



## Metro Outer Joint Development Assessment Panel Agenda

**Meeting Date and Time:** Friday 11 February 2022; 10:00am  
**Meeting Number:** MOJDAP/152  
**Meeting Venue:** Electronic Means

To connect to the meeting via your computer <https://zoom.us/j/91301735748>

To connect to the meeting via teleconference dial the following phone number -  
+61 8 7150 1149 Australia

Insert Meeting ID followed by the hash (#) key when prompted - 913 0173 5748

*This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.*

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## **Attendance**

### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr John Syme (A/Third Specialist Member)  
Cr Nigel Jones (City of Joondalup)  
Cr Tom McLean (City of Joondalup)

### **Officers in attendance**

Mr Chris Leigh (Local Government Member, City of Joondalup)

### **Minute Secretary**

Ms Samantha Hansen (DAP Secretariat)  
Ms Adele McMahon (DAP Secretariat)

### **Applicants and Submitters**

Mr Alessandro Stagno (Apex Planning)  
Ms Orielle Pearce (SPH Architecture and Interiors)  
Ms Sam Morrell (Keiki Early Learning)  
Mr Craig Wallace (Lavan)  
Ms Jacqueline Ferreira  
Ms Fay Gilbert  
Mr Andrew Jones  
Mr Brent Patroni

### **Members of the Public / Media**

Nil.

#### **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

#### **2. Apologies**

Mr Jason Hick (Third Specialist Member)

#### **3. Members on Leave of Absence**

Nil.

#### **4. Noting of Minutes**

Signed minutes of previous meetings are available on the [DAP website](#).





## **5. Declarations of Due Consideration**

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 10.1, received on 10 February 2022.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

## **6. Disclosure of Interests**

Nil

## **7. Deputations and Presentations**

- 7.1** Ms Jacqueline Ferreira presenting in support of the recommendation but against the application at Item 10.1. The presentation will address Location Issues, Impact on Amenities to Southern Neighbour and Character of the area.
- 7.2** Ms Fay Gilbert presenting in support of the recommendation but against the application at Item 10.1. The presentation will address noncompliance with City of Joondalup Child Care Premises Local Planning Policy. Failure to address Joondalup Design Review Panels concerns. Unjustified negative impact on surrounding residential amenity.
- 7.3** Mr Andrew Jones presenting in support of the recommendation but against the application at Item 10.1. The presentation will address Location Issues, Impact on Amenities to Southern Neighbour and Character of the area.
- 7.4** Mr Brent Patroni presenting in support of the recommendation but against the application at Item 10.1. The presentation will address the impact of traffic congestion caused by child care.
- 7.5** Ms Sam Morrell (Keiki Early Learning) presenting against the recommendation but in support of the application at Item 10.1. The presentation will request the application be approved and explain the community benefit.
- 7.6** Mr Craig Wallace (Lavan) presenting against the recommendation but in support of the application at Item 10.1. The presentation will provide a Legal Submission regarding the weight to be applied to the draft local planning policy outlined in the RAR.
- 7.7** Ms Orielle Pearce (SPH Architecture) presenting against the recommendation but in support of the application at Item 10.1. The presentation will request the application be approved and explain the architectural merit.
- 7.8** Mr Alessandro Stagno (Apex Planning) presenting against the recommendation but in support of the application at Item 10.1. The presentation will request the application be approved and explain the planning merit.



The City of Joondalup may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

**8. Form 1 – Responsible Authority Reports – DAP Applications**

Nil.

**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

**10.1 Lot 642 (104) Mullaloo Drive, Kallaroo & Lot 643 (20 Stanford Road, Kallaroo**

Development Description: Removal of existing dwelling and replacement with Child Care Premises, including landscaping, parking access and signage

Summary of Modifications:

- A reduction of children and staff capacity onsite to 75 children and 15 staff (from 80 children and 16 staff).
- Hours of operation reduced to 7.00am - 6.00pm Monday to Friday (from 6.30am – 6.30pm Monday to Friday).
- An increased building setback to the upper floor southern elevation.
- An increase in car parking to 27 bays (from 26 bays) with the inclusion of two tandem car parking bays and one turn around bay.
- The bin store relocated to the western side of the development.
- A solid wall included to the southern side of the service compound to enclose it on three sides.
- Updated technical reports.

Applicant:

Owner:

Responsible Authority:

DAP File No:

Alessandro Stagno (Apex Planning)

Anthony McNamara , Lynette Elliott and Wendy Jane Pearce

City of Joondalup

DAP/21/02000



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP.21/02016 DR207/2021	City of Joondalup	Centre Lot 667 (73) Kingsley Drive & Kit 666 (22) Woodford Wells Way, Kingsley	Child care Centre	28/09/2021
DAP/21/2047 DR	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

## 11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

## 12. Meeting Closure



## Direction for Further Services from the Responsible Authority

Regulation 13(1) and DAP Standing Orders 2020 cl. 3.3

### Guidelines

A DAP Member who wishes to request further services (e.g. technical information or alternate recommendations) from the Responsible Authority must complete this form and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au).

The request will be considered by the Presiding Member and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query and response will published on the DAP website** as an addendum to the meeting agenda.

### DAP Application Details

DAP Name	Metro Outer JDAP
DAP Application Number	DAP/21/02000
Responsible Authority	City of Joondalup
Property Location	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo

### Presiding Member Authorisation

Presiding Member Name	Mr Ian birch
Signature	<i>Ian Birch</i>
Date	7 February 2022
Response Due	<b>10 February 2022; 12pm</b>

### Nature of technical advice or information required\*

1	DAP query	Please provide Alternate recommendation for Approval
	Response	<p>Alternate Recommendation</p> <p>That the Metro Outer JDAP, pursuant to section 31 of the <i>State Administrative Tribunal Act 2004</i> in respect of SAT application DR203 of 2021, resolves to:</p> <p><b>Reconsider</b> its decision dated 8 September 2021 and <b>SET ASIDE the decision and substitute a new</b> decision to approve DAP Application reference DAP/21/02000 and amended plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the provisions of the City of Joondalup <i>Local Planning Scheme No. 3</i>, subject to the following conditions:</p> <p><b>Conditions:</b></p>

\* Any alternate recommendation sought does not infer a pre-determined position of the panel.  
Any legal advice, commercially confidential or personal information will be exempt from publication.

		<ol style="list-style-type: none"> <li>1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.</li> <li>2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.</li> <li>3. This approval relates to the Child Care Premises and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.</li> <li>4. The lots included shall be amalgamated prior to occupancy certification.</li> <li>5. A maximum of 75 children and 15 staff on the premises at any one time.</li> <li>6. The hours of operation for the centre shall be between 7:00am to 6.00pm Monday to Friday. Child Care Centre staff shall not arrive at the centre before 6:30am and be off site by 6:30pm.</li> <li>7. The recommendations of the Noise Management Plan shall be implemented to the satisfaction of the City. Plans and details shall be submitted to and approved by the City prior to the commencement of development demonstrating: <ol style="list-style-type: none"> <li>a. The fence and gates of the development being free of gaps and of a material with a minimum surface mass of 8 kg/m<sup>2</sup>.</li> <li>b. The carpark ceiling (underside of slab) being lined with acoustically absorptive soffit lining to reduce reverberation.</li> <li>c. The carpark floor: <ol style="list-style-type: none"> <li>i. being constructed so that there are no significant gaps in construction or where these exist, are to be filled with non-hardening mastic.</li> <li>ii. having drainage grates that are plastic or metal with rubber gaskets and secured to avoid excess banging.</li> <li>iii. having a brushed concrete finish to avoid tyre squeal. Where the concrete is to be sealed, a product such as Aquaron 1000 by Markham (or equivalent) is to be used.</li> </ol> </li> <li>d. Kitchen exhaust fans are to be designed as inline type fans, installed with attenuators or diverted ducting, rather than externally mounted plant.</li> </ol> <p>Development shall be in accordance with the approved plans and details.</p> </li> <li>8. A Noise and Operations Management Plan, addressing the impact of noise on surrounding properties is to be submitted to, and approved by the City prior to occupation of the development. The Noise and Operations Management Plan is to ensure that the Child Care Premises' operations meet the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. The operation of the Child Care Premises shall then be carried out in accordance with the approved Noise and Operations Management Plan.</li> </ol>
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		<p>9. A Waste Management Plan indicating the method of rubbish collection is to be submitted prior to the commencement of development and approved by the City prior to the development first being occupied and thereafter implemented to the satisfaction of the City.</p> <p>10. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan.</p> <p>11. A full schedule of colours and materials for all exterior parts to the development (including any retaining walls) shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.</p> <p>12. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.</p> <p>13. Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:</p> <ol style="list-style-type: none"> <li>Provide landscaping that discourages the parking of vehicles within the verge;</li> <li>Provide landscaping screening along the southern boundary, of a sufficient height and density to soften the impact of the building as viewed from the adjoining property;</li> <li>Provide details of the play equipment and shade structures within the outdoor play area, incorporating soft finishes to minimise the impact of noise and minimal concrete or brick paved areas;</li> <li>Provide all details relating to paving and treatment of verges;</li> <li>Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;</li> <li>Show spot levels and/or contours of the site;</li> <li>Be based on water sensitive urban design principles to the satisfaction of the City;</li> <li>Be based on Designing out Crime principles to the satisfaction of the City;</li> <li>Show all irrigation design details.</li> </ol>
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		<p>14. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.</p> <p>15. The applicant shall remove the existing crossover to Mullaloo Drive, including any concrete apron, and reinstate any kerbing, footpath and/or other infrastructure to the satisfaction of the City. These works shall be completed prior to the development first being occupied.</p> <p>16. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.</p> <p>17. Two (2) bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.</p> <p>18. The timber-look aluminium slatted fence indicated on the approved plans shall be visually permeable (as defined in the Residential Design Codes).</p> <p>19. No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary.</p> <p>20. The signage shall:</p> <ol style="list-style-type: none"> <li>not be illuminated;</li> <li>not include fluorescent, reflective or retro reflective colours;</li> <li>be established and thereafter maintained of a high standard</li> </ol> <p>to the satisfaction of the City.</p> <p>21. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.</p> <p>22. All development shall be contained within the property boundaries.</p> <p>23. No on-street or verge parking is permitted for customers or employees and all parking is to be made available and maintained on-site in accordance with the approved plans.</p> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>The City of Joondalup <i>Local Planning Scheme No. 3</i> defines 'Child Care Premises' as: <p><i>"premises where:</i></p> <ol style="list-style-type: none"> <li><i>an education and care service as defined in the Education and Care Services National Law (Western Australia) section</i></li> </ol> </li> </ol>
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		<p><i>5(1), other than a family day care service as defined in that section, is provided; or</i></p> <p><i>b. a child care service as defined in the Child Services Act 2007 section 4 is provided.”</i></p> <p>2. The City encourages the applicant/owner to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.</p> <p>3. The Construction Management Plan shall be prepared using the City’s Construction Management Plan template which can be provided upon request.</p> <p>4. Unless set out in the conditions, any existing infrastructure/assets within the road reserve are to be retained and protected during construction of the development and are not to be removed or altered. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.</p> <p>5. The Residential Design Codes define visually permeable as:</p> <p><i>In reference to a wall, gate, door or fence that the vertical surface when viewed directly from the street or other public space has:</i></p> <p><i>a. continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;</i></p> <p><i>b. continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or</i></p> <p><i>c. a surface offering equal or lesser obstruction to view.</i></p> <p>6. There is an obligation to design and construct the development to meet compliance with the requirements of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>7. In regard to condition 8, the Operation and Noise Management Plan submitted 1 December 2021 shall be updated to include external doors and windows being closed during indoor activity / play.</p> <p>8. Any lighting to the centre is to be designed to minimise light spillage onto the surrounding residential properties and be in accordance with the requirements of Australian Standard AS1158.</p> <p>9. Bin store and wash down area to be provided with a hose cock and have a concrete floor graded to an industrial floor waste connected to sewer.</p> <p>10. The laundry is to be provided with a floor waste in accordance with the City’s Local Laws. In addition to having mechanical ventilation, it is recommended that laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.</p>
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		<p>11. Ventilation to toilets and any other room which contains a w/c must comply with the <i>Sewerage (Lighting, Ventilation and Construction) Regulations 1971</i>.</p> <p>12. Development to be set up and operated in compliance with the <i>Food Act 2008</i> and the <i>Australia New Zealand Food Standards Code</i>. Consideration should be given to having adequate number of sinks in the main kitchen including a dedicated food preparation sink. The applicant is encouraged to send detailed kitchen fit out plans to the City's Health Services for comment prior to lodging a certified building permit. For further information please contact Health &amp; Environmental Services on 9400 4933.</p>
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## Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

**Must be submitted at least 72 hours (3 ordinary days) before the meeting**

### Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)

### Presenter Details

Name	Jacqueline Ferreira
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	<b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> If yes, please state any accessibility or special requirements: Will need to share the screen and present a powerpoint

### Meeting Details

DAP Name	20 STANFORD ROAD AND 104 MULLALOO DRIVE, KALLAROO – CHILD CARE PREMISES
Meeting Date	Friday 11 February 2022; 10:00am
DAP Application Number	DAP/21/02000
Property Location	Lot 642 (104) Mullaloo Drive, Kallaroo & Lot 643 (20 Stanford Road, Kallaroo
Agenda Item Number	MOJDAP/152

### Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	<b>SUPPORT</b> <input type="checkbox"/> <b>AGAINST</b> <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	<b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>If yes, please attach</b>



### **Presentation Content\***

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Location Issues, Impact on Amenities to Southern Neighbour and Character of the area.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

*Please attach detailed content of presentation or provide below:*

Please note that there will be 5 presenters and presentations representing the Kallaroo community :

Jacqueline Ferreira, Fay Gilbert, Andrew Jones, Carlo Famiano and Brent Patroni

# Location Issues, Impact on Amenities to Southern Neighbour and Character of the area

Presented by Jacqueline Ferreira



# Location, Location, Location

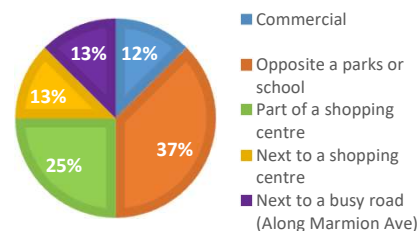
## NOT DIRECTLY ADJOINING a non-residential land use. SOLEY Residential area

- ▶ The Proposed CCPLPP WHICH IS A SERIOUSLY ENTERTAINED LOCAL PLANNING POLICY requires a child care premises in the 'Residential' zone to directly adjoin (share a boundary with) a non-residential land use.
- ▶ The CCPLPP (clause 5.1.1 a) strongly suggests that it should be adjacent to non-residential amenities
- ▶ The Proposed Kallaroo child care centre is NOT ADJACENT OR DIRECTLY ADJOINING A NON-RESIDENTIAL LAND or amenities such as shopping centres, medical centres, schools, parks & community purpose buildings.
  - ▶ Closest non-residential use is a community purpose building (Rob Baddock Community Hall) which is approximately 250 metres to the west.
    - ▶ Stand-alone building with no other community purpose and/or commercial land uses
  - ▶ Closest commercial land use is the Mullaloo Local Shopping Centre which is approximately 500 metres to the north
  - ▶ Closest school (Mullaloo Heights Primary School) is approximately 600 metres to the north-east.
    - ▶ Both of these non-residential land uses are to the north of Mullaloo Drive in the adjoining suburb of Mullaloo and, given the distance and road network, are not considered to be co-located with the proposed child care premises.



- Location of child care centre
- Location of Mullaloo Local Shopping centre

### APPROVED CHILD CARE CENTRES LOCATIONS IN THE LAST 5 YEARS



All of the recently approved child care centres have been next to or within non-residential amenities or along Marmion Avenue which is a main road

# Community Objection

**90.5% of the community DO NOT support the proposed Child Care**

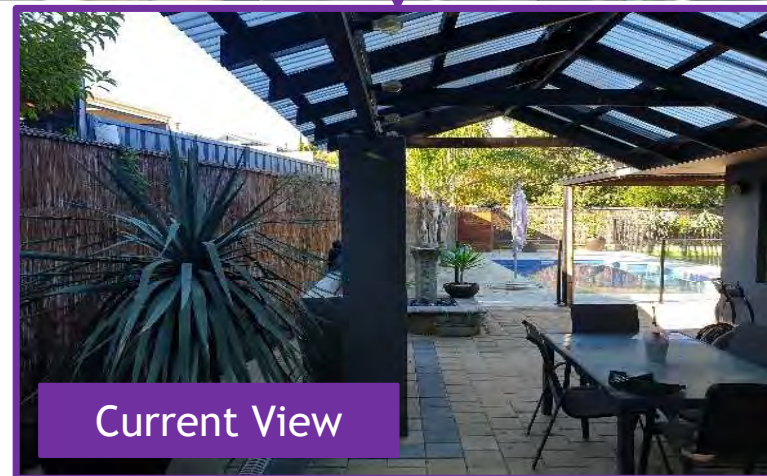
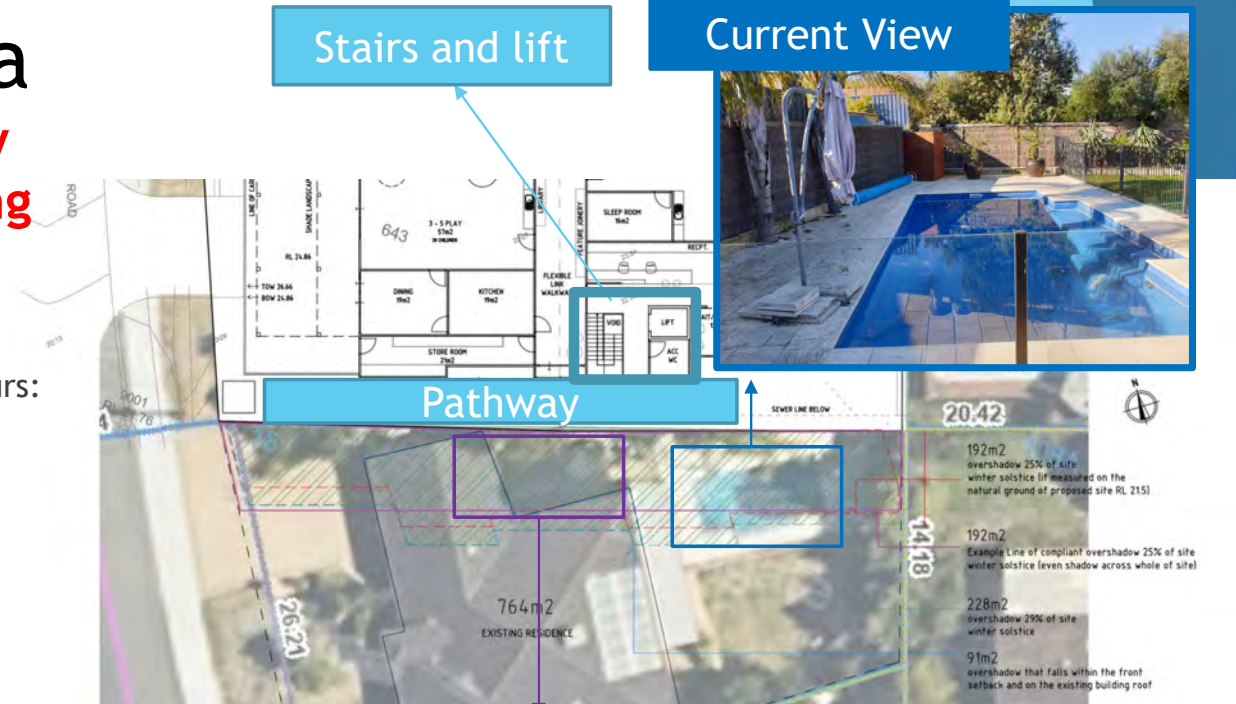
- ▶ Previously 77 submissions were received, with 67 of these opposing the development, 9 in support and 1 neutral
- ▶ 63 submissions were received, with 57 of these opposing the development and 6 in support
- ▶ **90.5%** of the community DO NOT want the proposed Child Care to be approved
  - ▶ 85% continue to oppose
  - ▶ Some people missed the opportunity to voice concerns due to a pre Christmas consultation period
- ▶ **100%** of the close adjacent neighbours oppose the decision due to impacts on our amenities, undue bulk, scale of the development, location of access and streetscape impact.
  - ▶ The applicant has failed to demonstrate that the proposal will not have an undue impact on residential amenities as required by the policy.



