

**PD020: DEVELOPMENT APPLICATION: FAMILY DAY CARE AT 118
COLLINGWOOD ROAD, SEPPINGS.**

Land Description	:	118 Collingwood Road, Seppings WA.
Proponent	:	Sandra Tindale
Owner	:	Mrs Lexy Grover and Mr Duncan Trueman
Attachments	:	Application details – site plan, elevations and covering letter; Site location plan at 1:1894; Street view of proposed day care Letters of objection.
Appendices	:	N/A
Councillor Workstation	:	N/A
Responsible Officer(s):	:	Executive Director Planning & Development Services (D Putland).

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates directly to the following element of the *Community Strategic Plan "Albany 2023"*:

Key Theme: 1. Smart, Prosperous & Growing

Strategic Objective: 1.1 To foster education, training and employment opportunities that support economic development.

Strategic Objective: 3.1 To advocate, plan and build friendly and connected communities.

2. This item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

Section 8.6.3 Community, Heritage and Cultural

Establish and protect sustainable community facilities and services located within or near centres in the Albany town site urban area and rural settlements.

In Brief:

- Council is asked to consider an application for a Family Day Care at 118 Collingwood Road, Seppings.
- The day care would cater for a maximum of seven children operating from 7:30am-5:30pm daily.
- The children will have access to the outside areas between 9am and 11:30am and 3:30pm and 5:30pm.
- The application has been advertised to surrounding residents with two objections received.
- It is due to the nature of these objections that the matter is referred to Council for determination.
- Staff recommends that Council do not support the proposal, due to the probable detrimental impact on traffic flow and safety in the area and the likely impact the proposed use will have on the amenity of the adjoining residential properties.

RECOMMENDATION

**PD020: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the proposal subject to the following conditions:

1. A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.
Advice: for overall traffic safety vehicles leaving the property must do so in a forward gear. One way of achieving this is through the construction of a “U” shaped driveway.
2. Standard conditions pertaining to a Day Care Centre.
 - a. Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans.
 - b. The premises shall comply with the Child Care Services Act 2007 and shall be licensed by the Childcare Licensing and Standards Unit, and registered with the City of Albany.
 - c. The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
 - d. A maximum of seven children including the carers own children are to be minded on the premises at any one time, unless otherwise agreed in writing by the City of Albany.
 - e. The premises shall require inspection and approval in writing by a City of Albany Environmental Health Officer, prior to the commencement of use.
 - f. No signs are to be erected on the lot without prior approval of the City of Albany.
 - g. Car parking shall be staggered at times when the clients arrive to drop off and collect children. The applicant is to provide details of when children will be dropped off and collected.

PD020: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR GREGSON

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CARRIED 8-0

PD020: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a Notice of Planning Scheme Refusal for Family Day Care at Lot 7, 118 Collingwood Road, Seppings.

BACKGROUND

3. The subject site is 1260m² with a double garage and 11m driveway that has frontage to Collingwood Road along its Northern boundary. The site backs onto undeveloped bush blocks to the South.
4. The lot is zoned ‘Residential’ R20 under the *of Albany Town Planning Scheme No. 1*.
5. The proposal seeks Planning Scheme Consent to run a family day care from the property.
6. The property is currently under offer to lease pending approval of the use. The lease period is for a period of 12 months commencing 30 November, 2013.
7. The owner has indicated approval for the applicant to undertake minor improvements to the property, in order for the application to meet licensing requirements.

8. The applicant is qualified in Early Childhood Education and is registered with the Nature Alliance Family Day Care Service, who will regularly attend the property to monitor the care of children.
9. The proposal was advertised for public comment, in accordance with Clause 7.5 of *Town Planning Scheme No. 1*, between 17 October 2013 and 7 November 2013.
10. Council is now requested to consider submissions received during the public advertising period and determine whether to grant Planning Scheme Consent for the proposed business.

DISCUSSION

11. The current application is for Planning Scheme Consent to operate a Family Day Care from the property.
12. The proponent has provided a covering letter detailing the intended operation. In brief, the applicant has proposed the use of four bedrooms, games room, dining room, family room, bathroom and backyard as 'family day care licensed areas'.
13. The proposed use would operate from 7:30am-5:30pm daily. The children will have access to the outside areas between 9am and 11:30am and 3:30pm-5:30pm.
14. Seven children (including the owner's children) will be permitted to be cared for at any one time in accordance with the Nature Alliance Family Day Care Services standards.
15. In regards to parking of cars the applicant has advised that parents will be advised to stagger the pick-up times to limit any chance of traffic congestion. It is stated in the application that there is adequate parking in the driveway for a total of 4 vehicles.
16. Two letters of objection were received in response to the public consultation. The following concerns and issues were raised in the submissions:
 - That Collingwood Road is a busy arterial road, a designated bus route with a speed limit of 60kph. Before and after school are the busiest times.
 - Congestion at the front of 118 Collingwood Road is extremely probable with the intersection of Rycraft Drive almost opposite.
 - The staggering of drop offs and concern whether cars can safely enter and leave the subject site..
 - Noise from the proposed use – Generated from vehicles arriving and leaving as well the noise generated from up to seven (7) children.
 - Noise/disturbance jeopardizing one objector's medical condition, that often requires being able to have low stress surroundings.
17. Weekly Vehicle Counts have been obtained from the City's Works and Services Department for Collingwood Road during the week 7 October 2013- 13 October 2013. The data indicates the road is used by approximately 3600 vehicles a day with peak times between 0800-0900 and 1500-1600 averaging 361 and 344 cars per hour respectively.
18. The application was referred internally to staff within the Engineering, Building and Environmental Health departments on 15 October, 2013.
19. Officers note that traffic flow and traffic safety in Collingwood Road is a legitimate concern as raised in the letters received.

