play space to comply with prescribed noise levels. Colorbond fencing already exists along this boundary and can be easily upgraded as per the acoustic assessment.

(d) As is evident from Elevation 2, no major openings leading out to playspaces directly interface with the adjoining residential property. There is a sliding door which would provide access to a gated side setback area, which would only be used by staff. This sliding door faces an existing boundary wall.

(e) The site's existing car park is being retained and reused, which faces Butler Lane.

(f) Signage is not yet fully confirmed. It is requested that a condition be imposed requiring a signage strategy to be submitted for the City's acceptance.

ii. Efforts should be made to obtain agreement with neighbouring properties regarding the height, materials and finish of any new/upgraded boundary fencing.

iii. The provision of new/upgraded boundary fencing may be applied as a condition of development approval where it is deemed necessary by the Council to reduce the impacts of the development, in particular where the site adjoins residential properties.

(d) Location of openings, play areas and other noise sources

Openings to rooms which may create a source for unreasonable noise levels, such as play areas, should be oriented away from adjacent residential properties, and be provided with suitable setbacks.

(e) Landscaping

i. Where car parking is provided between the building and street alignment(s) a minimum 1.5 metre wide landscaping strip to be established and thereafter maintained along the street alignment(s).

ii. The development to be designed to retain and conserve existing mature trees on the site as well as existing Council verge trees, wherever possible.

iii. Car parking areas to be landscaped and provided with shade trees at a minimum rate of 1 tree per 4 car parking bays provided.

(f) Signage

i. All signage associated with the development should be detailed as part of the development application. Where final specifications are unknown, a signage strategy identifying the location, size and type of external advertising signage to be installed on the building/site is to be submitted to Council as part of the development application.

ii. Signage should be designed integrally with the building/site and be of modest scale and proportions so as not to visually dominate the site/building or detract from the visual amenity of the streetscape or surrounding properties.

iii. The use of tethered banners, inflatable signage or free-standing transportable signs is inappropriate and will not be supported by Council.

iv. The design, type, location and number of signs on the site/building is subject to the requirements of Council's Local Planning Policy and/or Local Law related to Signs and/or a signage strategy approved by Council as part of a development application for the site.

2.5 Car Parking, Vehicular Access and Traffic

(a) On-site Car Parking and Vehicular Access
Car parking and vehicular access shall be provided and designed in accordance with Council's Local Planning Policy 23 – Parking Policy.

(b) Traffic Generation

i. Development should only be permitted where it does not negatively impact the function or safety of the adjacent roads or cause undue conflict through the generation of traffic or demand for parking.

ii. In assessing an application for a new or expanded child care premises, in addition to considering matters such as traffic volumes, road capacity and road safety from a technical engineering perspective, Council will have also regard to these matters from a residential amenity perspective.

iii. A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant may be required to be submitted as part of a development application, which assesses the likely traffic impacts associated with the proposed development and details how parking and/or traffic will be managed.

iv. The appropriate level of traffic assessment required to be undertaken for the proposed development will be determined by Council having regard to the requirements of the Western Australian Planning Commission's (WAPC) (2016) Transport Impact Assessment Guidelines

As noted earlier in this submission, the proposal requires 16 bays and 16 bays are available in the existing car park.

A transport impact statement has been prepared by Transcore (provided at **Appendix 3**) which demonstrates the proposed development is acceptable from a traffic and access point of view.

The TIS is prepared in accordance with WAPC guidelines and confirms traffic generation is within the 'moderate' threshold, and entirely capable of being accommodated by the road network.

2.6 Noise Impacts

(a) General Design and Layout Considerations

Child care premises should be appropriately designed and operated to minimise the noise impact it may have on adjacent properties, and also limit the impact noise from external sources may have on the child care premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings or other noise attenuation measures. The following basic principles will apply when considering a proposal:

i. Where a child care premises is located adjacent to a noise-sensitive use, such as residential dwellings, retirement villages and nursing homes, the noise-generating activities of the child care premises, such as the outdoor play areas, parking areas and any plant and equipment, are to be located away from the noise-sensitive use;

An acoustic assessment is provided at **Appendix 4** which considers noise associated with outdoor play, car park usage, and mechanical plant.