# Impact on Outdoor Area

**Slight changes to southern boundary still results in a 28.7% overshadowing**

- ▶ Overshadowing breaches R code
  - ▶ Should be less than 25%
- ▶ Impacts of overshadowing to south adjoining neighbours:
  - ▶ Pool
  - ▶ Outdoor Area
  - ▶ Any additional future Solar Panels
- ▶ Pool warmth will be impacted
  - ▶ Pool is heated and used in the winter months
- ▶ Outdoor areas are used throughout the year
  - ▶ Will impact the light within our home and both alfresco areas
  - ▶ Despite the changes to the air con, the air con noise and car park noises will cause undue impact on our residential amenity & enjoyment of our daily life.
  - ▶ Noise from the 75 kids and parents using the pathway - Not included in Noise Report
  - ▶ Noise from the 75 kids and parents using the pathway using the stairs / void / lift - Not included in Noise Report
- ▶ Loss of privacy
- ▶ Lemon Trees will not get any sunlight during winter



- A non-residential development that exceeds the acceptable amount of overshadowing permitted for residential properties is not considered compatible within its setting, particularly as the overshadowing impacts active habitable spaces of the adjoining property, and therefore is not considered to meet the objectives of the CCPLPP

# Impact on light in our Home (1/2)

The natural lighting in our home will be adversely impacted during winter

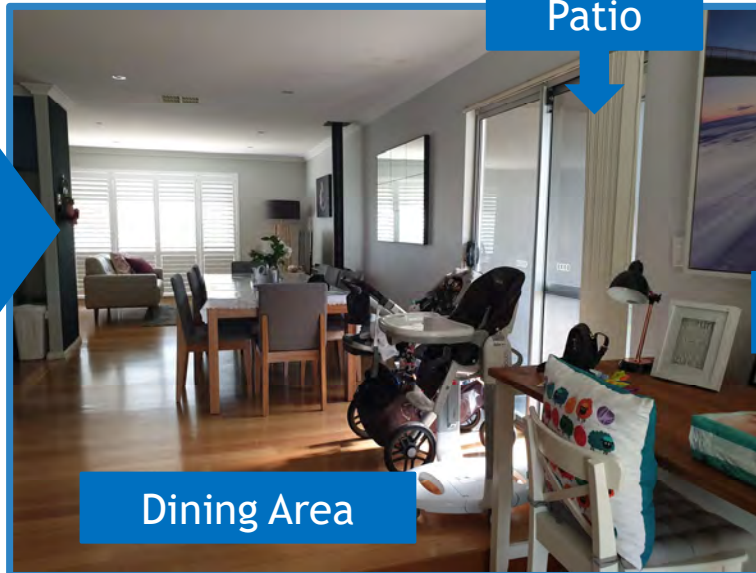
- ▶ The only sunlight that we get from outside (until late PM) comes from the both Alfresco area
- ▶ During winter the overshadowing will result in little to no light coming into the TV room, dining room and kitchen

Patio Roof is TRANSLUCENT POLYCARBONATE ROOFING



Patio Area

Entry to  
Patio



Dining Area

TV room (Family)





# Impact on light in our Home (2/2)

Light would not be as much of an issue if two homes were built



Currently 104 Mullaloo drive's pool results in a large setback from the southern boundary. The large setback would be maintained if a double story was built, therefore overshadowing would not be as much of an issue if a house was built



# Undue Bulk and large Scale- Not of a residential appearance

The view from the south will look like a commercial property and does not match with the current landscape

- ▶ Artists impression - vegetation is not guaranteed and not the view we will see from our backyard

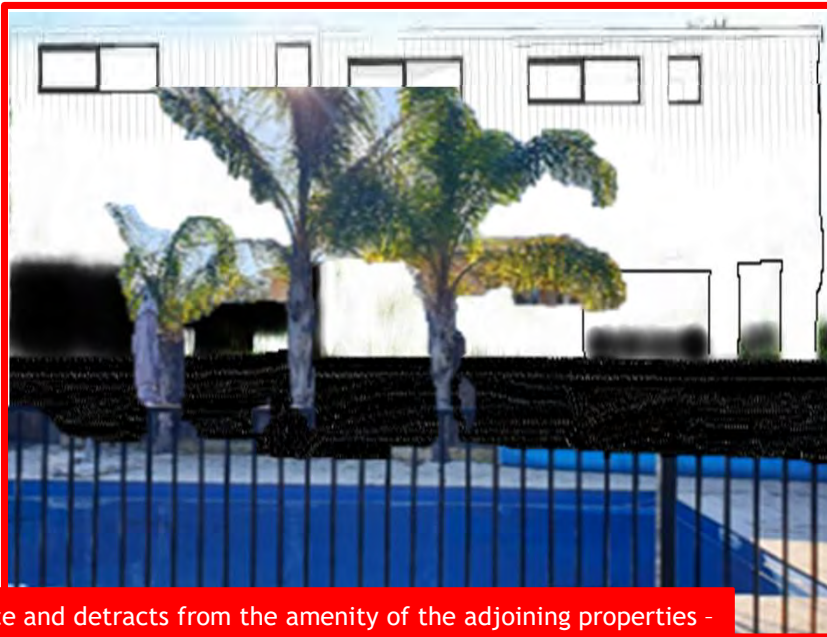


- ▶ More realistic view - Bulky, commercial style building and loss of privacy

Current View



More realistic impression of southern neighbours view -  
Creates undue bulk and commercial looking



Is not of a residential appearance and detracts from the amenity of the adjoining properties -  
(Does not satisfy new CCPLPP 5.5.3 - Building Appearance)



Example of a double store  
Childcare - Undue Bulky and  
commercial looking





# Unsuitable for the character of the area

**Majority of the houses are single store and modest**

- ▶ Stanford Road only has single store homes and majority of the houses along Mullaloo Drive are single store

Type of homes on Stanford



Stanford Road



Mullaloo Drive



- The bulky archway has no setback from Stanford.
- Not congruous with other dwellings along the street and is therefore not considered to meet the objectives of the CCPLPP
- EXTREMELY uncharacteristic of the area and an eyesore.
- Arch way will encourage people to park on Stanford instead of in the car park



# Unsuitable for the character of the area

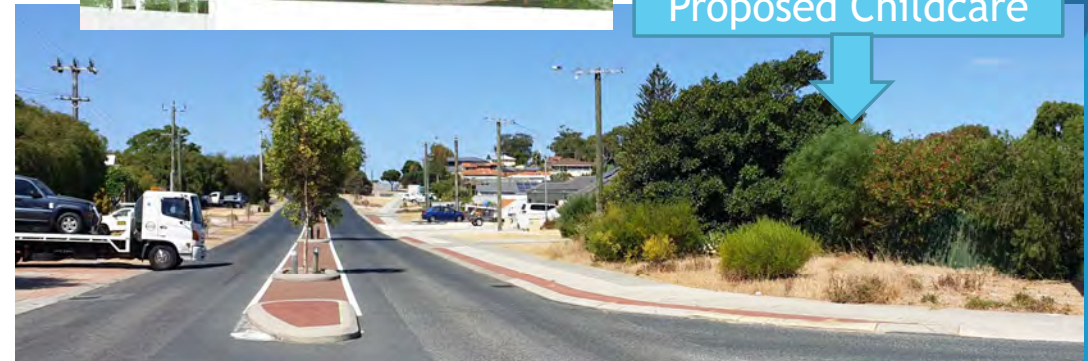
Highly visible streetscape, bulk and scale uncharacteristic of the area



CCPLPP Clause 5.4.1 a & b)- Minimum primary street setback of 6m



- Incline slope provides impression of homes having a large setback
- Existing examples of reduced setbacks should not allow exemptions.

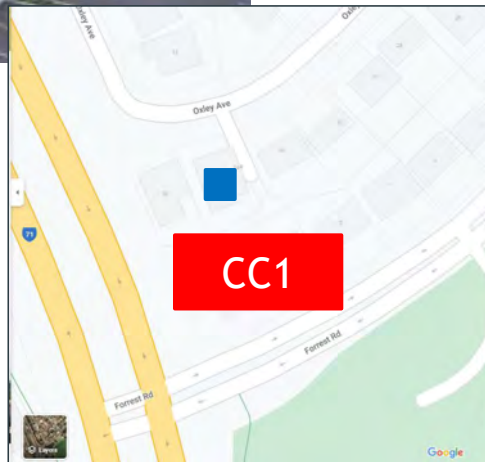


- Consistent Primary Street Setback
- Development will be inconsistent with the streetscape
- A concern raised by the JDRP - NO changes were made

# Child care Centres Impact on Neighbours (1/3)

Residents who live near Childcare centres have said the noise, lights and parking are issues which they live with each day

Childcare 1 (CC1) in Padbury on Marmion



**Resident** - 36 Oxley Ave ( Resident Behind Childcare 1 )

## Comments -

- **Bright lights** shine into their bedroom and make it difficult to sleep
  - Contacted COJ who told them to contact the Childcare who have **done nothing**
- Female partner works from home and **hears children screaming and crying all day long**
- Male partner came home sick and couldn't rest because of the noise of the children
- Can hear doors banging in the early morning while trying to sleep
- Air con unit constantly **humming**
- Considering to sell family home

# Child care Centres Impact on Neighbours (2/3)

Residents impacted by noise and parking on verges

## Childcare 2 (CC2) in Greenwood



**Resident** - 4 Pimelia Ct (Pedestrian Entry next door to resident)

**Comments** -

- Parents park very often in the driveway and on her lawn.
- Reticulation system is always being damaged by parents parking on the lawn
- Has been parked in and unable to leave home due to a parent parking in her driveway
- Lack of visibility of the car park makes it easier to park on the verge.

**Resident** - 54 Callistemon Street (Across the road from Childcare)

**Comments** -

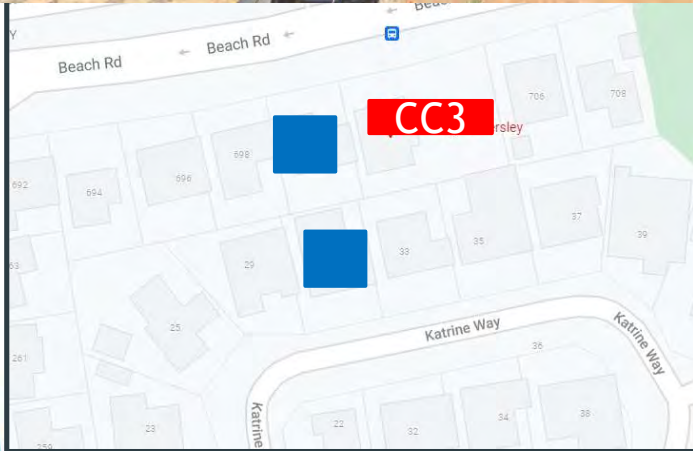
- Works from home and must close all doors and windows as can hear children crying and screaming



# Child care Centres Impact on Neighbours (3/3)

Resident wishes they had objected to childcare because of the noise

Childcare 3 (CC3) in Hamersley



**Resident** - 31 Katrine Way (Behind Childcare 3 )

## Comments -

- Works from home
- Hears music being played all the time
- Hears kids screaming and crying all the time and they set each other off. Sometimes wonders what is happening to the children because they are crying so much.
- Partner worked from home for a while and couldn't believe how noisy it was
- Originally when the childcare was proposed they thought it would be fine as only 58 kids but looking back wishes she objected and fought harder to not have the daycare their

**Resident** - 700 Beach Road (Next Door)

## Comments -

- Air con is noisy and can be heard throughout the night
- Hears children crying and screaming

# Appendix





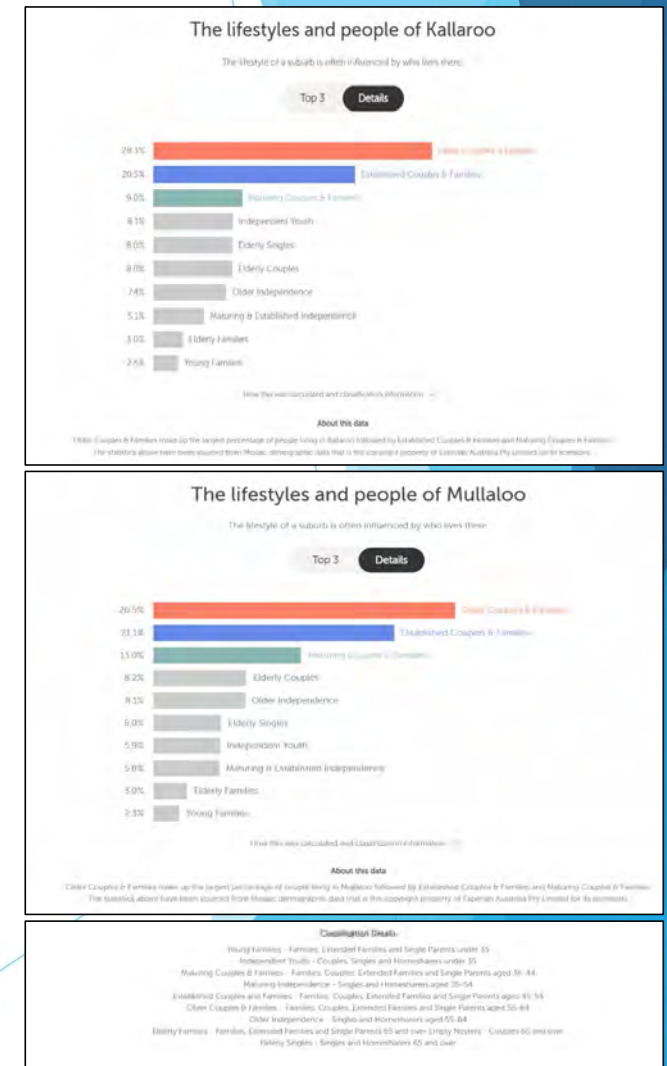
# More of a demand for houses than child care centres

## Multiple childcare centres in the area

- ▶ The residential tenancy vacancy rate is below 1% in Kallaroo, meaning there's two less family homes available in the area.
  - ▶ Realestate.com shows that over 86% of the demographic in Kallaroo and Mullaloo consist of mature and/or older couples and families and older residences.
- ▶ Sufficient child care centres and vacancies within the area. Negative impact on current child care centres.
  - ▶ Currently have 80\* child care services located within the 6025 and 6027 postcode areas
    - ▶ 64 (80%) child cares showing to have vacancies
    - ▶ Currently a shortage of staff for child care centres - Impacting the quality of child care centres
  - ▶ ~4 Child care centres have recently been approved within 5km
    - ▶ The distance between the Mullaloo proposed child care centre and Kallaroo proposed child care centre is 1 km which is a 3 min drive. The Kallaroo child care centre Kid's College is 1.6km from the proposed Kallaroo child care. Therefore, within 2 km there will be 3 childcare centres.
  - ▶ The Western Australian planning commission planning bulletin 72/2009 Child Care Centres discusses the oversupply in some areas may result in increased vacancy levels that may affect the viability and quality of the services provided
  - ▶ Potentially a demand when studies were conducted but multiple child care centres have recently been built to service the area.
    - ▶ The study would not have taken into consideration those child cares which are currently being built or recently built

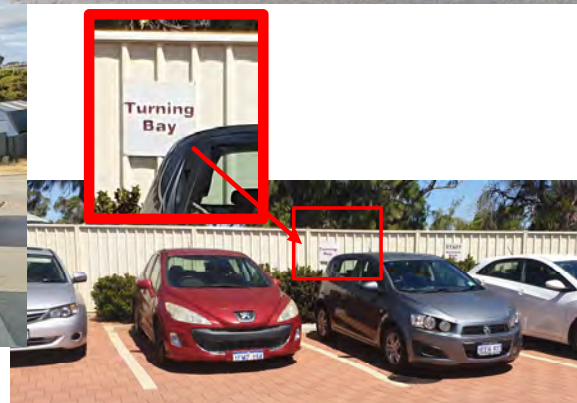
\* Includes all types of child care services including home child care services and after hour day care services

## Demographic of Mullaloo and Kallaroo



# Parking on the verge WILL HAPPEN

Its human nature to park where it is easiest especially with larger cars





## Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

**Must be submitted at least 72 hours (3 ordinary days) before the meeting**

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Please complete a separate form for each presenter and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)

### Presenter Details

Name	Fay Gilbert
Company (if applicable)	Kallaroo Resident
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel
Meeting Date	Friday 11 February 2022
DAP Application Number	DAP/21/02000
Property Location	20 STANFORD ROAD AND 104 MULLALOO DRIVE, KALLAROO
Agenda Item Number	10.1

### Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	<b>SUPPORT</b> <input type="checkbox"/> <b>AGAINST</b> <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	<b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>If yes, please attach</b>





### **Presentation Content\***

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Non compliance with City of Joondalup Child Care Premises Local Planning Policy. Failure to address Joondalup Design Review Panels concerns. Unjustified negative impact on surrounding residential amenity.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

*Please attach detailed content of presentation or provide below:*

Firstly, the City of Joondalup planning department are to be commended for their thorough and comprehensive RAR and the residents are thoroughly supportive of the recommendation for refusal

I'm a resident of Kallaroo and became aware of the issue of large commercial child care operators wanting to build on residential land when a friend was impacted by a proposal in Woodvale. Being the Chair of the Kallaroo Residents Association I have taken an interest in what was happening in our suburb and that is why I am here today.

To be honest I am very surprised that this application is back with JDAP after refusal as it has still failed to address the fundamental issues with the development of a large commercial child care on this site –

The inappropriate location and access; and importantly

The substantial adverse impacts on the amenity for this solely residential area.

The City commenced a review of its Child Care LPP well over 12 months ago, it was delayed due to the election caretaker period and the Christmas new year recess. It has been out for public comment and the reviewed policy has now been recommended for approval next at Tuesdays Council meeting. So this policy should be given due regard and be seriously entertained. The new policy has expanded the location criteria to provide further clarity:

- Not surrounded by residential and directly adjoins non- residential uses
- Accommodates a maximum of 50 children
- Has a maximum building site coverage of 50%

This further strengthens the case for refusal.

Both the existing and reviewed LPPs are based on sound planning policy and are drawn from the guiding planning bulletin provided by the WAPC.

The DAP Practice notes – Making Good Planning Decisions is clear on the purpose of an LPP – to provide the circumstances where for example a discretionary use could be



approved. In the City of Joondalup Child Care Premises are a Discretionary use in residential areas.

If we look at the location criteria in the existing LPP there is no grey area at all – it is not supported

The first sentence outlines why location is crucial - to avoid adverse impacts on surrounding properties. The minor changes made since the last refusal still do not demonstrate that the proposal will not have an undue impact on residential amenity which is a cornerstone of the LPP.

The only compelling reason I can see why the applicant would choose this site is cost. This is a solely residential area and the land costs here are substantial lower than other commercial land in the area. And there is underutilised commercial land in our suburb – so it comes down to the applicant proposing to gain by using cheaper land and inflict loss to amenity to the adjoining families.

You can understand the level of concern from the community that it seems that despite the proposal not meeting the existing Child Care LPP and certainly not meeting the new policy recommended for approval in 4 days time - it appears that there is a last-ditch attempt to squeeze this application one through.

This application does not meet the current LPP and certainly does not meet the revised LPP.

The Council and the Community have clearly indicated that they do not wish to see large commercial child care premises built in solely residential areas.

The applicant may argue that there are similar designs - Yes, there are others, but that why the policy review has come about, and future developments of this design/size/capacity will not be considered, hopefully the developers will provide the community with what they want, which is small, compatible, family centres in appropriate locations. With larger centres in suitable commercial land like the centre currently being built at Mullaloo Plaza which is less than 2 minutes drive away.

In summary this application:

Does not meet the Objectives of the Child Care Premises LPP

Does not meet the Location Criteria

Does not meet the Road Hierarchy requirements

Does not demonstrate that the development will not have undue impact on the amenity of this solely residential area.

Is not supported by the community as a suitable site for such a large child care.

Has not addressed JDRP concerns

There are no exceptional circumstances which warrant approval

I hope that you can support the most impacted residents and the policy direction set by



Government of **Western Australia**  
Development Assessment Panels

the City of Joondalup for how they require this area to be developed.

- ☒ Inappropriate location and access; and importantly
- ☒ The substantial adverse impacts on the amenity for this solely residential area

## Child Care Premises Local Planning Policy

**Responsible Directorate:** Planning and Community Development

**Objectives:**

- To provide development standards for the location, siting and design of child care premises.
- To ensure that child care premises do not have an adverse impact on the amenity of surrounding areas, particularly residential areas.

## 5.1. Location:

The appropriate location of child care premises is crucial in avoiding adverse impacts on surrounding properties, particularly in terms of additional traffic, car parking and noise.

- a. Child care premises are most appropriately located within the 'Mixed Use', 'Commercial', 'Service Commercial' or 'Private Community Purposes' zone.
- b. In order to minimise potential adverse impacts a child care premises may have on the amenity of residential properties, particularly as a result of noise, increased traffic, and building scale, a child care premises will only be considered in the 'Residential' zone where it:
  - i. is not surrounded on all sides by residential properties and directly adjoins non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks or community purpose buildings on at least one boundary.
  - ii. accommodates a maximum of 50 children.
  - iii. has a maximum building site coverage of 50%.
- c. Where a proposed child care premises adjoins a residential property, the applicant is required to demonstrate how the proposal will not have an undue impact on residential amenity in terms of noise, location of car parking, increased traffic and building scale.