20. Due to site constraints, the only way of mitigating these concerns may be to require modifications to the drive way so as to allow vehicles to leave the site in forward gear.
21. It is possible for a turning bay in, similar to that of other properties on Collingwood Road to be created.
22. The day care use could have a detrimental impact on the amenity of the neighbouring properties as per the concerns raised in the submissions, noise especially noticeable whilst the children have access to the outside areas between 9:00am and 11:30am and 3:30pm and 5:30pm.
23. This potential impact on the amenity cannot be allayed without affecting the functioning of the proposed day care.
24. Therefore on balance it is the opinion of City staff that the application for the proposed use should be refused.

GOVERNMENT & PUBLIC CONSULTATION

25. Consultation with State Government Departments was not required or undertaken.
26. Under the Town Planning Scheme requirements a 21 day public consultation was undertaken.
27. This public consultation commenced on Thursday 17 October, 2013, with an advertisement appearing in the public notice section of the Albany Advertiser. The City also wrote letters to six surrounding landowners and placed a site notice on the Collingwood Road verge at the vehicular access entrance to the property. The public consultation period was open until close of business on Thursday 7 November, 2013.
28. Two letters of objection were received in response to the consultation. Copies of these objections are attached to this report. In summary, the issues and concerns raised in the objection are:
 - Increased traffic and congestion on Collingwood Road and Rycraft Drive.
 - The 'staggering' of drop offs and how this will be monitored.
 - The impact that the noise generated by the family day care will have on neighbouring property owners.
 - The health impacts it may have on one resident.
29. The matters raised in the objection are discussed and addressed in the preceding discussion section above in this report.

STATUTORY IMPLICATIONS

30. The subject site is zoned Residential under Town Planning Scheme No.1A. Family Day Care is a 'use not listed' in this Scheme. The proposed use is not permitted unless planning consent to it is granted by the Council after notice has been given in accordance with Clause 7.5.
31. Clause 7.8A of the City of Albany Town Planning Scheme 1A specifies the Matters to be Considered by Council and states:

The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:

- (a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (i) The compatibility of a use or development within its setting;
- (j) Any social issues that have an effect on the amenity of the locality;
- (n) The preservation of the amenity of the locality;
- (o) The relationship of the proposal to 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 proposal;
- (p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) Whether adequate provision has been made for access by aged or disabled persons;
- (y) Any relevant submissions received on the application;

32. These relevant matters have been considered by staff in arriving at the recommendation.

POLICY IMPLICATIONS

33. This matter has no direct planning policy implications.

RISK IDENTIFICATION & MITIGATION

34. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approving the proposed use could give rise to detrimental impacts on the residential amenity of the area.</i>	<i>Unlikely</i>	<i>Possible</i>	<i>Medium</i>	<i>Proposed use is a daily activity and suggested conditions should adequately mitigate the potential adverse impacts.</i>
<i>Approving the proposed use could give rise to increased traffic and congestion around the site area.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Any decision must be made on a sound basis with reasoned justification. Mitigation entirely dependent on Council's determination.</i>

FINANCIAL IMPLICATIONS

35. All costs associated with the development will be borne by the proponent.

LEGAL IMPLICATIONS

36. The Council is at liberty to use its discretion to refuse the proposal with or without conditions. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
37. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

38. The proposed development seeks to re-use an existing building on the developed lot. As such, there are no significant Environmental Considerations.

ALTERNATE OPTIONS

39. Council may determine that the proposed use is acceptable and may resolve to approve the application subject to any conditions that Council deems appropriate.

SUMMARY CONCLUSION

40. The application seeks Planning Scheme Consent to run a Family Day Care on the subject site. The day care is proposed for seven children with one full time staff member being the applicant. The proponents have indicated a willingness to undertake minor improvements to the property, in order to meet licensing requirements. However, it should be noted that creating a turning bay would not be minor in nature and at this stage it is unclear whether this would be supported by the applicant/ landowner.
41. The proposal has been advertised as required, with two objections received in response.
42. Much of the objections relate to the increase in traffic and congestion that the approval will generate on Collingwood Road and Rycraft Drive during peak hours of the morning and afternoon.
43. Accordingly, City staff are of the opinion the proposal should be refused.

Consulted References	:	City of Albany Town Planning Scheme 1A.
File Number (Name of Ward)	:	A115594 (Breaksea Ward)
Previous Reference	:	Not Applicable