The acoustic assessment demonstrates that the facility can comply with the *Environmental Protection (Noise) Regulations 1997*, and is therefore acceptable for establishment on the development site.

Hours of operation for the proposed centre are 6:30am-6:30pm, which reflects the norm for these types of facilities. This would involve outdoor play not commencing until after 7am, to preserve the amenity of adjoining properties. Acoustic compliance has been demonstrated and the hours of operation are acceptable.

ii. Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and

iii. The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

(b) Noise Impact Assessment

In general a noise impact assessment/acoustic report will be required by Council where a child care premises is proposed adjacent to a noise sensitive use such as a residential dwelling(s), retirement village or a nursing home.

(c) Hours of Operation

As a general rule, the hours of operation of a child care premises should be limited to between the hours of 7am and 7pm Monday to Saturday, and 9am to 5pm on Sunday, unless otherwise agreed to by Council.

(d) Noise Regulations

Sound levels associated with a child care premises are required to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 at all times.

5.7 LPP7 DEVELOPMENT AND VEHICLE ACCESS TO PROPERTIES ABUTTING RIGHTS OF WAY

As the development site has frontage to Butler Lane (a Right of Way) and seeks to retain/reuse existing access/parking to this ROW, some elements of the Town's LPP7 may apply to the proposal. A response to the relevant elements is provided below.

Section 5 Provision for widening of under-width rights of way

Butler Lane adjoining the site is currently 4m wide. This provision requires widening of the Town's existing ROWs to an ultimate width of 6m.

The proposal makes allowance for the widening at both sides of the laneway to achieve a width of 6m. Some minor adjustment may be required to the site boundary along the western side of the laneway, which could be resolved at building permit stage.

Section 10 Building setbacks

This proposal relates to a non-residential land use on land zoned Residential, within an existing non-residential building. Whilst it is noted the Town's LPP25 provides setback standards for dwellings fronting a ROW, these are not totally relevant as the building is used for non-residential purposes.

The development includes a minor building addition which results in setbacks of 3m-5.4m to the future Butler Lane boundary. This improves building presence to the laneway and brings the existing building into greater alignment with LPP7 as it is more consistent with the non-residential requirement for building setbacks to be between 4m and 7m of the ROW centreline. On this basis, the proposal enhances the site's consistency with LPP7 and warrants support.

Section 11 Surveillance and building design

The proposal provides multiple major openings facing the ROW which meet and exceed the minimum of one significant window per 10m of frontage.

The proposal simply seeks to retain and reuse the existing bin storage area which is located within the eastern land parcel forming the site.

Section 13 Landscaping

The proposal will establish an outdoor play area within the ROW setback area which would replace existing hardstand and car parking, significantly improving the site's relationship to the ROW. Additionally, native garden beds are proposed which will improve the entry experience and relationship with the laneway.

Section 14 Fencing, gates and retaining walls

The proposal provides a 1.8m high Colorbond fence along the Butler Lane boundary to provide safety and security for the outdoor play area. This is an operational requirement which ensures this important community facility can remain secure at all times of the day.

The fence can be treated with a colour and/or finish which would improve its interface with ROW and maintain consistency with the existing character of the area.

As the site's car park is located on the opposite side of Butler Lane with patrons and staff regularly traversing it to access the main entry, the amount of foot traffic during site operation is expected to create the desired extent of surveillance and activity to the ROW.

6 CONCLUSION

This application seeks approval for a change of use of the existing medical training facility to accommodate an 82-place childcare facility at 184A Shepperton Road, East Victoria Park. The Town's expeditious approval is warranted for the following reasons:

- The development is demonstrated to be substantially compliant with the local planning framework, through the assessment presented in this submission.
- The proposal is minor in nature, representing a change of use from an existing non-residential land use to a child care premises with associated external building work.
- The Town's P10 Shepperton precinct plan recognises that child care facilities are an appropriate non-residential use for the surrounding residential area.
- The proposal is supported by an acoustic and traffic assessment which demonstrate the proposed centre will not create adverse impacts to the surrounding area.

In summary, the proposal is entirely acceptable and warrants approval. It is respectfully requested this application be considered and approved in an expeditious manner under delegated authority.