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Development Assessment Panel  
Practice notes:

# Making Good Planning Decisions

## Purpose

As with all policy, the purpose of a LPP is to assist the guidance of discretion. For example, where a use is a 'discretionary' use in a particular zone, a

LPP provides the decision-maker (that is, the local government/Development Assessment Panel/State Administrative Tribunal) with the circumstances where that use could be approved.

## 5.1. Location:

The appropriate location of child care premises is crucial in avoiding adverse impacts on surrounding properties, particularly in terms of additional traffic, car parking and noise.

### 5.1.1. Neighbouring Uses:

- a. To minimise potential adverse impacts such premises may have on the amenity of residential properties, particularly as a result of noise and/or increased traffic, it is preferable to locate child care premises adjacent to non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks and community purpose buildings.
- b. Where a child care premises is proposed to be located next to a residential property, the applicant must demonstrate that the proposal will not have an undue impact on residential amenity.

- ☒ Objectives of the Child Care Premises LPP
- ☒ Location Criteria
- ☒ Road Hierarchy requirements
- ☒ Demonstrate that the development will not have undue impact on the amenity of this solely residential area
- ☒ Not supported by the community as a suitable site for such a large child care
- ☒ Not supported by the policy set by the City of Joondalup
- ☒ Not addressed JDRP concerns
- ☒ No exceptional circumstances which warrant approval



## Presentation Request Form

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### Presenter Details

Name	Andrew Jones
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	<b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> If yes, please state any accessibility or special requirements: Will need to share the screen and present a powerpoint

### Meeting Details

DAP Name	20 STANFORD ROAD AND 104 MULLALOO DRIVE, KALLAROO – CHILD CARE PREMISES
Meeting Date	Friday 11 February 2022; 10:00am
DAP Application Number	DAP/21/02000
Property Location	Lot 642 (104) Mullaloo Drive, Kallaroo & Lot 643 (20 Stanford Road, Kallaroo
Agenda Item Number	MOJDAP/152

### Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	<b>SUPPORT</b> <input type="checkbox"/> <b>AGAINST</b> <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	<b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>If yes, please attach</b>



### **Presentation Content\***

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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Location Issues, Impact on Amenities to Southern Neighbour and Character of the area.
--	--

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*Please attach detailed content of presentation or provide below:*

Please note that there will be 5 presenters and presentations representing the Kallaroo community :

Jacqueline Ferreira, Fay Gilbert, Andrew Jones, Carlo Famiano and Brent Patroni

Direct and profound  
**impact** on the  
**amenity** of 106  
Mullaloo Drive (My  
home – western  
side)

and

Traffic issues -  
**Amenity, Impact,**  
**Amenity, Impact**



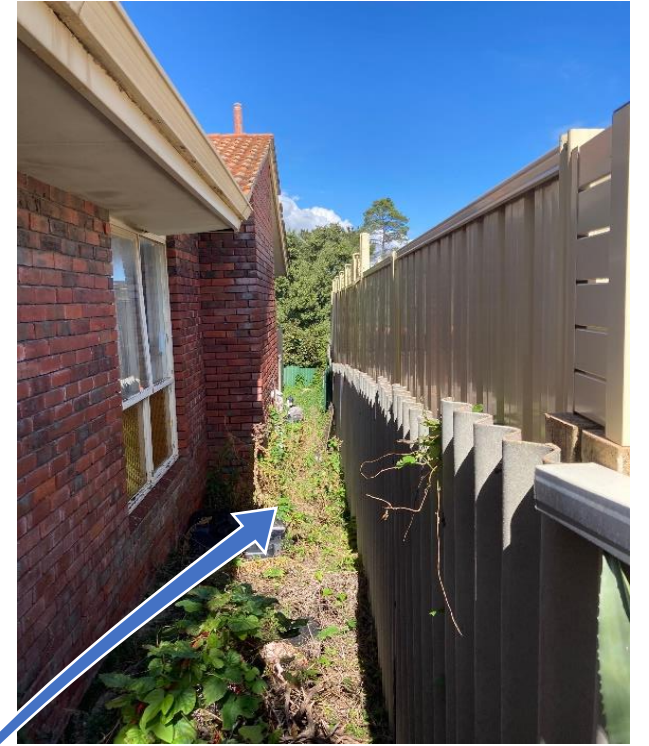
The proponent has failed to  
demonstrate that the proposal will  
not have an undue impact on  
residential amenity, as required by  
policy

Alterations are piecemeal and do  
not address the underlying impact  
on 'residential' amenity, safety and  
lifestyle



## Amenity Impact - Bedrooms & Outside Areas

- The scale and bulk of the building remains unsuited and inappropriate for this residential area
- The proposed building is in close proximity to two of our main bedrooms and outside area
  - Early / ongoing AC noise
  - Music (not in report)
  - Children & Parents (not in report)
  - n.b. noise levels are on the cusp of non-compliance

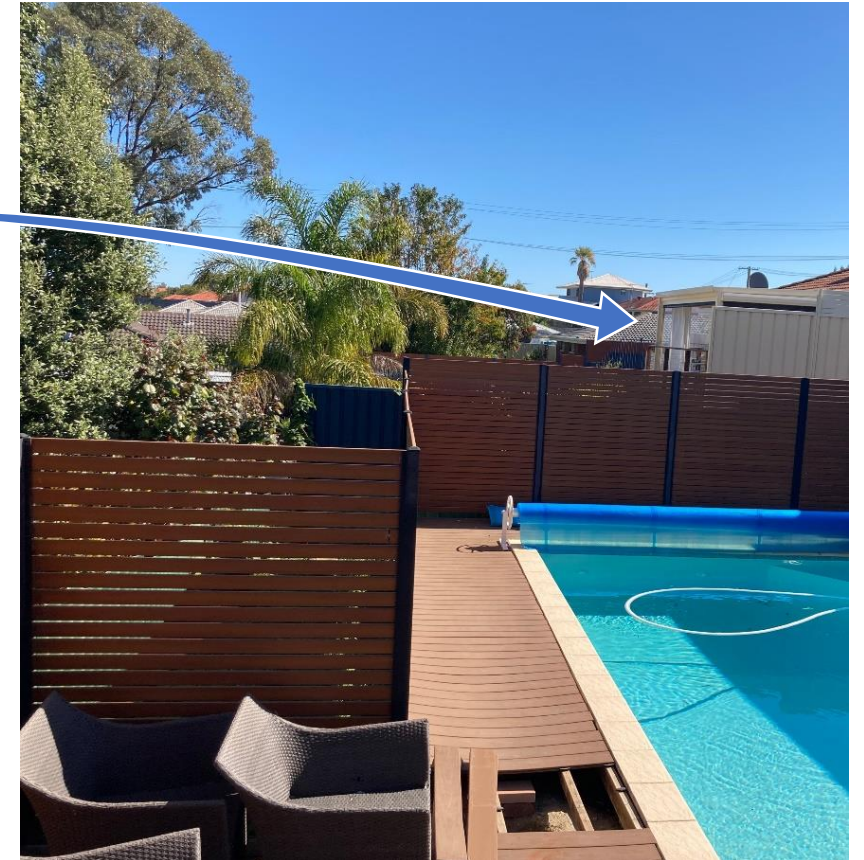




# Amenity Impact - Bedrooms & Outside Areas

---

- **Timing** – the opening time remains very early for a **zoned residential area**
- **Light** to the two bedrooms on the western side compromised – 1 to 2 metres away
- 3 or 4 members of the **family work or study from home**
- The facility will **impact the amenity of our outside decking area**. Sunlight / noise / privacy



# Traffic - Revised Transport Impact Statement (TIS)

---

- In addressing issues considered by the Revised Transport **Impact** Statement (TIS) it is important to state that the **methodology of the report is poorly conceptualised and resourced.**
- Broadly, the report **lacks rigorous data sets** (outside Main Roads WA) to support statements,
- **Heavily reliant on ‘similar’ / like comparisons and / or ‘discussions’** (e.g. with other centre managers), none of which refer to important aspects such demographics, location (roads), size, etc.
- **‘Similar’ is too vague to base such an important assessment on. Decision making of this degree cannot be made based on such poor reporting**

# Road Hierarchy – Amenity, Impact

- Stanford Road is classified as an **Access Road (AR)**. It is not a LDR, and does resemble one.
- It is located very close to three potential turning points (Alycon, Coorong, Mullaloo), including the most impactful and dangerous, Stanford Road onto Mullaloo drive.
- The TIS notes specific road hierarchy classifications of roads **but does not acknowledge that the CCC does meet policy**



# Parking on the verge WILL HAPPEN – note: ‘Similar’ / Keiki sites

TIS **fails to address casual off sight parking** and typical traffic behaviours. In considering the **impact** on amenity and safety it is naïve to think that parents will not park casually.






# Casual off sight parking and typical traffic behaviours - **No amount of signage / Visibility !!!!!**



A large orange circle is positioned on the left side of the slide, partially cut off by the edge.

## Access – Service vehicle - Amenity, Impact

- The TIS notes, **‘the onsite service activities will take place outside peak operating periods** to ensure the parking area is available for vehicle manoeuvring
  - **This further impacts the amenity of residents, subjected to additional traffic and noise imposts outside 7am to 6pm.**
- 
- A series of four yellow dashed line segments are arranged in a curved, upward-pointing arc in the bottom right corner of the slide.



## Impact on Surrounding Roads

- The TIS states the development will not increase traffic on any lanes on the surrounding road network by more than 100vph”.
- How will the extra vph be distributed?
- An **increased load ‘all’ turning onto Mullaloo drive will have ‘significant’ impact, as would extra vph making there way through the residential area to Bridgewater drive hence acting as a ‘rat run’ to Dampier or Marmion.**

# Site 'Specific Issues' and 'Safety Issues' ????

Amenity,  
Impact

- 'No site-specific issues have been identified for the proposed child care centre' ?????
- Despite that and as mentioned the report fails to assess and consider the **'impact'** in relation to some of the following:
  - **Turning across traffic flow on Mullaloo drive;**
  - **Speed of cars coming down Mullaloo drive;**
  - **Sun shining down Mullaloo drive in the am;**
  - **Trees in the middle of the Mullaloo drive impacting vision;**
  - **Pedestrians crossing Mullaloo drive to access the CCC;**
  - **Access to homes through casual parking;**
  - **Inappropriate use of spare land directly across from the CCC;**
  - **U turns on Alycon and Coorong at the end of Stanford.....amongst many other**

# Waste

# Amenity, Impact

- The bin store has been relocated to the western side of the development. – **this 20m variation on location has little, to no impact on amenity, including smells**
- It is proposed that servicing will be conducted outside of normal operating hours– **This extends the noise impost on the amenity of residents**
- Given the nature of the facility the Waste Management Plan provide **the 'Building Manager' is afforded significant autonomy to manage waste as they see fit**





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### Presenter Details

Name	Brent Patroni
Company (if applicable)	<a href="#">Click or tap here to enter text.</a>
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	20 STANFORD ROAD AND 104 MULLALOO DRIVE, KALLAROO – CHILD CARE PREMISES
Meeting Date	Friday 11 February 2022; 10:00am
DAP Application Number	DAP/21/02000
Property Location	Lot 642 (104) Mullaloo Drive, Kallaroo & Lot 643 (20 Stanford Road, Kallaroo
Agenda Item Number	MOJDAP/152

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Is the presentation in support of or against the <u>proposed development</u> ?	<b>SUPPORT</b> <input type="checkbox"/> <b>AGAINST</b> <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	<b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>If yes, please attach</b>



### **Presentation Content\***

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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Impact of traffic congestion caused by child care
--	--

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*Please attach detailed content of presentation or provide below:*

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Jacqueline Ferreira, Fay Gilbert, Andrew Jones, Carlo Famiano and Brent Patroni



## 20 STANFORD ROAD AND 104 MULLALOO DRIVE, KALLAROO – CHILD CARE PREMISES

My name is Brent Patroni, I am a resident of 19 Stanford Road, Kallaroo located directly opposite the proposed KeiKi Child Care Centre. For the record, I am against the proposed development. I would like to concentrate on the extra traffic the centre will create and the affect it will have on my household and the local neighbourhood.

One of the justifications for choosing this site for this development was “it is located along Mullaloo Drive which is a local distributor road”, however, 100% of vehicle traffic is directed to Stanford Road, a local access road. If local amenity and child safety was to be considered, shouldn't a one-way entry/exit from Mullaloo Drive be preferred?

In the revised traffic assessment, it states in section 12.0, No particular safety issues have been identified for the proposed childcare centre.

What will happen in the attached scenario? The proposed crossover on Stanford Road will be widened to the front of the first vehicle.



If the traffic light system was to be adopted for the carpark as suggested, cars will be waiting from both sides of Stanford Road to enter the car park. Local traffic pulling into Stanford Road will be forced to go around cars waiting for a bay, while cars leaving the centre will be pulling out directly into their path.

As a father who has had 3 children through childcare and one still attending, I deal with a full car park every day. The minimum allowance for car parks in a large childcare centre will not cater for peak hour times, even if there are 2 extra bays over the minimum requirement. This is not an issue if the centre is located in the right location, eg, a school zone, a local park or shopping centre.

With know where to cater for overflow parking, where will cares park? In resident's driveways? On the foot path? On the road? A centre this size really should be in an area that can cater for this issue, not in a solely residential area.

Childcare centres have open days for Mothers & Father's Day, Easter, Christmas, and rightfully so! Because not all children are full time, the centre may have hundreds of enrolments, where are these carers going to park?

The set back to my home allows me to have a great space to play with my children on the front lawn, I will no longer feel safe doing so if this development goes ahead.



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### Presenter Details

Name	Sam Morrell
Company (if applicable)	Keiki Early Learning
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	11 <sup>th</sup> February 2022
DAP Application Number	DAP/21/02000
Property Location	Lot 643 (20) Stanford Road & Lot 642 (104) Mullaloo Drive, Kallaroo
Agenda Item Number	10.1

### Presentation Details

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Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input type="checkbox"/> <b>AGAINST</b> <input checked="" type="checkbox"/>
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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Request the application be approved and explain the community benefit
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

*Please attach detailed content of presentation or provide below:*

Refer to attached submission and powerpoint slides.

8 February 2022

Development Assessment Panels  
140 William Street  
Perth WA 6000

**PROPOSED CHILD CARE PREMISES (KEIKI EARLY LEARNING)**

**PRESENTATION REQUEST– AGENDA ITEM 10.1 – MOJDAP/152**

**LOT 642 (104) MULLALOO DRIVE & LOT 643 (20) STANFORD ROAD, KALLAROO**

Dear Presiding Member and Metro Outer JDAP members,

Keiki Early Learning is the proponent of the planning application which will be considered at the upcoming MOJDAP/152, which is currently before the State Administrative Tribunal.

This letter supports a presentation request for the upcoming DAP meeting, in which I will deliver a joint PowerPoint presentation with Apex Planning and SPH Architecture.

I intend to explain our vision for this project and what we intend to achieve with the Kallaroo centre.

We hope the Panel recognises the clear community benefit we hope to create with this project and decides to grant approval.

**Who is Keiki?**

Keiki Early Learning is a small group of high quality, family owned and operated childcare centres that has been in operation since 2003. We are not a national brand or a significant enterprise like some others.

We are localised to Perth's northern coastal suburbs, with services located from Hamersley to Yanchep. As the owner of Keiki, I live in the northern suburbs near the centres and remain heavily involved in the day to day running of each individual location, something I am passionate about.

We employ over 160 experienced staff local to the areas in which we operate, and currently partner with around 960 satisfied families with children in our care.

Our Head Office team located in Edgewater provides support to each service in specialised areas such as Quality Management & Auditing, Operations Management, Human Resources, Marketing, Finance and Administration.

**Building communities**

We are passionate about building strong links with the communities in which we operate. Examples include:

- Long term sponsorships of children's sport clubs such as Quinns Football Club, ECU Joondalup Soccer Club, Westside BMX, and Quinns Mindarie Surf Lifesaving Club.
- Support and fundraising for local, national and international charities important to our families
- Fundraising and community drop off collection points for various recycling programs such as Terracycle and Containers for Change
- Regular free informational sessions open to families and the local community such as Toilet Training, Nutrition, Protective Behaviours and Sleep/Settling
- Regular free supported playgroups within communities where there is a need for greater community connections within young families
- Relationships with support services who visit some of our locations regularly, such as Therapy Focus and Ability WA, or those located onsite such as the Hamersley Child Health Centre, to better support the children in our care.
- Members of community groups and networks such as The Fathering Project, Wanneroo and Surrounds Early Years network and City of Joondalup Business Association, to help inform our families of community services, information and events in their area.
- Partnerships with local education services such as North Metro TAFE, ECU, local high schools and other training providers to support and develop the next generation of trainee educators and teachers.
- Strong relationships with local primary schools to help support pre-kindy children in their successful transition into formal schooling and connect families with schools.

Our core aim when establishing a new service like this one in Kallaroo is to build a strong sense of belonging for all families and children. We seek to build communities, because we know this benefits the children in our care.

An important part of building strong community links is ensuring our centres are operated in a responsible and sensitive manner. Keiki has purchased this land and strongly values good relationships with our neighbours. In this regard, we have formulated an Operational and Noise Management Plan specific to this centre (refer to Attachment 7 of the RAR) which explains how we will ensure the day-to-day running does not negatively impact our neighbours.

### **Why Keiki Kallaroo**

We have chosen this site for our service due to the high demand experienced in our nearest location in Edgewater, first opened in January 2020. We have searched for a suitable location west of Marmion Avenue for some time.

Despite the setbacks of COVID, we have a long waitlist with many families opting to wait for several months to access the high level of education and care that we are known for. This is testament to the strong reputation and word-of-mouth recommendations for our organisation.

We also know there is a demand for high quality childcare within Kallaroo, as most existing centres in the area have limited places currently available. In areas with a higher socio-economic demographic, the demand for high quality care has become more prominent with the removal of the government's Child Care Subsidy cap in late 2021. This allows more mid to high income families to be able to access additional hours of care without large out of pocket expenses. Additional subsidies for families with multiple young children will be introduced from 7<sup>th</sup> March 2022, which further increases the demand for childcare from working families.

We hope that by opening a service in Kallaroo, we can support more parents in the local area to be able to return to work, confident that their child or children are receiving the best care and early education possible.

### **The Vision for Keiki Kallaroo**

Our vision is for Keiki Kallaroo to become a support hub for young families, a home away from home for children and an active participant in the Kallaroo community.

The service will provide employment for approximately 15 staff, who will be provided the additional benefits, wellbeing support, paid training and long-term professional development opportunities provided by Keiki Early Learning.

This will also include 1-2 trainee educator positions, fully supported by experienced educators and our dedicated HR team. Along with more than 18 years of experience, we have an ethos of continual improvement to ensure we are always delivering the very best practice in early education and care.

The Reggio-Emilia inspired service at Keiki Kallaroo will provide endless opportunities for child-led, open ended learning through play supported by passionate, qualified educators.

Children's surroundings will be carefully considered and selected, from ensuring mature trees and veggie gardens are included in outdoor spaces, to embedding aboriginal perspectives, and selecting a range of unique pre-loved and upcycled furniture to create a warm and home-like aesthetic.

Every child will have direct free-flow access to safe and beautiful natural outdoor spaces and sustainability will be a key focus within environments, learning experiences, play and daily practice.

Keiki Kallaroo will create employment and training opportunities in the Kallaroo area, support services for families and high-quality natural environments for children to play, learn and grow.

We hope to become a strong part of the Kallaroo community for many years to come.

I look forward to presenting to the Panel on the 11<sup>th</sup> February.

Yours faithfully,

Samantha Morrell

Owner, Keiki Early Learning





## Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

**Must be submitted at least 72 hours (3 ordinary days) before the meeting**

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Please complete a separate form for each presenter and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)

### Presenter Details

Name	Craig Wallace
Company (if applicable)	Lavan
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	11 February 2022
DAP Application Number	DAP/21/02000
Property Location	20 Stanford Road and 104 Mullaloo Drive, Kallaroo
Agenda Item Number	10.1

### Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input type="checkbox"/> <b>AGAINST</b> <input checked="" type="checkbox"/>
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Will the presentation require power-point facilities?	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> <b>If yes, please attach</b>



### **Presentation Content\***

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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Legal Submission regarding the weight to be applied to the draft local planning policy outlined in the RAR
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

*Please attach detailed content of presentation or provide below:*

Please see the **attached** letter



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lavan.com.au

Our ref: IAM:CHW:1170632  
Your ref: MOJDAP/152

Contact: Isabella Mosole  
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Partner: Craig Wallace  
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120

Representing  
Western Australians  
for more than 120 years

8 February 2022

The Presiding Member  
Metro Outer JDAP  
140 William Street  
PERTH WA 6000  
**By Email: [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)**

cc: Alessandro Stagno, Apex Planning  
**By Email: [Alessandro@apexplanning.com.au](mailto:Alessandro@apexplanning.com.au)**

Dear Presiding Member

**MOJDAP/152 – proposed early learning centre  
Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo**

**Background**

- 1 Lavan act for Kallaroo Play & Learn Pty Ltd (**Applicant**) and I refer to the meeting of the Metro Outer Joint Development Assessment Panel (**Metro Outer JDAP**) on Friday, 11 February at 10.00am.
- 2 I provide this legal submission to the Metro Outer JDAP on behalf of my client in support of agenda item 10.1 – DAP/21/02000: application for development approval of an early learning centre at Lot 642(104) Mullaloo Drive and Lot 643 (20) Stanford Road, Kallaroo (**Application**).
- 3 The decision of the Metro Outer JDAP to refuse the Application on 6 October 2021 is currently the subject of an appeal to the State Administrative Tribunal (**Tribunal**).

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Construction & Infrastructure	Family Law	Media & Defamation	Wills & Estates	
Corporate, Commercial & Tax	Insolvency & Reconstruction	Mining & Resources		

Lavan respectfully acknowledges the traditional owners of the land on which we live and work.

3448-2269-9544\_1170632, v.1

Following mediation on 17 November 2021, the Tribunal invited the Metro Outer JDAP to reconsider its decision to refuse the Application.

- 4 The Applicant has proposed amendments to the Application and further information in response to the comments of the Metro Outer JDAP.
- 5 The Responsible Authority Report prepared for the Metro Outer JDAP considers that the Application does not satisfy the matters to be considered under clause 67(b), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)* as giving consideration to the draft amendments to the City of Joondalup (**City**) Child Care Premises Local Planning Policy (**draft CCPLPP**).
- 6 The Applicant accepts the notion that the draft CCPLPP is required to be given due regard in the assessment of this Application as it is considered to be a 'seriously entertained planning proposal'.
- 7 It follows that, if due regard is required to be had, there is still a requirement for a decision maker to consider the weight to be afforded the draft CCPLPP.
- 8 The question the subject of this submission is: *what weight (if any) should be given to the draft CCPLPP in the exercise of planning discretion in the context of this Application?*
- 9 It is the Applicant's view that the answer to the question posed at paragraph 8 above is '*minimal*' for the reasons that follow.

### Significance of local planning policies

- 10 It is well established that the concept of 'due regard' in the context of State and local planning policies means that such policies are not binding and may be departed from where there are cogent reasons for doing so.
- 11 For example, in *Mitchell and City of Subiaco* [2008] WASAT 230; (2008) 59 SR (WA) 198 the Tribunal stated at [34]:  
  
*"... an adopted policy is expected to guide the exercise of discretion not replace discretion. Policy is not to be inflexibly applied. The relevant consideration is why the policy should not be applied: Clive Elliott Jennings and Co Pty Ltd v Western Australian Planning Commission (2002) 122 LGERA 433 at [24]."*
- 12 The requirement to have due regard has been interpreted by the Supreme Court in *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 at [115 – 116] to mean a requirement to give:
  - 12.1 active and positive consideration; or
  - 12.2 proper, genuine or realistic consideration to the policy in question.
- 13 That concept was expanded upon in *Bestry Property Group Pty Ltd and Western Australian Planning Commission* [2019] WASAT 15. At [99] the Tribunal stated:

*“In the exercise of planning discretion, the Tribunal is guided by the planning principles that find expression in the policies forming the planning framework, but will depart from the application of those planning principles where there is a cogent reason to do so in the circumstances of the case.”*

### **Weight to be given**

- 14 If due regard is required to be had, there is still a requirement for a decision maker to consider the weight to be afforded to the draft CCPLPP.
- 15 The decision of the Tribunal in *Nicholls and Western Australian Planning Commission* [2005] WASAT 40 (*Nicholls*) provides the rubric for that consideration in four stages:
  - 15.1 The first stage is no longer relevant given the concept of a ‘seriously entertained planning proposal’ has been overtaken in Western Australia by the requirement to have regard to advertised amendments in clause 67(b) or for there to be ‘serious consideration’ given to adopting an approval. The Applicant accepts the notion that the draft CCPLPP is a ‘seriously entertained planning proposal’.
  - 15.2 The second stage is a consideration as to how the planning objective proposed in the draft CCPLPP would be affected or impaired by the approval of this Application. Clearly, in this case, the approval of this Application is inconsistent with the planning objectives of draft CCPLPP in that it would allow development which would not be capable of approval.
  - 15.3 The third stage is that the decision maker must consider the weight to be afforded to the consistency or otherwise between the application and the draft, and in that regard, there are four criteria that must be considered, (discussed below).
  - 15.4 The fourth and final stage is that the decision maker must weigh its conclusions in relation to the foregoing matters in the balance along with all other relevant considerations relating to the application, and determine whether, in light of all relevant considerations, it is appropriate in the exercise of planning discretion to grant approval to the application and, if so, subject to what conditions.
- 16 In many ways, this is a common law assessment of the role of a decision maker under clause 67, which outlines a large number of matters to which due regard is to be had in determining an application.
- 17 However, the key consideration in this matter is the weight to be given to the draft CCPLPP, which requires consideration of the four step test set out by the Tribunal in *Nicholls*:
  - 17.1 the degree to which the draft addresses the specific application;
  - 17.2 the degree to which the draft is based on sound town planning principles;



- 17.3 the degree to which its ultimate approval could be regarded as 'certain';  
and
- 17.4 the degree to which its ultimate approval could be regarded as 'imminent'.
- 18 In relation to criterion 1, there is no dispute that the draft CCPLPP addresses the approach.
- 19 In relation to criterion 2, whether the draft is based upon sound town planning principles, the Applicant notes some concerns, as in many ways the draft CCPLPP could be seen as a reaction to the Application and concerns raised by landowners in the locality, rather than a considered response to future planning of the area. This submission will be addressed in more detail below.
- 20 In respect of Criteria 3 and 4, the degree to which the ultimate approval could be regarded as certain and final, in the Applicant's view, neither of these criteria are made out for the following reasons.

*Is it certain or imminent?*

- 20.1 The matter of the Draft CCPLPP is listed as an item for consideration at the Ordinary Meeting of Council on 15 February 2022. The agenda for the Briefing Session in anticipation of that meeting foreshadows the City's recommendation that Council proceeds with draft CCPLPP with modifications.
- 20.2 The modifications include additional provisions regarding buildings being of residential appearance, the location of services, further amendments to provide clarity on car parking being in accordance with Australian Standards and the criteria applicable to the access location. It follows that the draft CCPLPP in its current form is not certain. Significant work is still required to the draft CCPLPP before it can be finalised.
- 20.3 The City's recommendation to Council only reflects an imminent outcome if the process goes to plan and no re-advertising of the draft CCPLPP is required to have regard to modifications that are sought by the City after advertising.

**Weight to be given to reactive policies**

- 21 As addressed above, the Applicant has concerns that the draft CCPLPP arises as a consequence of this approach and similar applications. On this basis no weight should be given to the draft CCPLPP because it is reactionary and does not reflect sound planning process.
- 22 The timing of the progressed CCPLPP is relevant as it was amended shortly after the Applicant lodged its Application for development approval to deal with issues pertaining to the proposal.

- 23 Relevantly, the chronology of events is:
- 23.1 The City received a petition at its meeting on 20 April 2021 in relation to amending the CCPLPP to ensure that childcare operations are not located adjoining or opposite residential properties.
  - 23.2 The Application was lodged on 5 May 2021.
  - 23.3 At its meeting held on 17 August 2021, Council requested a report be prepared detailing possible amendments to the CCPLPP to prevent child care premises from being built in residential areas.
  - 23.4 The JDAP refused the Application at its meeting held on 8 September 2021.
  - 23.5 On 6 October 2021 an application was lodged with the Tribunal to review the JDAP decision to refuse the Application. This matter was the subject of a mediation held on 17 November 2021.
  - 23.6 At its meeting held on 16 November 2021, Council agreed to advertise draft CCPLPP.
  - 23.7 Draft CCPLPP was advertised for public comment for 21 days closing on 16 December 2021.
- 24 In the Applicant's submission, it is no coincidence that these motions were put and passed to respond to this Application and similar ones like it. The City's proposed amendments to the Policy go beyond the ambit of the petition to include restrictions on child placements and restrictions on locations relevant to cul-de-sacs.
- 25 In the decision of *Ridgecity Holdings Pty Ltd and City of Albany* [2006] WASAT 187, followed in *Vespoli and City of Stirling* [2013] WASAT 161 the Tribunal made the following observations regarding responsive policies:
- "[33] This is particularly the case given the poor juxtaposition of codings which we have referred to earlier. The failure to include a height development standard in the Scheme for 23 years is not explained or excused by the fact that the subject application appears to have been the first to propose this form of development. A strategic planning authority is necessarily required to prescribe reasonable controls and guidelines in anticipation of development, not in response to it."*
- "[35] The Tribunal is required by cl 7.8A(f) of the Scheme to have "due regard" to any policy adopted under cl 7.21. However, in having regard to a policy, the Tribunal would generally give little weight to a policy which is in substance responsive to a particular pending development application. Self-evidently, a development application to which a policy is responsive was formulated in the context of a planning regime which did not include the policy. The fact that the development application is capable of amendment, or is subsequently amended, is not in point. (emphasis added)."*

26 On that reasoning, the draft CCPLPP should be given no weight or minimal weight.

**Summary of advice**

- 27 Although the draft CCPLPP is to be given due regard in the assessment of this Application it is not binding on the decision of the Metro Outer JDAP.
- 28 An assessment of the weight to be given to the draft CCPLPP cannot be undertaken in isolation. It must be informed by active and positive consideration or proper, genuine or realistic consideration in the context of the Application.
- 29 There are cogent reasons for the Metro Outer JDAP to departed from the draft CCPLPP as it does not reflect sound planning process and is not certain or imminent as significant work is still required to the draft CCPLPP before it can be finalised.
- 30 The draft CCPLPP is reactionary in nature and its substance responds to a pending development application and others like it. Accordingly no weight or minimal weight should be given to draft CCPLPP in the exercise of planning discretion in the this Application.

Yours sincerely



Craig Wallace  
Partner

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Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

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### Presenter Details

Name	Orielle Pearce
Company (if applicable)	SPH Architecture
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	11 <sup>th</sup> February 2022
DAP Application Number	DAP/21/02000
Property Location	Lot 643 (20) Stanford Road & Lot 642 (104) Mullaloo Drive, Kallaroo
Agenda Item Number	10.1

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Refer to attached submission and powerpoint slides.





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### Presenter Details

Name	Alessandro Stagno
Company (if applicable)	Apex Planning
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

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Refer to attached submission and powerpoint slides.

# Submission to DAP

<b>From:</b>	Alessandro Stagno	<b>Date:</b>	8 February 2022
<b>Subject:</b>	Agenda item 10.1 – MOJDAP/152 – proposed early learning centre Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo		

Apex Planning is the applicant of the proposed early learning centre. This development is currently subject of a SAT appeal and the MOJDAP has been invited to reconsider its original decision via the mediation process.

A joint presentation will be made in **support** of the amended proposal, to be delivered by:

- Sam Morrell – Keiki Early Learning (owner/operator)
- Craig Wallace – Lavan (legal expert)
- Orielle Pearce – SPH Architects (project architectural design expert)
- Alessandro Stagno – Apex Planning (statutory planning consultant)

This written submission relates to the town planning and architectural components of the presentation. Separate submissions have been prepared by Sam Morrell and Craig Wallace.

In short, we disagree with the officer recommendation and submit that the officer report presents an unbalanced assessment of the planning merit, based on the following issues:

- i. Access to Stanford Road and associated “amenity impacts” (reason 1 and 5)
- ii. Joondalup Design Review Panel (**JDRP**) comments (reason 4)
- iii. Residential amenity / compatibility with adjoining properties (reason 2 and 3)

The applicant commends the amended proposal to the MOJDAP and invites a careful consideration of the amended application provided at Attachment 5 of the RAR.

The essence of the applicant’s submission is that the early learning centre has been reduced in size/scale, the design approach was largely commended by the JDRP, and additional information has been presented which further demonstrates the operations of the centre will not create unacceptable impacts to the neighbouring properties.

It follows that this development is appropriate for the site and **warrants approval**. The centre will deliver 75 early learning places to local residents and will generate positive community outcomes in a number of ways.

The following submission sets out our response to the refusal reasons.

## 1 ACCESS TO STANFORD ROAD (REASONS 1 AND 5)

The development site is located at the corner of Mullaloo Drive and Stanford Road. The centre will be highly accessible to the community and located along the daily route of parents using Mullaloo Drive (a Local Distributor Road) to access Marmion Avenue.

The provision of access to Stanford Road enables a **superior** and **highly desirable** design outcome, in which the streetscape response is comprised of attractive buildings and engaging outdoor play areas rather than a car park. The successful screening of car parking is usually encouraged and celebrated, although in this instance, the officer assessment prefers the opposite despite a functional car park with a surplus of bays.

The traffic assessment provided at Attachment 8 of the RAR confirms the vast majority of traffic using this centre will originate from Mullaloo Drive, using the northern 30 metres of Stanford Road. The likelihood of amenity impact is demonstrably minimal given the increased use of Stanford Road is concentrated to a very small portion closest to Mullaloo Drive.

The remaining traffic using the southern part of Stanford Road equates to only 11 trips in the AM peak and 9 trips in the PM peak. It is evident that this level of traffic generation is minimal and will not detrimentally affect the character or function of Stanford Road, or the residential amenity of the locality (the road still operates well within the limits of a residential road).

A diagram illustrating the Stanford Road traffic movements based on the traffic assessment is provided at **Appendix 1** of this note. The findings of the traffic assessment are accepted by the City's officers. These factors demonstrate a departure from the policy standard is warranted, supported by cogent planning reasons.

## **2 JOONDALUP DESIGN REVIEW PANEL ADVICE (REASON 4)**

Refusal reason 4 is problematic and appears to be based on unsubstantiated reasoning. It is evident from a review of the JDRP minutes (refer to Attachment 12 of the RAR) that the JDRP was largely **supportive** and **complimentary** of the design.

The original wording of refusal reason 4 referred to the *“height, bulk, scale, orientation, and appearance”* of the development. These core design elements were **supported** by the JDRP, as is evident from the content of the minutes. Hence, the original refusal reason is resolved.

In relation to the new wording of refusal reason 4, the issues of Mullaloo Drive setback, legibility and fencing are satisfactorily addressed, explained as follows:

### **Recommendation 1:**

**The Panel commends the design response to the local character, but recommends that further consideration be given to the front setback of the easternmost pavilion through an analysis of the local streetscape setbacks.**

The eastern pavilion proposes a slightly reduced Mullaloo Drive setback of 3m (building) and 1.5m (verandah). The minor variation warrants discretion, noting the high quality architectural design and successful reduction of bulk and scale through built form treatment, stepping of buildings, permeable fencing and vegetated playscape within the front setback area.

The diagram in **Appendix 2** confirms there are eight properties along Mullaloo Drive in the immediate vicinity of the development site which either have reduced front setbacks or structures within the setback area at an extent similar to what is proposed. It is evident that the local streetscape is varied, and not a set of buildings contiguously set back by 6m.

### **Recommendation 2:**

**The Panel recommends that further consideration be given to the boundary fencing to increase its landscape qualities and visual permeability.**

The extent of permeable fencing along Mullaloo Drive has been increased, in direct response to the JDRP comments (refer to **Appendix 3** for the relevant 3D images).

Page 27 of the RAR inaccurately asserts the surrounding area is *“typified by open streetscapes”* (implying there is little to no street boundary fencing). **Appendix 4** shows at least six examples of the opposite within 100m of the development site.

Page 27 also states no additional permeable street fencing was provided to Stanford Road. This comment does not recognise that the entire Stanford Road street boundary fence is permeable, as are the vehicle entry gate and the pedestrian entry gate. The playscape balustrade facing Stanford Road is set back by at least 1.5m and is not a street fence.

#### **Recommendation 6:**

**The Panel recommends reconsideration of the pedestrian entry with a clearly legible built form response that indicates the primary pedestrian entrance from the streetscape.**

In response, a small gatehouse of 1.9m x 1.9m was provided at the Stanford Road pedestrian entry (shown to the right). The gatehouse is a “*clearly legible built form response that indicates the primary pedestrian entrance from the streetscape*”.



The gatehouse is a minimalistic and simple structure. With no walls or strong built form elements, it is not expected that this very simple addition would create an adverse streetscape outcome as is purported in the RAR. If the JDAP disagrees, the structure can easily be removed.

### **3 RESIDENTIAL AMENITY / COMPATIBILITY (REASONS 2 AND 3)**

The early learning centre is responsive to the characteristics of the development site, and will not create unacceptable impacts to residential amenity. The development is entirely compatible with its surroundings, having regard for the following design elements:

- The built form response and building aesthetic was commended by the JDRP for successfully reducing bulk and scale, being responsive to the coastal setting and reinforcing a ‘sense of place’ for the community.
- The design/layout has taken advantage of the site’s corner location, which creates opportunities to reduce impacts to the neighbouring properties. The majority of the outdoor playscape is within the Mullaloo Drive and Stanford Road street setback areas (minimising interface with neighbouring residences). The younger/quieter age groups will play within a smaller playscape in the acoustically attenuated eastern setback area.
- **Compliant** building heights and lot boundary setbacks to the eastern and southern boundaries. The southern setback goes far beyond the minimum 2.8m requirement, ranging from 2.8m to 4.4m with stepped articulation to reduce perceived bulk. The southern and eastern interface also provide a significant landscape buffer which ensures a sensitive response to the neighbours. The JDRP also commended the centre’s sensitive design approach to the adjoining properties. Refer to **Appendix 5** for an illustration of the eastern and southern built form interface.
- Overshadowing within an acceptable range, which meets the design principles. A significant proportion of the shadow falls over the neighbour’s front setback and pool.
- The car park is purposely designed to minimise external impact. The car park is screened from view, protecting visual amenity. The bin storage area within the car park is fully enclosed and detached from neighbouring properties. The AC units are within a service compound which is enclosed on three sides by a solid blockwork wall.
- The playscapes and car park are framed with acoustically treated fencing, which ensures compliant and acceptable noise levels at adjoining properties.

An Operation and Noise Management Plan (**ONMP**) outlines the centre’s management practices to minimise external impacts and ensure compliance with the acoustic assessment (Attachment 7 of the RAR). This includes opening/closing arrangements, how staff and visitors attend the site, playscape management, car park management, waste management. Both the acoustic assessment and ONMP were reviewed by the City’s health officer with no objections.



#### 4 CONCLUSION

In summary, the applicant submits that the proposed early learning centre is entirely appropriate for **approval**.

It is evident that this development is purpose designed to integrate within a suburban setting, is compatible with the surrounding land, and will be operated in a way which minimises the risk of external impact to the neighbours.

This is a reasonable planning proposal with **significant merit** for approval and warrants the exercise of discretion. Accordingly, we respectfully request the MOJDAP resolves to **approve** the development, subject to suitable conditions.

I look forward to presenting in support of this proposal with the project team, including Keiki Early Learning, on Friday 11<sup>th</sup> February. We would be pleased to respond to any questions from the Panel.

A handwritten signature in blue ink, appearing to read 'a s' followed by a stylized flourish.

**ALESSANDRO STAGNO**  
**APEX PLANNING**

## **APPENDIX 1**

### **TRAFFIC FLOW DIAGRAM**

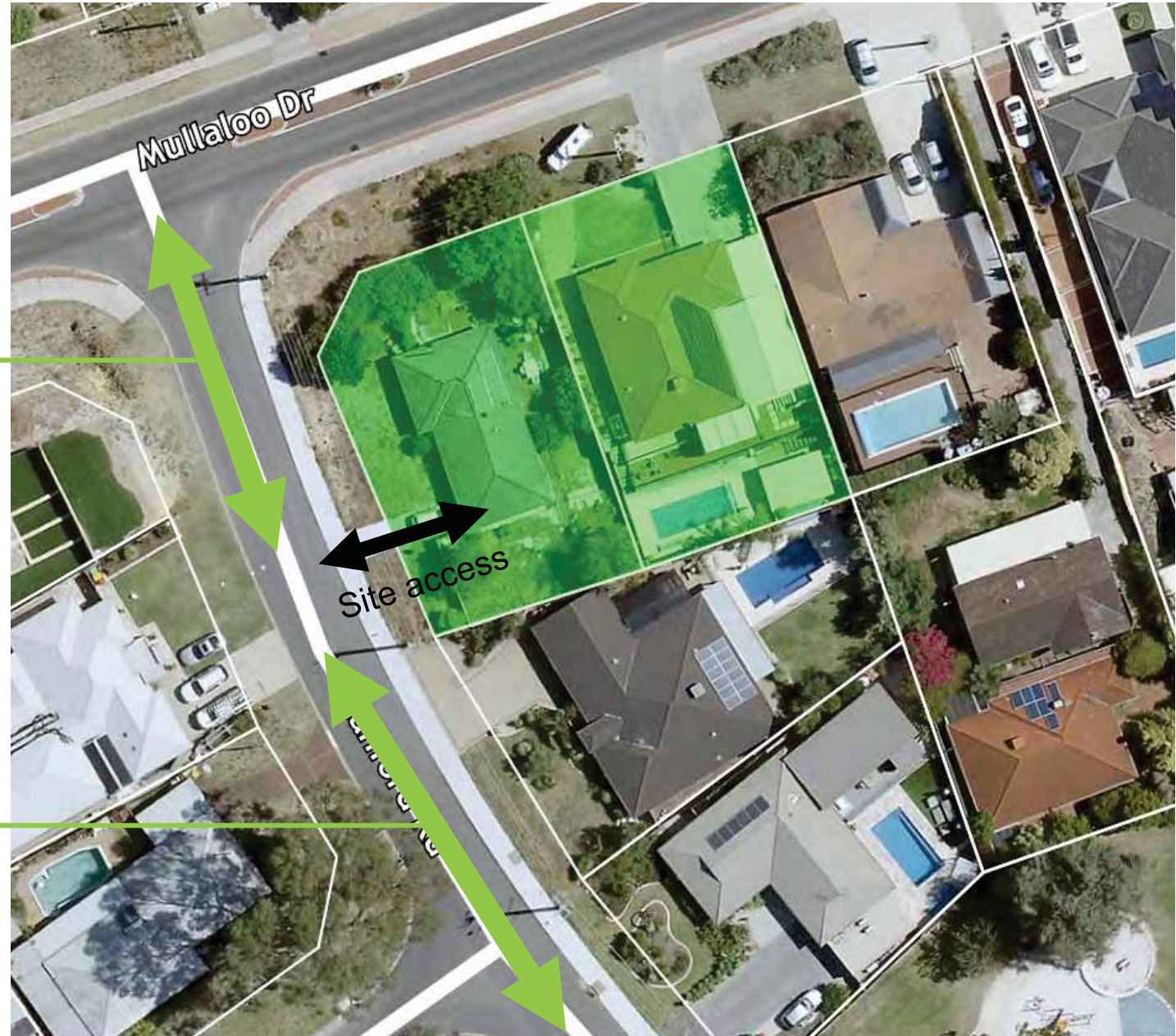
# Stanford Road Access

## 80% of vehicles

- AM peak up to 46 movements
- PM peak up to 28 movements
- Total 210 per day

## 20% of vehicles

- AM peak up to 11 movements
- PM peak up to 9 movements
- Total 53 per day





## STREET SETBACK DIAGRAMS

[illegible]

Diagram 2: established setback pattern

An aerial photograph of a residential street, likely in a suburban area. The street is labeled 'Mellin Ave' in two locations. A red outline highlights a specific property on the right side of the street. Various setback measurements are indicated by red boxes with white text, showing the distance from the property lines to the street. The measurements are: 0.9m, 2.0m, 2.3m, 2.0m, 2.9m, 4.0m, 3.5m, and 3.5m. The properties are mostly single-story houses with swimming pools and driveways.

Diagram 3: streetscape response



## APPENDIX 3

### STREET EDGE (FENCING) RESPONSE

Mullaloo Drive street edge response



Stanford Road street edge response





## APPENDIX 4

### LOCAL FENCING/STREETSCAPE EXAMPLES





83 Mullaloo Drive, 60m west of site



99 Mullaloo Drive, 50m east of site



94 Mullaloo Drive, 100m west of site



## APPENDIX 5

### INTERFACE WITH ADJOINING PROPERTIES





**KEIKI**  
EARLY LEARNING

## **Keiki Early Learning**

**Lot 642 (104) Mullaloo Drive  
& Lot 643 (20) Stanford  
Road,**

**Kallaroo**



**KEIKI**  
EARLY LEARNING

**Who is Keiki?**



# Who is Keiki?

A small group of high quality, family owned and operated childcare services in Perth's Northern suburbs.





# Who is Keiki?





# Our Team

Experienced, passionate, long standing qualified educators supported by a dedicated senior management team.





**KEIKI**  
EARLY LEARNING

**Building a  
Community**



# Building a Community





# Building a Community

Community partnerships help provide better outcomes for children





# Building a Community

KEIKI SEE OPPORTUNITY TO CREATE BEAUTIFUL SPACES FOR THE COMMUNITY



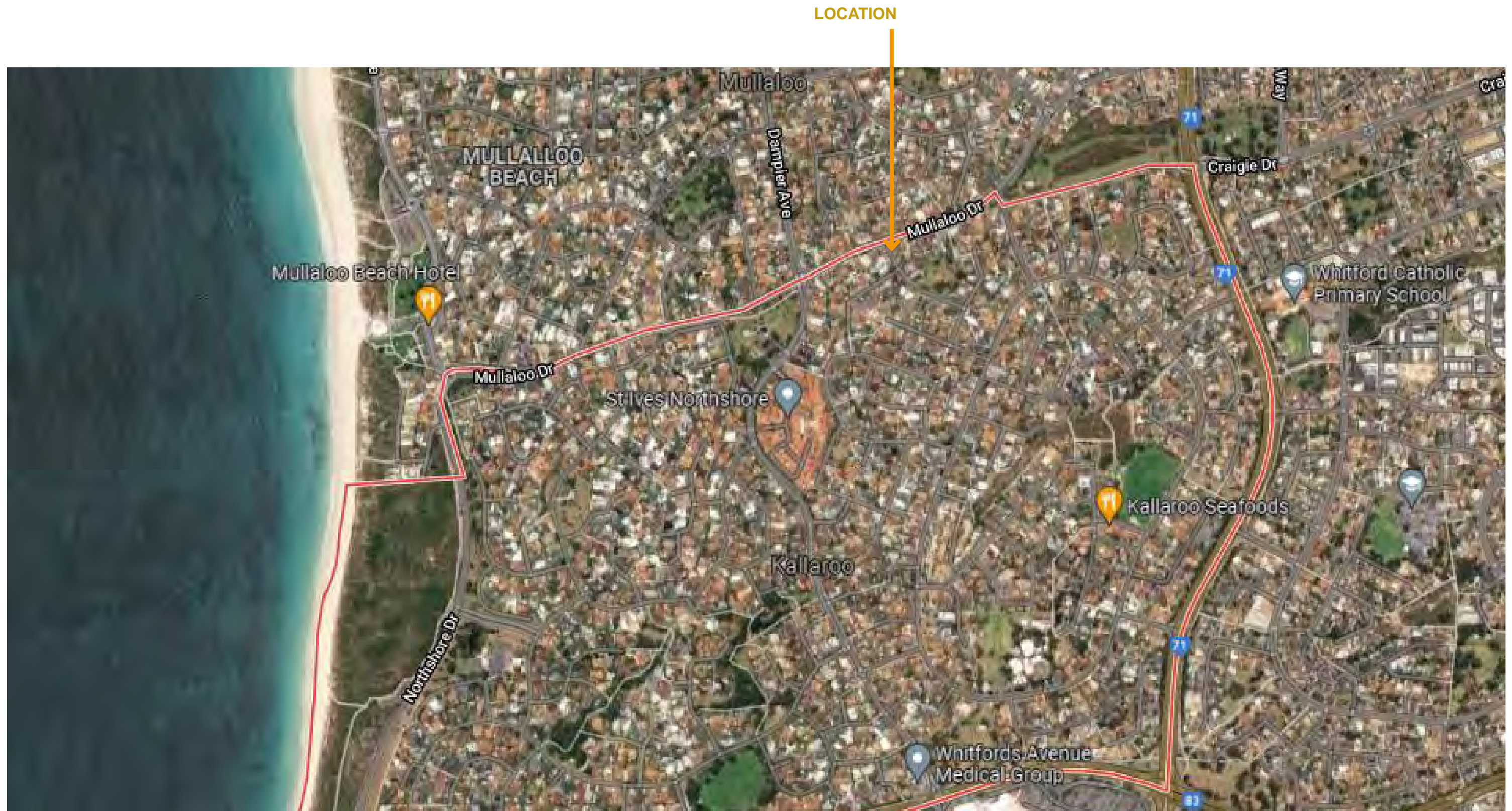




**KEIKI**  
EARLY LEARNING

**Why Keiki Kallaroo?**

# Why Keiki Kallaroo?







**KEIKI**  
EARLY LEARNING

## Vision for Keiki Kallaroo





KEIKI KALLAROO EARLY LEARNING CENTRE  
Schematic 3d Images





**KEIKI**  
EARLY LEARNING

## Apex Planning Response



# Location

- “preferable” to locate adjacent to non-residential (not essential)
- Located on a Local Distributor Road (achieved)
- Capable of co-location with residential properties, subject to residential amenity
- Discretion is clearly available

## Child Care Premises Local Planning Policy

### 5.1. Location:

The appropriate location of child care premises is crucial in avoiding adverse impacts on surrounding properties, particularly in terms of additional traffic, car parking and noise.

#### 5.1.1. Neighbouring Uses:

- a. To minimise potential adverse impacts such premises may have on the amenity of residential properties, particularly as a result of noise and/or increased traffic, it is preferable to locate child care premises adjacent to non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks and community purpose buildings.
- b. Where a child care premises is proposed to be located next to a residential property, the applicant must demonstrate that the proposal will not have an undue impact on residential amenity.

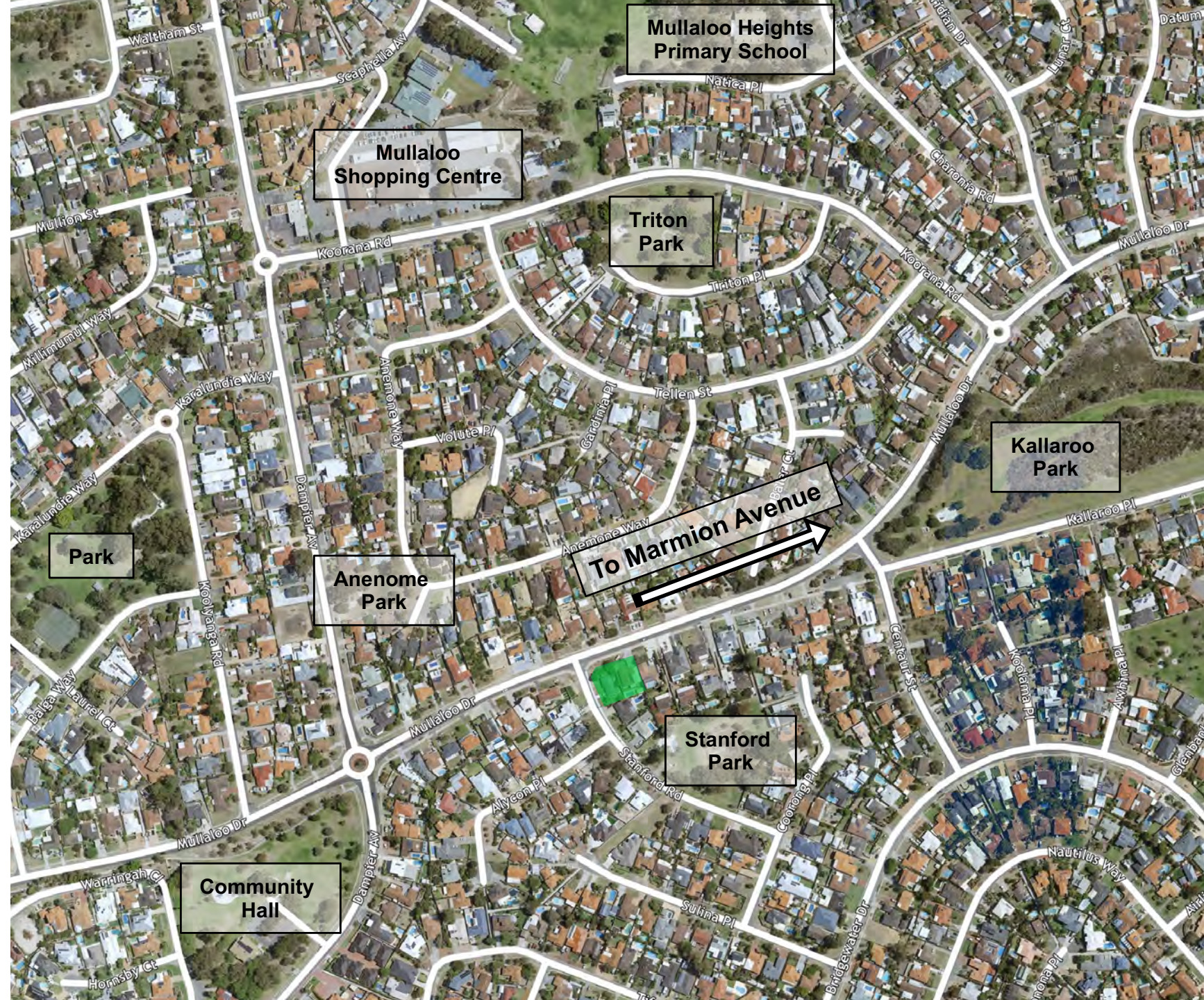
#### 5.1.2. Road Hierarchy:

- a. As child care premises can be reasonably high traffic-generators, they should be located on Local Distributor Roads in such a manner that they would not conflict with traffic control devices and would not encourage the use of nearby Access Roads for turning movements.



# Location

- Corner location with two road frontages (reduced impact)
- Mullaloo Drive = daily route for parents and residents
- Highly accessible and linked to Marmion Avenue
- Not located on a cul-de-sac or embedded deep in a local road network





# Amended proposal

## Upper (ground) level

- 75 kids, 15 staff (**reduced**)
- Two single storey pavilions, reducing bulk
- Retention of trees and substantial landscape integration onsite and within the verge (**modified**)
- Substantial landscape framing the site's sensitive boundaries planting (**modified**)
- Significant verge planting (**modified**)
- Stepped/articulated setbacks to all boundaries (**modified**)
- Older play groups within street setbacks to reduce impact

### Joondalup Design Review Panel:

*"The pavilion typology has successfully reduced the bulk and scale of the built form"*

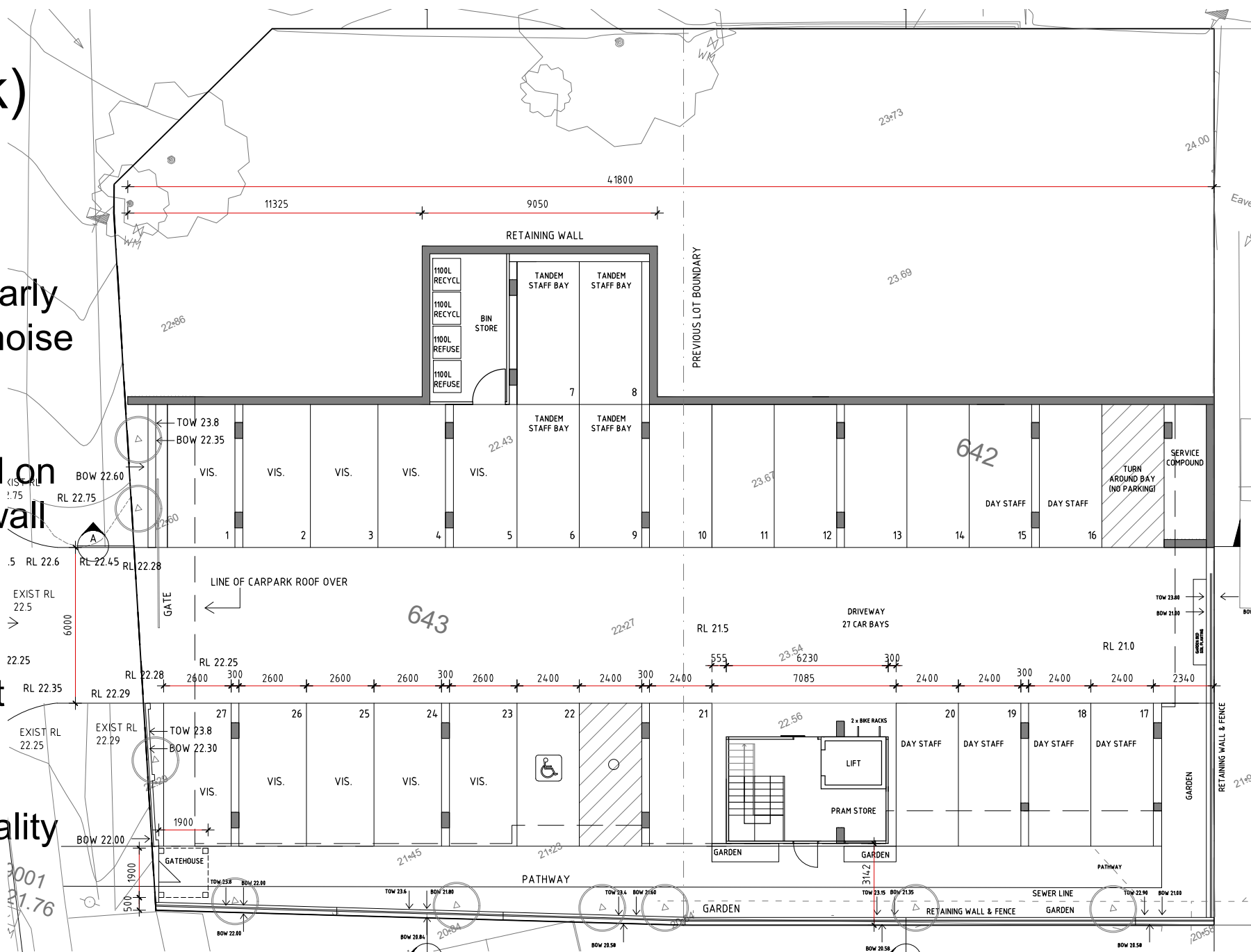
*"The layout of the site functions locates the noisiest areas away from the adjoining residences"*





## Lower level (car park)

- 27 bays (2 bay surplus) with controlled use prior to 7am
- Enclosed tandem bays for early arrival of staff with minimal noise (modified)
- Service compound enclosed on three sides with blockwork wall (modified)
- Bin store tucked away and enclosed to minimise impact (modified)
- Turnaround bay for functionality and ease of car park use (modified)



Architectural rendering of the proposed building design, showing a long, low structure with a corrugated metal roof and large glass windows, surrounded by landscaping including trees and a ramp.

- 



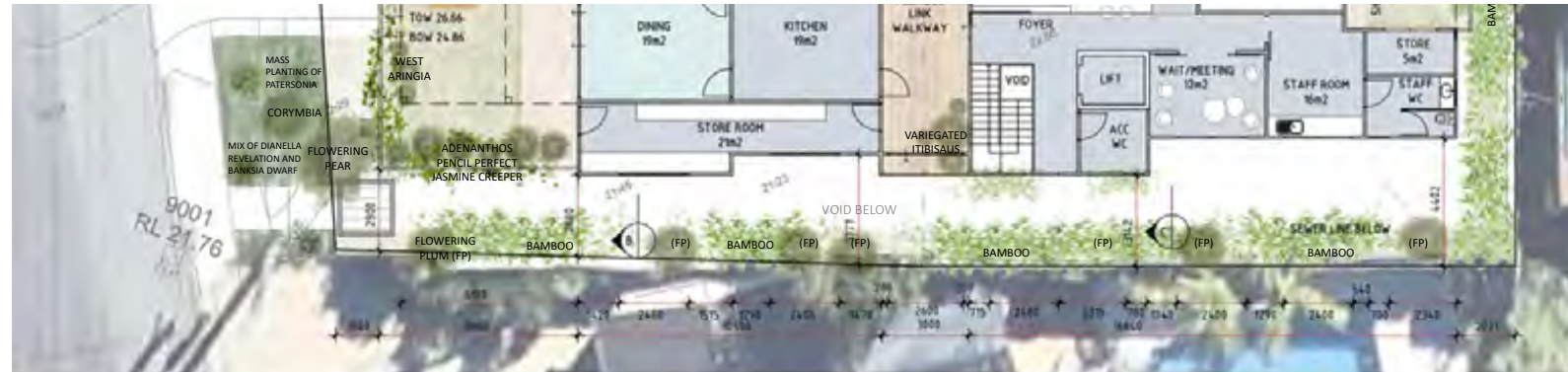
*"it has a well-designed layout which is sensitive to the neighbouring residences"*



# Amended proposal

## Southern interface

- **Compliant** external wall heights
- Pitched roofs recessed back by 6m
- Setbacks substantially exceed minimum requirements (**modified**)
- Stepped/articulated form diminishes bulk and breaks façade into 'sections' (**modified**)
- Highlight windows preserve privacy and reduce bulk (**modified**)
- Substantial landscape buffer planting within the interface (**increased**)
- Overall, a highly sensitive interface

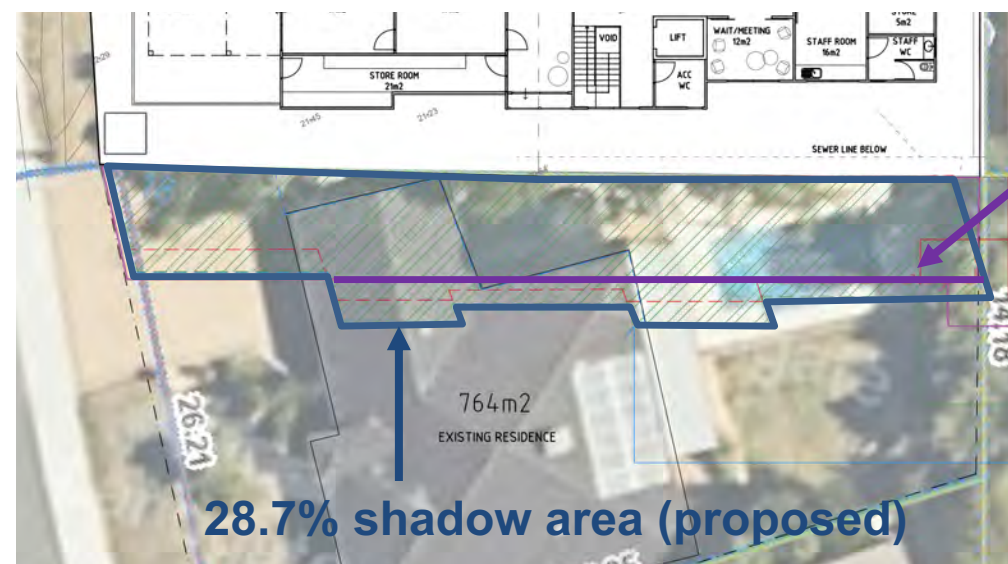


**Joondalup Design Review Panel:**

*"it has a well-designed layout which is sensitive to the neighbouring residences"*



# Overshadowing to South



25% shadow area  
(compliant/allowed)

- Overshadowing **reduced** through increase of southern setback
- Overshadowing within acceptable range
- Neighbouring property's outdoor living area is susceptible to impact regardless of compliance
- Overshadowing already created by fencing and trees



Existing overshadowing



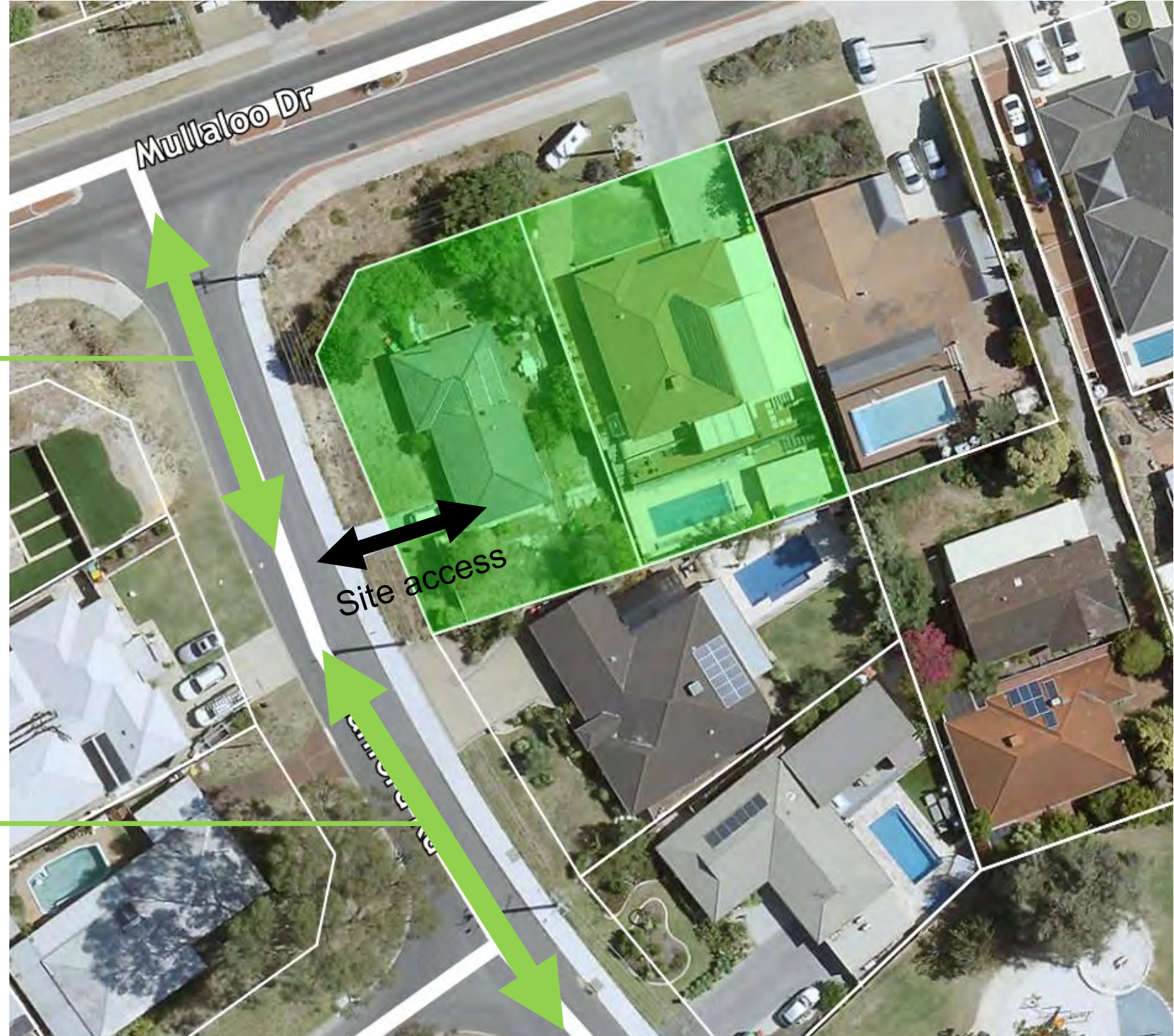
# Stanford Road Access

## 80% of vehicles

- AM peak up to 46 movements
- PM peak up to 28 movements
- Total 210 per day

## 20% of vehicles

- AM peak up to 11 movements
- PM peak up to 9 movements
- Total 53 per day





# Streetscape Response

- Split level format responds to 3.5m slope
- Single storey pavilions with compliant roof heights
- Attractive buildings and outdoor areas address the street
- Concealed car park protects visual amenity and internalises car park activity
- Commended by the JDRP



## Joondalup Design Review Panel:

*"the design response is sensitive and responsive to its coastal context and will enhance the local sense of place"*

*"the proposal shows evidence of a skilled and considered design process that has resulted in an attractive childcare centre that could be an exemplar of its type"*



# Streetscape Compatibility



Proposed Mullaloo Drive elevation

**Responsible Authority Report:**  
"as the surrounding area is *typified by open streetscapes*, it is not consistent with the general residential character and is therefore not supported"



100 Mullaloo Drive (Stanford Road elevation)



98 Mullaloo Drive (60m from site)



85 Mullaloo Drive (50m from site)



83 Mullaloo Drive (60m from site)



94 Mullaloo Drive (100m from site)

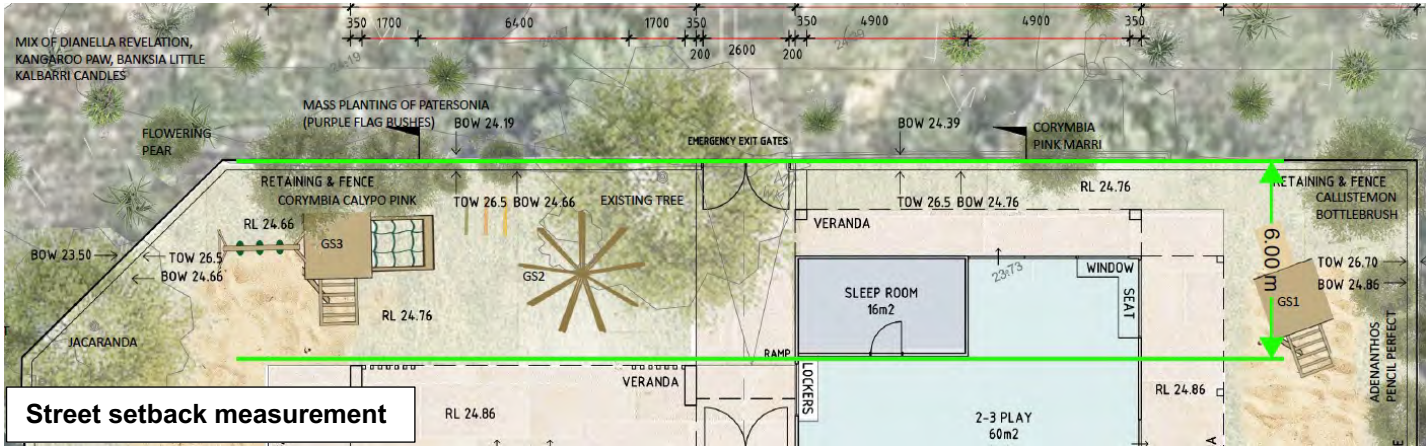


99 Mullaloo Drive (50m from site)



# Mullaloo Drive Setback

**Joondalup Design Review Panel:**  
"the Panel commends the design response to local character, but recommends that further consideration be given to the front setback of the easternmost pavilion through an analysis of local streetscape setbacks"



Street setback measurement



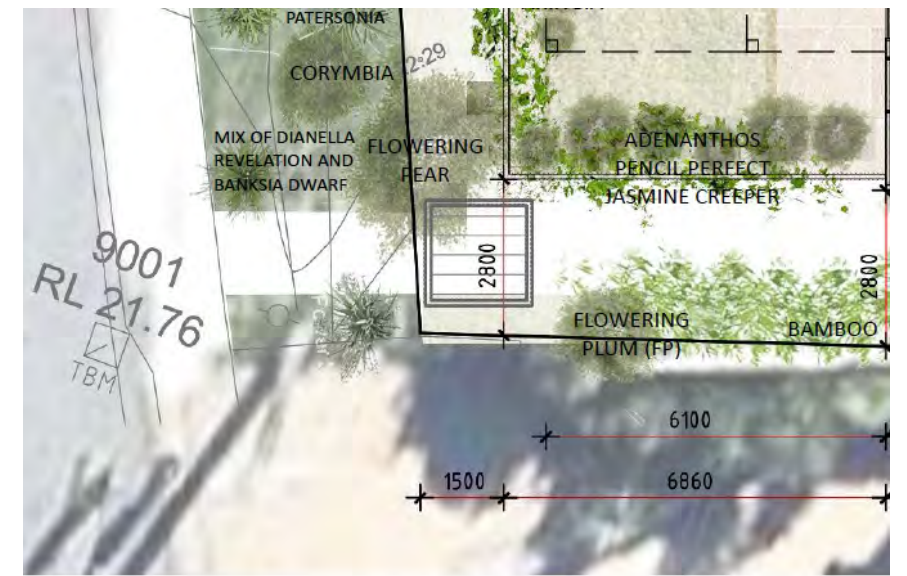
Local streetscape setbacks





# Legibility

- Enhanced with a small, simplistic pedestrian gatehouse in familiar materiality
- Insignificant structure with negligible streetscape impact



## Joondalup Design Review Panel:

*"the Panel recommends reconsideration of the pedestrian entry with a clearly legible built form response that indicates the primary pedestrian entrance from the streetscape"*

Vehicle entry

Pedestrian entry



# Residential amenity

- Operates 7am-6pm Monday to Friday (**consistent with LPP**) unoccupied at night and on weekends
- Attractively designed with significant landscaping, reinforcing a 'sense of place' (**confirmed by JDRP**)
- Sensitive layout locates noisiest areas away from neighbouring properties (**confirmed by JDRP**)
- Successful reduction of bulk and scale through responsive layout and design (**confirmed by JDRP**)
- Insignificant traffic generation demonstrated through assessment (**accepted by City's engineer**)
- Compliant and acceptable noise levels at neighbouring properties demonstrated through assessment (**accepted by City's health officer**)
- Sensitive and compliant waste management practices (**accepted by City's waste officer**)
- A responsible and effective Operation and Noise Management Plan confirming implementation of the acoustic assessment (**accepted by City's health officer**)

# Why is **approval** warranted?

- High quality architectural design and streetscape response
- Minimal impact to road network, including Stanford Road
- Highly accessible location
- Manageable and acceptable impacts to neighbours
- Local facility for the community with positive social outcomes
- Significant merit for approval





## 20 STANFORD ROAD AND 104 MULLALOO DRIVE, KALLAROO – CHILD CARE PREMISES

### State Administrative Tribunal Reconsideration – Responsible Authority Report (Regulation 12)

<b>DAP Name:</b>	Metro Outer JDAP
<b>Local Government Area:</b>	City of Joondalup
<b>Summary of Modifications:</b>	<ul style="list-style-type: none"><li>• A reduction of children and staff capacity onsite to 75 children and 15 staff (from 80 children and 16 staff).</li><li>• Hours of operation reduced to 7.00am - 6.00pm Monday to Friday (from 6.30am – 6.30pm Monday to Friday).</li><li>• An increased building setback to the upper floor southern elevation.</li><li>• An increase in car parking to 27 bays (from 26 bays) with the inclusion of two tandem car parking bays and one turn around bay.</li><li>• The bin store relocated to the western side of the development.</li><li>• A solid wall included to the southern side of the service compound to enclose it on three sides.</li><li>• Updated technical reports.</li></ul>
<b>Applicant:</b>	Apex Planning
<b>Owner:</b>	Mrs Lynette Elliott (Lot 643); Ms Wendy Pearce & Mr Anthony McNamara (Lot 642).
<b>Value of Development:</b>	\$2.12 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)
<b>Responsible Authority:</b>	City of Joondalup
<b>Authorising Officer:</b>	Chris Leigh Director Planning and Community Development
<b>LG Reference:</b>	DA21/0499
<b>DAP File No:</b>	DAP/21/02000
<b>SAT File No (DR reference):</b>	DR203/2021
<b>Date of Decision under Review:</b>	8 September 2021
<b>Application for Review Lodgement Date:</b>	6 October 2021
<b>Attachment(s):</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Development plans and elevations</li><li>3. Building perspectives</li><li>4. Landscaping plan</li><li>5. Applicant's planning assessment</li><li>6. Environmental Noise Assessment</li></ol>



	7. Operations Management Plan 8. Transport Impact Statement 9. Waste Management Plan 10. Applicant response to submissions 11. Environmentally sustainable design checklist 12. Joondalup Design Review Panel notes (extract only) 13. Previous Determination Notice	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

### Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 203 of 2021, resolves to:

**Reconsider** its decision dated 8 September 2021 and **VARY its** decision for DAP Application reference DAP/21/02000 and amended plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, for the following reasons:

### Reasons

1. In accordance with Schedule 2, Clause 67(g) of the *Planning and Development (Local Planning Scheme) Regulations 2015* the proposed development does not comply with the provisions of the City's *Child Care Premises Local Planning Policy* as:
  - a. the proposed development is not located adjacent to non-residential uses;
  - b. the access for the proposed development is not located from a Local Distributor Road and in such a manner that discourages the use of nearby Access Roads, in this instance being Stanford Road, for turning movements; and
  - c. there do not appear to be any exceptional circumstances which would warrant the use of the Access Road, in this instance being Stanford Road, for vehicle access.
2. The proposed development does not satisfy the matters to be considered under clause 67(g), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the development does not comply with the City's *Child Care Premises Local Planning Policy* as the proposed development is not located adjacent to non-residential uses and will have an undue impact on residential amenity.
3. The proposed development does not satisfy the matters to be considered under clause 67(m), Schedule 2, Part 9 of the *Planning and Development (Local*

*Planning Schemes) Regulations 2015* as the scale of the development is not compatible with the adjoining residential land.

4. The proposed development does not satisfy the matters to be considered under clause 67(zc), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposed development does not adequately consider the advice of the Joondalup Design Review Panel in relation to the setback to Mullaloo Drive, street fencing and treatment to the pedestrian entry from Stanford Road.
5. The proposed development does not satisfy the matters to be considered under clause 67(b), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as giving consideration to the draft amendments to the *Child Care Premises Local Planning Policy*, the proposed development does not satisfy the requirements as:
  - a. The proposed child care premises is for 75 children;
  - b. The child care premises does not directly adjoin a non-residential land use;
  - c. Building site cover is 67.42%; and
  - d. Vehicle access is taken from Stanford Road.

This results in the child care premises having an adverse impact on residential amenity in terms of building scale, location of parking and increased traffic on Stanford Road.

#### **Details: outline of development application**

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Urban
Local Planning Scheme	Local Planning Scheme No. 3
Local Planning Scheme Zone/Reserve	Residential R20
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (proposed) and permissibility:	Child Care Premises - Discretionary "D"
Lot Size:	Lot 643: 709.456m <sup>2</sup> Lot 642: 704.308m <sup>2</sup>
Net Lettable Area (NLA):	N/A
Number of Dwellings:	N/A
Existing Land Use:	Single House
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

**Proposal:**

Proposed Land Use	Child Care Premises
Proposed Net Lettable Area	N/A
Proposed No. Storeys	Single with undercroft parking
Proposed No. Dwellings	N/A

The amended proposed development comprises:

- A split-level building incorporating two pitched roof buildings, feature timber-look panelling and natural-look materials.
- Undercroft car parking accessed from Stanford Road, providing a total of 27 parking bays, split into 10 staff, 16 visitor and one ACROD bay.
- Outdoor play spaces fronting Mullaloo Drive and Stanford Road enclosed by a boundary fence which contains some permeable sections.
- A capacity of 75 children and 15 staff at any one time.
- Operating hours of 7.00am and 6.00pm Monday to Friday.
- Three wall signs located on the external boundary fence fronting Mullaloo Drive and Stanford Road. A further wall sign is proposed on the northern façade of the eastern building.
- Perimeter landscaping provided along the southern and western car parking boundaries.

The development plans are provided in Attachment 2, with the supporting plans and documentation provided in Attachments 3 – 11.

**Background:**

The applicant seeks development approval for a child care premises at lot 643 (104) Mullaloo Drive and lot 642 (20) Stanford Road, Kallaroo.

The proposed development the subject of this report is a modification to a previous proposal refused by the JDAP at its meeting held on 8 September 2021. The determination letter and development plans for the original proposal are provided at Attachment 13.

The key changes that have been made to the proposal are:

- A reduction of children and staff capacity onsite from 80 children and 16 staff to 75 children and 15 staff.
- An increased building setback to the upper floor southern elevation from 2.25 metres to 2.8 metres.
- An increase in car parking to 27 bays (from 26 bays) with the inclusion of two tandem car parking bays and one turn around bay.
- The bin store relocated to the western side of the development.
- A solid wall included to the southern side of the service compound to enclose it on three sides.
- A gatehouse pedestrian entrance included to the south western corner of the development on Stanford Road. Removing the existing crossover on Mullaloo Drive and replacing with landscaping.
- Operating hours of 7.00am - 6.00pm Monday to Friday, reducing from 6.30am – 6.30pm Monday to Friday. Updated Environmental Noise Assessment (ENA),



Transport Impact Statement (TIS), Waste Management Plan (WMP) and an Operation and Noise Management Plan (ONMP) has also been provided with the application.

#### Site context

The site is zoned 'Residential' under the City's Local Planning Scheme No. 3 (LPS3) and is coded R20. The land use 'Child Care Premises' is a discretionary ("D") use within the 'Residential' zone under LPS3.

Lot 643 and lot 642 contain single storey dwellings and are bound by Stanford Road to the west (of lot 643), Mullaloo Drive to the north (of lot 643 and lot 642) and residential lots to the adjoining lot boundaries (refer to Attachment 1). The immediate area is predominantly single storey residential properties in a curvilinear street network.

The site slopes downwards approximately 3.5 metres from the Mullaloo Drive verge to the southern boundary of the site. Small trees and vegetation exist along the Mullaloo Drive and Stanford Road frontages. The existing crossover to Mullaloo Drive is proposed to be removed and replaced with landscaping and the existing crossover to Stanford Road is proposed to be upgraded and utilised as the main vehicular access point to the site.

If the application is approved, the two lots would need to be amalgamated prior to the child care premises operating.

#### Application to the State Administrative Tribunal

On 6 October 2021 an application was lodged with the State Administrative Tribunal (SAT) to review the JDAP decision to refuse the application at its meeting held on 8 September 2021. This matter was the subject of a mediation held on 17 November 2021.

The SAT has made orders inviting the decision-maker, under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act), to reconsider its decision. The decision-maker may:

- affirm the previous decision,
- vary the decision, or
- set aside the decision and substitute a new decision.

#### Proposed amendments to the *Child Care Premises Local Planning Policy*

At its meeting held on 16 November 2021 (CJ154-11/21 refers), Council agreed to advertise draft amendments to the City's *Child Care Premises Local Planning Policy* (CCPLPP).

The draft amendments to the policy provide greater clarity on the locational criteria applicable to child care premises, especially in residential areas. To ensure child care premises appropriately manage potential amenity impacts to surrounding residential properties and remain consistent with the objectives of the 'Residential' zone, the amendments also include:

- Requiring child care premises in the 'Residential' zone to directly adjoin (share a boundary with) a non-residential land use.
- Limiting the capacity of child care premises in the 'Residential' zone to a maximum of 50 children.
- Limiting child care premises to a maximum building site coverage of 50% in the 'Residential' zone.
- Preventing child care premises from being located in, or on the corner of, a cul-de-sac road.
- Requiring two way vehicle access from a Local Distributor Road.
- Clarifying that staff are permitted to be onsite 30 minutes prior to and after the stipulated hours of operation.
- Updating and strengthening the language in the policy to better clarify policy expectations.

The draft revised *Child Care Premises Local Planning Policy* was advertised for public comment for 21 days closing on 16 December 2021. As such the policy is considered to be a 'seriously entertained planning proposal' and is required to be given due regard in the assessment of this application.

## **Legislation and Policy:**

### Legislation

- *Planning and Development Act 2005.*
- *Metropolitan Region Scheme (MRS).*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).*
- *City of Joondalup Local Planning Scheme No. 3 (LPS3).*

### State Government Policies

- *State Planning Policy 7.0: Design of the Built Environment (SPP7).*
- *State Planning Policy 7.3: Residential Design Codes Volume 1 (R-Codes).*

### Local Policies

- *Child Care Premises Local Planning Policy (CCPLPP).*
- *Draft revised Child Care Premises Local Planning Policy (draft CCPLPP)*
- *Advertisements Local Planning Policy.*
- *Planning Consultation Local Planning Policy.*

## **Consultation:**

### Public consultation

#### *Consultation on the initial proposal*

The initial proposal was advertised for a period of 14 days to the surrounding landowners/occupiers, commencing on 26 July 2021 and concluding on 9 August 2021. 77 submissions were received, with 67 of these opposing the development, nine in support and one neutral. A summary of submissions and responses is provided in the previous Responsible Authority Report.

### *Consultation on the amended proposal*

The amended proposal was advertised for 14 days, commencing on 6 December 2021 and concluding on 20 December 2021. Consultation was undertaken in the following manner:

- letters were sent directly to surrounding landowners and occupiers, and residents who provided a submission during the advertising of the previous proposal
- development plans and information provided by the applicant were made available for public viewing on the City's website and at the City's Administration Building.

63 submissions were received, with 57 of these opposing the development and six in support. The concerns raised in the submissions and the City's response are included in the table below.

The applicant's response to the issues raised during public consultation is provided as Attachment 10.

Issue Raised	Officer comments
<u>Traffic</u>  There is inadequate road infrastructure to accommodate the increase in traffic volumes. The Traffic Impact Statement (TIS) states there will be an extra 263 vehicles doing daily trips which increases the safety risk, particularly for children.  The right turn is likely to be difficult during peak traffic times due to congestion along Stanford Road. Visitors may be forced to turn at the end of the Alycon Place or Coorong Place cul-de-sac's due to unsafe turning areas along Stanford Road. The proposal therefore does not comply with 5.1.2 of the CCPLPP.  Increase in flow through traffic along Coorong, Alycon and Sulina Place.  Vehicle access point will cause congestion near the intersection.  The TIS uses outdated statistics. The WA Main Roads traffic data count is over two years old 2018/2019.  The three hour windows to drop off and pick up seem too wide and unrealistic. The drop off time will most likely be from	  A TIS was provided with the application demonstrating that the existing road network can adequately cater for the additional traffic generated by the development. There is sufficient capacity for the Stanford Road and Mullaloo Drive intersection to operate with acceptable delays.  The City has reviewed the submitted TIS and considers the findings to be acceptable.  It is however noted that the access to the site from Stanford Road (an access road) does not meet the CCPLPP and is not considered appropriate. This is discussed further in the planning assessment section below.



Issue Raised	Officer comments
7.00am-8:30am instead of 7.00am-10.00am as the report states.	
<p><u>Parking and access</u></p> <p>10 visitor bays are not adequate for 75 children, especially during peak operation times. Inadequate parking will result in customers parking along the street and verges which will reduce streetscape amenity and safety.</p> <p>The application does not consider that drop offs/pickups can take up to 10 minutes, the parking available is insufficient for this type of drop off.</p> <p>It is unlikely that staff will commute via public transport or bicycle, therefore more parking will be required.</p> <p>The turn around bay will be used as a car space because there is inadequate parking at the facility, and it will not stop people from parking on the verge.</p> <p>Some cars will certainly remain parked for longer than drop off and pick up as some care givers will bring dogs and use Stanford Park.</p> <p>Notes 3.5 of Planning Bulletin 72/2009 (PB 72/2009) &amp; 5.2.2a of the CCPLPP – parking areas should be located in the front of the building or clearly visible and easily accessible. Empty car bays within the undercroft are not easily visible from the street.</p> <p>Access is from an access road, not a local distributor road as per the CCPLPP. The policy states that only under ‘exceptional circumstances’ may vehicle access be considered from an access road – applicants’ justification is not considered a ‘exceptional circumstance’.</p> <p>The reason that Stanford Road is used for access is because the development cannot be designed to allow vehicle</p>	<p>The amended proposal exceeds the car parking requirements by providing two bays more than the amount required under the CCPLPP. This includes one bay per staff member. It is therefore considered that the parking is sufficient for the proposed numbers, providing for both visitors and staff to park on the site.</p> <p>The proposal exceeds the required number of parking bays required under the CCPLPP. The applicant also notes in the Operation and Noise Management Plan (ONMP) that parents will be advised at the time of enrolment where the visitor bays are located, that the turning bay is to be kept vacant at all times and to keep noise to a minimum in the parking area.</p> <p>The availability of parking within the undercroft is not clearly visible from the street, which is contrary to the CCPLPP. This is discussed further in the planning assessment section below.</p> <p>Access to the site from Stanford Road (an access road) does not meet the CCPLPP and is not considered appropriate. This is discussed further in the planning assessment section below.</p>

Issue Raised	Officer comments
<p>access from Mullaloo Drive, this suggests that the site/location is not suitable for the intended commercial purpose.</p> <p>The footpath along Stanford Road is the main pedestrian access to Stanford Park which is used by many members of the community, a commercial building with high vehicular movements crossing this footpath is a hazard.</p> <p>Mullaloo Drive and Stanford Road intersection is already dangerous and a reduced setback to Mullaloo Drive and increased planting of trees along the verges will further restrict views.</p> <p>If approved by JDAP, consideration should be given to signage in the verge stating – No parking in street or verge.</p> <p>If approved by JDAP, the City of Joondalup would need to consider significant road, footpath and traffic signage upgrades to the area to ensure that the safety of local residents is not put at risk.</p>	<p>The development provides adequate vehicle sightlines to ensure there is a view of the footpath when entering and exiting the site.</p> <p>The reduced setback to Mullaloo Drive is not considered to impact on vehicle sightlines. If approved, planting in the verge will need to be consistent with the City's Verge Treatment Guidelines, which includes considerations of plant species to ensure sightlines are maintained.</p> <p>In the event the proposal is approved, the City would recommend a condition that would restrict any car parking within the verge.</p>
<p><u>Land Use</u></p> <p>This is a residentially dominated area. This use should only be considered in a commercial zone.</p> <p>The proposed land use will have significant amenity impacts on adjoining residential properties, therefore not meeting the objectives of the CCPLPP.</p> <p>The applicant has not demonstrated that the residents will not be unduly impacted in relation to their amenity, noted the perception of the applicant is not valid, the undue impact can only be reasonably determined by the residents concerned due to their lived experience of the location and their current enjoyment level of the residential amenity.</p>	<p>'Child Care Premises' is a discretionary use in the 'Residential' zone, and therefore can be considered, subject to the requirements of the CCPLPP.</p> <p>The CCPLPP includes a range of locational criteria to determine the appropriate siting of such uses. The proposal is not considered to meet a number of these locational criteria. This is discussed further in the planning assessment section below.</p>

Issue Raised	Officer comments
<p>Will set a precedent for more commercial land uses in this quiet residential area which will change the suburban feel.</p>	
<p><u>Hours of Operation</u></p> <p>Operating hours are from 6.30am to 7pm, i.e. when staff are on-site, these are different from opening hours which are stated as compliant.</p> <p>Even if the operating hours are considered compliant – this is still a long time for a commercial business to be open next to a residential property.</p>	<p>The original proposed operating hours of 6.30am to 6.30pm Monday to Friday have been reduced to 7.00am to 6.00pm Monday to Friday, which meets the requirements of the CCPLPP. The ONMP states that two staff would arrive sometime between 6:30am to 7.00am to set up and prepare for the day's activities and two staff may remain onsite for a short period after 6pm to undertake final clean up or other administrative duties as part of the closing process. This is discussed further in the planning assessment section below.</p>
<p><u>Service Vehicles</u></p> <p>The Waste Management Plan (WMP) does not describe how waste will be managed.</p> <p>Waste being picked up on the weekend anytime from 7am means residents will not ever get a break from the noise generated from this proposal.</p> <p>Bins being emptied on the weekend is not a good option for residents.</p> <p>The WMP states that only refuse/recycling will be collected on a Saturday, this does not seem realistic. Due to the size of the commercial centre the provided bin storage would not provide sufficient space for a whole week of operations.</p>	<p>The WMP sets out that the bin area is fully enclosed and serviced with a drain and tap to allow for regular cleaning and maintenance by centre staff. Waste from internal bins will be transferred by staff/cleaners to the bin storage area and deposited into the appropriate bins.</p> <p>Waste collections are to occur once a week for refuse and recyclables between 7am and 12pm on Saturdays which is consistent with the periods prescribed under the <i>Environmental Protection (Noise) Regulations 1997</i>. Waste collection for refuse and recycling will take approximately 10 minutes for each truck.</p> <p>The City has reviewed the submitted WMP and considers the waste generation findings and size of the storage area to be acceptable. The waste generation rates used are considered appropriate and consistent with rates used for centres of a similar size.</p>
<p><u>Design</u></p>	





Issue Raised	Officer comments
<p>adjoining southern properties back yard and pool area.</p> <p>The proposal does not meet open space requirements of the draft CCPLPP – which is a seriously entertained proposal.</p>	<p>general overlooking from a room and prevents downward views.</p> <p>The draft CCPLPP includes a provision which restricts building site coverage to 50% and the development exceeds this requirement. This is discussed further in the assessment section below.</p>
<p><u>Location</u></p> <p>A large commercial child care development should not be permissible adjoining any residential properties. The site is not adjacent to non-residential uses therefore does not meet the location criteria in the CCPLPP.</p> <p>The 'preferred location' has not been met and as such a higher standard and scrutiny needs to be applied.</p> <p>A reduction of 5 children and 1 staff member does not fundamentally change the impact on having such a development in this location.</p> <p>Modifications made are insignificant and will still have an undue impact on residential amenity.</p> <p>The proposal does not meet the objectives of the CCPLPP since its location has an adverse impact on the southern adjoining residential property by way of overshadowing, loss of privacy, increase in noise (commercial development adjoining a residential property's primary outdoor living area) and light pollution from the undercroft parking area.</p> <p>Planning Bulletin 72/2009 notes that the location is not appropriate due to the following:</p> <ul style="list-style-type: none"> <li>• The site is not strategically located as there is a new child care premises being constructed within 500 metres of this proposal on Koorana Road.</li> <li>• Site is not serviced by public transport.</li> </ul>	<p>A child care premises is able to be considered in the 'Residential' zone. The CCPLPP includes a range of locational criteria to determine the appropriate siting of such uses. The amended proposal is not considered to meet a number of these locational criteria. This is discussed further in the planning assessment section below.</p>

Issue Raised	Officer comments
<ul style="list-style-type: none"> <li>• Not appropriate from a safety point of view since its sole access is from an access road which is not permitted under the CCPLPP.</li> <li>• Site is not a sufficient size and dimension to accommodate a development of this scale without affecting the amenity of the surrounding residential properties – development does not meet primary street, lot boundary setbacks, building height and overshadowing requirements.</li> </ul> <p>Alternative unoccupied spaces exist in the local area that offer better alternatives to Stanford Road.</p>	
<p><u>Demand</u></p> <p>There is already a child care premise on Bridgewater Drive and an approved child care premises within 500 metres of this proposal on Koorana Road.</p> <p>Surrounding child care centres are not at capacity.</p> <p>Notes 3.8 of PB 72/2009 states that applicant is required to prove the commercial need for the premise since it has an obvious impact on the amenity of adjoining residential properties. Applicant has not justified the social need for this development.</p> <p>The realestate.com website shows that over 86% of the demographic in Kallaroo and Mullaloo consist of mature and/or older couples and families and older residences.</p> <p>Stating that there are waiting lists for other Keiki facilities located in the northern coastal corridor doesn't mean that this centre is a community need. This is a business move based on a business model.</p>	<p>The existence of other similar centres in the vicinity or ones that may arise in the future, the ability to attract staff and the ongoing financial viability of the proposal are not valid planning matters that should be taken into account as part of decision-making.</p> <p>There is no statutory requirement for an applicant to demonstrate the social need for child care facilities. The applicant has provided a planning report for the development, including justification on how the development does not impact on the amenity of the area. Having regard to the CCPLPP, it is considered that the development does have an adverse impact on the amenity of the area and is not in an appropriate location. This is discussed further in the planning assessment section below.</p>
<p><u>Noise, smell and pollution</u></p>	



Issue Raised	Officer comments
<p>Increased noise from undercroft parking, air conditioning, extractor fans, waste collection, increase traffic noise, daily operational noise and loud children.</p> <p>The service compound, bin store and car parking areas will generate significant noise.</p> <p>Fumes from vehicles in the undercroft carpark will have an undue health impact.</p> <p>The noise levels may not exceed permitted noise levels, but further consideration and mitigation methods should be provided since this is a commercial development adjoining residential properties.</p> <p>Recommendations within the Environmental Noise Assessment (ENA) are not realistic, and the language is not enforceable i.e., crying children 'should' be taken inside the building.</p> <p>Impact of alarms if they were activated on the weekends or evenings.</p> <p>Reducing the number of children from 80 to 75 will not reduce noise impact.</p> <p>The ENA provided (which states is not conclusive) does not consider items that are not covered under the EPA, but are still evident in everyday noise creating activities, such as the internal lift, opening/closing of secure car park gate, and main entrance gate (located adjacent to residential properties) plus the agreed vehicle movements within the car park, these must be taken into account and considered.</p> <p>The doors to the lift well/stairs are standard size, not pram friendly or small child friendly, as such there is a risk that these will be left or propped open, increasing the disbursement of noise from the activity.</p>	<p>The predicted noise generated from the development has been assessed in the applicant's ENA. Whilst the noise assessment demonstrates that acceptable noise levels can be met, the location of noise generating sources, including the car park does not meet the locational criteria given it is adjacent residential properties, and the reduced scale of the development is not considered to appropriately reduce the amenity impact on neighbouring properties. This is discussed further in the planning assessment section below.</p>

Issue Raised	Officer comments
<p>The use of providing tandem parking bays to allow staff to park away from the residential sites and to commence the operating of the centre before 7am to allow for compliance under the noise testing, is not realistic. Staff will not use the tandem bays, being the first to arrive, they will be the first to leave, making these bays obsolete.</p> <p>It should be considered that staff on arrival will turn on the air conditioning units, so to ensure ambient temperature for when children and parents arrive, especially during the warmer and cooler months and also to effectively and economically use the cooling and heating functions.</p> <p>There has been a change to minimise the impact of waste management on the eastern and southern properties – but it essentially just moves it to another location, so it becomes an issue for others in the surrounding area.</p> <p>The smell from nappies and waste products will impact direct neighbours and will attract rodents to the area.</p>	<p>The ONMP states that the first two staff attending the facility in the morning will be instructed to park in the tandem bays and that the facilities air conditioner will not be activated until 7.00am, and will be deactivated no later than 6.30pm. In the event the proposal is approved, there will be a condition recommended that requires the applicant to comply with the ONMP.</p> <p>The bin store has been relocated to be centrally located within the undercroft parking area away from the adjoining residential properties, being approximately 20 metres from the eastern and southern boundaries. The applicant has provided a WMP and ONMP which outline waste management arrangements and how odour will be addressed. Therefore it is not anticipated that there will be any odour impact from the bin store on adjoining properties.</p>
<p><u>Draft Child Care Premises Local Planning Policy</u></p> <p>There is a strong level of certainty that this policy will be implemented, and Council have stated their position particularly regarding location.</p> <p>The proposal is not in the spirit of the current policy and would not be able to proceed under the draft policy. It is disappointing that the SAT allowed/negotiated a new consultation period knowing that policy changes were afoot.</p> <p>By fast tracking this consultation process, the developer is exploiting a loophole in the current policy, which</p>	<p>The draft amendments to the CCPLPP aim to strengthen the locational criteria applicable to child care premises, especially in residential areas, and includes proposed restrictions on the number of children and maximum building site coverage, as well as generally updating and strengthening the language within the policy. As the draft policy has been advertised, it is considered to be a 'seriously entertained planning proposal' and due regard is required to be given to the amended policy. The policy amendments have been considered and discussed further in the planning assessment section below.</p>

Issue Raised	Officer comments
<p>would not be entertained under the draft CCPLPP.</p> <p>This development should not be allowed to be approved before the policy changes which effectively restricts development of this scale in this location.</p> <p>If the premise is approved the number of children should be reduced to 50, in line with the draft CCPLPP.</p>	
<p><u>Miscellaneous</u></p> <p>The residential tenancy vacancy rate is already below 1% in Kallaroo, meaning there's two less family homes available in the area.</p> <p>Decreased property value.</p> <p>The presence of a commercial property in a residential area will increase the risk of crime.</p> <p>Nido early school in Craigie often has cars parking all over the verge from 4-4.30pm– photo evidence provided.</p> <p>They are exploiting the planning system by costing the centres over \$2 million so they can bypass the Council of the City of Joondalup and go before the DAP system in the hope that they get a vote in their favour. They are effectively "gaming" the system.</p> <p>The owners of this commercial business have not consulted directly with local residents.</p> <p>The developer deliberately proposed an oversized building, then has slowly scaled it back knowing that a scaled back version (a concession) may get approval.</p>	<p>The residential vacancy rate and impact on property values is not a valid planning consideration that should be taken into account as part of decision-making.</p> <p>Given the nature of the proposed use, and that the development is open to the street with casual and perceived surveillance, there is not considered to be an increase in crime as a result of the development.</p> <p>In the event the proposal is approved, the City would recommend a condition and landscaping treatments that would restrict any car parking within the verge.</p> <p>The proposal qualifies as an application that can be determined by a DAP under the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>.</p> <p>There is no statutory requirement for an applicant to consult directly with local residents. The applicant has stated that the proposed operator (Keiki) did attempt to contact adjoining residents in July/August 2021.</p>



The comments received in support of the proposal were:

- Supports the modified proposal.
- Will attract young families into the area.
- Great opportunity for the local area to grow, bring in new construction, ongoing jobs and also provide an essential service which is in high demand.
- High number of new families moving into the area – mothers and fathers are often seen walking newborns and toddlers in strollers in the morning.
- Current wait times for child care centres are rather extensive.
- The demographic is changing, and the needs of the residents are changing, therefore the services provided within our area need to grow as well.
- Kallaroo needs additional child care centres given the increase in population due to subdivision. The current facility on Bridgewater Drive is over capacity and is causing traffic issues.
- Development's design is aesthetic and complimentary to the overall fabric of the area.
- A significant proportion of Mullaloo Drive is relatively tired and dilapidated, and this is a fantastic uplift in the presentation of the area, particularly on such a prominent corner that sees relatively significant traffic as a local distributor road for both Kallaroo and Mullaloo.
- It is evident that the developer/operator has gone above and beyond with their design, which is sensitive and the operational management measures look appropriate to manage and mitigate any foreseen impact.
- It is nice to see a local operator get a chance over a national brand to provide a boutique offering that addresses the actual needs of the area.
- Proposed development is aligned with the intent of the planning framework.
- The proposal provides a fabulous opportunity for young children to develop strong relationships with their peers, which will continue as they feed the local schools. Building strong community connections is one of Keiki's core values.
- The suburb is currently with limited childcare amenity and this property looks to be a logical positive outcome for the local residents and young families in the area.

#### Referrals/consultation with Government/Service Agencies

Not applicable.

#### Design Review Panel advice

The amended proposal was referred to the Joondalup Design Review Panel (JDRP) on 15 December 2021. The extract from the JDRP minutes and full comments is provided in Attachment 12. The following table summarises the recommendations made by the JDRP against the design principles of SPP7 and a summary of the applicant's response.

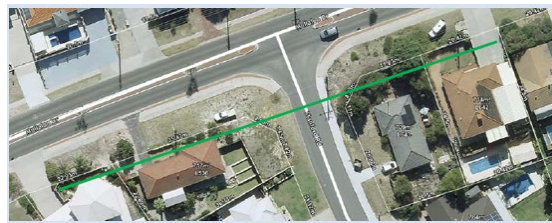
<b>JDRP recommendation</b>	<b>Summary of applicant's response</b>
<u>Principle 1 – Context and character</u>  The proposed development requires further attention to meet the design principle objectives.  The JDRP commends the design response to the local character, but	The first two comments are noted and agreed.  The minor front setback variation associated with the eastern pavilion is not considered to create undue bulk or streetscape impacts, having regard for:

**JDRP recommendation**

recommends that further consideration be given to the front setback of the easternmost pavilion through an analysis of the local streetscape setbacks.

**Summary of applicant's response**

- The architectural quality of the building, which includes a number of treatments enhancing its interface with the public realm. This includes floor to ceiling windows within the eastern half of the façade which minimise a perception of bulk, and enhance interactivity between the development and the street (also increasing passive surveillance).
- The provision of permeable fencing along the Mullaloo Drive site frontage, which allows a garden setting (ie the playscape) to form part of the site's interface with the street. This includes the retention of a large existing tree which is located in the playscape.
- In terms of local street setbacks, it is worthy of noting that there are existing examples of reduced setbacks to Mullaloo Drive near the development site, as shown on the below image extract:



The extent of visually permeable fencing has been increased, in response to the second comment.

With regard to the third comment, the planting arrangements depicted on the ground floor plan include species types and indicative planting locations throughout the playscape and verge. This has been informed through input from Keiki's landscape/garden expert who also formulated the landscape arrangements for the Keiki Edgewater facility.


Whilst the planting details are not provided on a separate landscape plan, this can be provided at detailed design stage.

The extent of visually permeable fencing has been increased, in response to the second comment.

**Principle 2 – Landscape quality**

<p><b>JDRP recommendation</b></p> <p>The proposed development requires further attention to meet the design principle objectives.</p> <p>The JDRP recommends:</p> <ul style="list-style-type: none"> <li>• that a separate landscape plan be prepared that includes the detailed landscape intent of the play spaces and verges in the street reserve.</li> <li>• further consideration be given to the boundary fencing to increase its landscape qualities and visual permeability.</li> </ul>	<p><b>Summary of applicant's response</b></p> <p>With regard to the third comment, the planting arrangements depicted on the ground floor plan include species types and indicative planting locations throughout the playscape and verge. This has been informed through input from Keiki's landscape/garden expert who also formulated the landscape arrangements for the Keiki Edgewater facility.</p> <p>Whilst the planting details are not provided on a separate landscape plan, this can be provided at detailed design stage.</p>
<p><u>Principle 3 – Built form and scale</u></p> <p>The proposed development meets the design principle objectives.</p> <p><u>Principle 4 – Functionality and build quality</u></p> <p>The proposed development meets the design principle objectives.</p>	<p>Noted, this is considered to support a reduced front setback for the eastern pavilion.</p> <p>Noted.</p>
<p><u>Principle 5 – Sustainability</u></p> <p>There is insufficient information to evaluate the design principle objective.</p> <p>The JDRP recommends that sustainability initiatives form an integral part of the design as it progresses.</p>	<p>Noted.</p>
<p><u>Principle 6 – Amenity</u></p> <p>The proposed development meets the design principle objectives.</p>	<p>Noted.</p>
<p><u>Principle 7 – Legibility</u></p> <p>The proposed development does not meet the design principle objectives.</p> <p>The JDRP recommends reconsideration of the pedestrian entry with a clearly legible built form response that indicates the primary pedestrian entrance from the streetscape. The JDRP also</p>	<p>To address legibility, a gatehouse feature has been incorporated into the Stanford Road pedestrian entry to better delineate where pedestrians should ingress the facility. An image extract is provided below:</p>



<p><b>JDRP recommendation</b> recommends inclusion of undercover pram and bicycle parking.</p>	<p><b>Summary of applicant's response</b></p>  <p>-----</p> <p>Undercover bicycle parking was already provided adjacent the lift lobby. A pram parking area has also been incorporated into the lift lobby. For ease of access, the swinging door has been changed to an electric sliding door.</p> <p>Noted.</p>
<p><u>Principle 8 – Safety</u></p> <p>The proposed development meets the design principle objectives.</p>	<p>Noted and agreed.</p>
<p><u>Principle 9 – Community</u></p> <p>The proposed development meets the design principle objectives.</p>	<p><u>Principle 10 – Aesthetics</u></p> <p>The proposed development requires further attention to meet the design principle objectives.</p> <p>The JDRP commends the proponent on the high quality of its design outcome with the following recommended improvements:</p> <ul style="list-style-type: none"> <li>• the introduction of some built form screening to the undercroft carpark to ensure the design intent is realised.</li> <li>• attention to the aesthetics of the soffit of the carpark including careful placement of services.</li> </ul>

It is considered that the proposed development has not adequately considered or responded to the advice of the JDRP in relation to the setback to Mullaloo Drive, street fencing and the issue of pedestrian legibility from Stanford Road. This is discussed in greater detail in the planning assessment below.

#### **Planning Assessment:**

### Land use and location

The subject site is zoned 'Residential' under the City's *Local Planning Scheme No. 3* (LPS3) and is coded R20. The land use 'Child Care Premises' is a discretionary ("D") use in the 'Residential' zone under LPS3. The relevant objective of the 'Residential' zone under LPS3 is to provide for a range of non-residential uses, which are compatible with and complementary to residential development. The CCPLPP sets out further locational requirements to assist with determining whether a child care premises proposal is compatible with and complementary to surrounding development.

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	5.1.1 a) Preferably located adjacent non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks and community purpose buildings.	Proposal is located in a residential area and not adjacent non-residential uses.	The application is not in accordance with the locational requirements of the CCPLPP.
	5.1.1 b) Where next to a residential property, the proposal must demonstrate there is no adverse impact on amenity.	It is considered that the amended proposal maintains an amenity impact on the adjoining properties due to the scale of the development and location of access.	
	5.1.2 Should be located on Local Distributor Roads in a manner that does not conflict with traffic control devices and does not encourage use of nearby Access Roads for turning movements.	Mullaloo Drive is a Local Distributor Road and Stanford Drive is an Access Road.  Vehicle access to the site is from Stanford Road, therefore the development relies on an Access Road.	

Under the draft amendments to the CCPLPP, it is noted a child care premises will only be considered in the 'Residential' zone where:

- It is not surrounded on all sides by residential properties and directly adjoins non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks or a community purpose building on at least one boundary.
- Accommodates a maximum of 50 children.
- Has a maximum site coverage of 50%.

- Where it adjoins a residential properties it must demonstrate how it does not have an adverse impact on residential amenity in terms of noise, location of car parking, increased traffic and building scale.

Having regard to the draft CCPLPP, it is noted that the location of the child care premises does not meet these requirements as it:

- Does not adjoin a non-residential use.
- Proposes to accommodate up to 75 children.
- Has a maximum site coverage of 67.42%.
- Is considered to have an adverse amenity impact on the adjoining residential properties as discussed in this report.

The proposed child care premises is located within a residential area. The site adjoins residential properties to the south and east and is directly opposite residential properties to the north and west. Aside from several local parks in the vicinity (none of which are immediately adjoining or adjacent), the closest non-residential use is a community purpose building (Rob Baddock Community Hall) which is approximately 250 metres to the west. This is a stand-alone building with no other community purpose and/or commercial land uses, so it is not considered enough of a community node to be co-located with the proposed child care premises. The closest commercial land use is the Mullaloo Local Shopping Centre which is approximately 500 metres to the north, and the closest school (Mullaloo Heights Primary School) is approximately 600 metres to the north-east. Both of these non-residential land uses are to the north of Mullaloo Drive in the adjoining suburb of Mullaloo and, given the distance and road network, are not considered to be co-located with the proposed child care premises.

As the site is not co-located with non-residential uses, the CCPLPP requires that it must not have an adverse impact on the amenity of the area. In this regard it is considered that the development does have an adverse impact on the amenity of the area. The amended proposal still relies on a reduced primary street setback as required by the CCPLPP and exceeds the deemed-to-comply requirements for overshadowing and site works under the R-Codes. These aspects are discussed further in the building design section below; however, this does suggest that the development will have an adverse impact on the amenity of the streetscape and neighbouring residential properties. It also appears to be indicative that the scale of development is too great for the size of the site on which it is proposed.

To address noise impacts, an Environmental Noise Assessment (ENA) has been submitted by the applicant (refer to Attachment 6). The ENA demonstrates that although the proposal is next to residential properties, a series of design and management strategies can be employed so that noise can be mitigated in order to comply with the *Environmental Protection (Noise) Regulations 1997*. The result of the ENA demonstrates that the development can comply with the noise levels and an ONMP (refer to Attachment 7) has been prepared to demonstrate how the centre can operate to ensure noise levels remain within legislative requirements.

To address potential traffic impacts on amenity, a Traffic Impact Statement (TIS) has been submitted by the applicant (refer to Attachment 8). The TIS is discussed in further detail below, however it is considered that the road network is capable of supporting the additional traffic generated by the development. Notwithstanding this, the access point being on a local access road (Stanford Road) and resulting location of the



undercroft immediately adjacent to residential properties is not considered to address the CCPLPP and will result in an adverse amenity impact on the residential area.

As the site is located in a residential area and not within the vicinity of any non-residential uses (except for local parks), the development needs to blend with the residential character and minimise the impact of the commercial aspect of the use. The location of the vehicle access point, undercroft and overall scale of the centre, including building design elements and number of children, are not considered to achieve this.

Whilst the amended proposal has made modifications to slightly reduce the intensity of the use and has provided additional detail on operational management, the proposal is still not considered to satisfy the criteria of the CCPLPP. Furthermore, having regard to the draft CCPLPP, the scale of the centre is not consistent with these requirements.

#### Parking and vehicle access

<b>Provision</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Assessment</b>
Child Care Premises LPP	25 bays total:  1 bay per employee – 15 bays  73-80 children – 10 bays	27 bays total:  16 staff bays  10 visitor bays  1 ACROD bay	The development complies with the total number of parking bays in accordance with Clause 5.2.1 a), but as the car park location and vehicular access does not satisfy Clause 5.2.2 a) and b) it is not considered acceptable.
	Car park location clearly visible from the street.	Car park location within recessed undercroft not clearly visible from the street.	
	Vehicular access not permitted from a local access road, except in exceptional circumstances.	Vehicular access from Stanford Road (local access road).	This additionally impacts the use of Stanford Road – it is anticipated that the failure to meet Clause 5.2.2 a) and b) will result in the additional use of Stanford Road for turning movements which impacts the amenity of the Access Road.

Under the draft CCPLPP, child care premises are required to:

- Be located on local distributor roads.
- Vehicle access shall be taken from a local distributor road and vehicle access from an access road is not acceptable.
- Be located in such a manner that a child care premises would:

- not conflict with traffic control devices
- not encourage unsafe vehicle movements
- not encourage the use of nearby access roads for turning movements.
- Not be located in, or on the corner of, a cul-de-sac road.

The proposed child care premises does not meet the requirements of the draft CCPLPP. Despite the child care premises being located on Mullaloo Drive, which is a local distributor road, vehicular access is taken from Stanford Road, which is an access road.

In regard to the car parking for the development, the amended proposal has:

- Reduced the number of children and staff on site from 80 children and 16 staff to 75 children and 15 staff which has reduced the onsite parking requirement by one car bay.
- Increased car parking to 27 bays (previously 26 bays) within the undercroft car park.
- Reconfigured the car parking area to provide two tandem car parking bays on the northern side of the car park which are to be used by staff.
- Included a turnaround bay to the eastern end of the car park.
- Provided an Operations and Noise Management Plan (ONMP) which includes the key operational and noise management practices to be undertaken in relation to car parking management.

The CCPLPP notes that vehicular access from a local access road into a child care premises should only be supported under exceptional circumstances. As part of the amended proposal, the applicant has provided the following justification regarding the use of Stanford Road for vehicular access into the site:

- Allows the car park to be provided within an undercroft area which is concealed from public view, which protects visual amenity. Architecturally designed buildings and engaging outdoor play areas form the streetscape response to Mullaloo Drive and Stanford Road.
- Reduces the extent of earthworks which would otherwise have been required, if a more traditional single-level design format were employed for the centre (noting the site slopes by approximately 3.5m).
- Notes that the TIS demonstrates that there will be no adverse traffic impact to Stanford Road as a result of the access, noting:
  - The traffic generation of the centre is estimated at 57 trips in the AM peak hour and 37 trips in the PM peak hour, with 263 total daily trips. This extent of traffic generation is insignificant and falls within the 'moderate' threshold of impact, in accordance with the WA Planning Commission traffic impact assessment guidelines.
  - The vast majority of traffic (approximately 80%) using this centre would originate from Mullaloo Drive, using the northern 30m of Stanford Road to access the site. The likelihood of amenity impact is minimal given the increased use of Stanford Road is concentrated to a small portion closest to Mullaloo Drive.
  - The remaining minority of traffic using the southern parts of Stanford Road equates to 11 trips in the AM peak and 9 trips in the PM peak. This level of traffic generation is clearly minimal and would not create impacts to the character or function of Stanford Road.

- The additional turning movements at the Mullaloo Drive / Stanford Road intersection were previously considered by the City's engineers and confirmed to be acceptable, noting they equated to a turning movement every 5 minutes in the AM peak and every 6-7 minutes in the PM peak. It is noted that the number of turning movements have slightly reduced as a result of the reduced capacity of the centre.
- Having regard for the above, it is evident that the Stanford Road access is acceptable and warrants approval.

The proposal remains unchanged in relation to vehicular access from Stanford Road and the car park being located within a recessed undercroft. While the inclusion of an additional car parking bay and turnaround bay within the undercroft parking area is considered a positive design change, the scale of the centre and resultant traffic, parking and access arrangement does not satisfy the requirements of the CCPLPP.

As the parking is located within the undercroft, the parking is not considered to be clearly visible from the street. The availability of bays cannot be determined until vehicles are entering the site, with the level difference, a portion of solid fencing and landscaping inhibiting visibility. This is contrary to CCPLPP Clause 5.1.2 and will have a detrimental impact on the function and amenity on Stanford Road.

### Traffic

The amended proposal includes a reduction of children and staff capacity and the applicant has provided a revised TIS (refer to Attachment 8) which considers this reduction, demonstrating that the additional traffic generated can be adequately accommodated within the existing road network.

The TIS includes modelling of the predicted increase in traffic flow into and out of the centre during both the morning and afternoon peak hour periods, with the vehicle trips forecast to and from the centre during the morning peak hour (between 8.00am and 9.00am) being 57 vehicles.

The WAPC *Transport Impact Assessment Guidelines* state that a detailed Transport Impact Assessment (TIA) is required where a development has the potential to have a 'high impact on the existing transport network', which would equate to a traffic increase of more than 100 vehicle trips during the development's peak hour. As the proposed development is predicted to result in a maximum increase of 57 vehicles during peak hour, the development does not meet the threshold for requiring a more detailed TIA.

The City has reviewed the TIS and concur with the assessed trip generation rates and that the surrounding road network will continue to operate within capacity. However, as the development relies on vehicles using local access roads, primarily Stanford Road, the development is considered to impact on the amenity of the residential area and therefore is not supported.

### Building design

The CCPLPP stipulates that the location, siting and design of a child care premises is crucial in determining whether the development is compatible with, and avoid adverse impacts on the amenity of adjoining and surrounding areas.

### *Building setbacks and height*



<b>Provision</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Assessment</b>
Child Care Premises LPP – street setback	Minimum primary street setback of 6 metres.  Minimum secondary street setback of 1.5 metres.	Verandah: 1.5 metres.  Building: 3 metres.  Gatehouse: nil.	The application does not satisfy the requirements of Clause 5.3 a), 5.4.1 a) and b). The impact of the reduced setback to Mullaloo Drive on the streetscape has not been adequately addressed as per JDRP comments and is therefore not appropriate.
SPP7.3 – Residential Design Codes Volume 1 – lot setbacks	Southern boundary: 2.8 metres.  Gatehouse (southern boundary): 1 metre.  Eastern boundary: 2 metres.	Building: 2.8 metres.  Gatehouse: 0.5 metres  2.05 metres.	
Child Care Premises LPP – building height	Top of external wall – 6 metres.	6.07 metres.	

The amended proposal has increased the building setback to the upper floor southern elevation from 2.25 metres to 2.8 metres which is now compliant with the lot boundary setback requirements of the R-Codes. A gatehouse has also been included on Stanford Road to better define the pedestrian entry to the site and address feedback from the JDRP.

Clause 5.4.1 a) and b) of the CCPLPP requires a minimum primary street setback of six metres and lot boundary setback requirements are to be in accordance with the R-Codes.

The development requires discretion to the primary street setback providing a minimum primary street setback of 1.5 metres to the verandah with the remaining building setback a minimum of three metres. The eastern boundary is setback 2.01 metres which is marginally over the required two metre setback under the deemed-to-comply requirement of the R-Codes and the development largely meets the building height requirements, with a small portion of the southern elevation being marginally over the six metre wall height.

#### *Street setback*

The JDRP commended the design response to the local character but also recommended that further consideration be given to the front setback of the easternmost pavilion after an analysis of the local streetscape setbacks. It is also noted that the proposed fill along the eastern boundary raises the floor level meaning the street setback will result in the development being very visible from Mullaloo Drive. Comments received during public consultation also raised concerns with the reduced

street setback and the impact it will have on the amenity of the Mullaloo Drive streetscape.

In response to the matter raised by the JDRP, the applicant has highlighted a comment made by the JDRP in the built form and scale section which states that the pavilion typology has successfully reduced the bulk and scale of the built form. The applicant has noted that this comment is considered to support a reduced front setback for the eastern pavilion and therefore made no changes to the building.

Whilst the overall built form and design was considered to be addressed by the JDRP, the JDRP recommendation in terms of context and character requires consideration of the positioning of the building in the context of the surrounding streetscape. In this regard, whilst additional justification has been provided by the applicant, no changes have been made to the setback and it is considered that the level of fill and the proposed setback results in the building being highly visible and inconsistent with the streetscape.

#### *Eastern and southern elevations*

The JDRP were supportive of the pavilion typology and indicated that it has successfully reduced the bulk and scale of the built form.

While it is acknowledged that the amended proposal meets setback requirements to the boundaries, having regard to the scale needing to be consistent with the residential area, the development overshadows 28.7% of the adjoining property to the south (the R-Code deemed-to-comply is 25%), having a direct impact on the adjoining property's outdoor living area and pool area. Since this is a non-residential development in a residential area, greater consideration to ameliorate the impact on neighbouring properties is required to ensure the objectives of the CCPLPP and 'Residential' zone are met. A non-residential development that exceeds the acceptable amount of overshadowing permitted for residential properties is not considered compatible within its setting, particularly as the overshadowing impacts active habitable spaces of the adjoining property, and therefore is not considered to meet the objectives of the CCPLPP.

#### *Pedestrian entry*

The JDRP raised concern regarding the pedestrian entry from Stanford Road being illegible, underwhelming and inadequate from a streetscape perspective. In response to these comments, the applicant has incorporated a gatehouse feature to better delineate where pedestrians should enter the facility. While the gatehouse is considered to improve legibility for users of the premises, it is proposed at a setback of nil to Stanford Road and 0.5 metres from the southern boundary. Street setbacks along Stanford Road are consistent with most adjoining and adjacent dwellings having a street setback of approximately six metres. The gatehouse on the street boundary of Stanford Road and the southern boundary is not congruous with other dwellings along the street and is therefore not considered to meet the objectives of the CCPLPP.

#### *Retaining and fill*

The proposal remains unchanged in relation to retaining and fill and includes:

- Retaining walls along the southern and eastern boundaries to a maximum height of 0.92 metres and 1.21 metres above natural ground level; and
- Fill along the street frontage to a maximum height of 0.71 metres on Mullaloo Drive and 1.76 metres along Stanford Road.

The extent of fill to the eastern boundary directly impacts a bedroom window on the adjoining site. The extent of fill is largely a result of needing to achieve the ceiling height for the undercroft and to create level play spaces. The proposed fill is not considered to have an adverse impact on the adjoining property given the impacted window is a bedroom, however the level of fill contributes to the development having an adverse impact on the streetscape amenity of Mullaloo Drive. There are a number of properties on the southern side of Mullaloo Drive (to the east of the proposed development) which have a finished floor level well below the level of the verge. The proposed development will sit at a higher level than other properties which is not in keeping with the pattern and existing streetscape character. In conjunction with the building setbacks and design of the building as discussed above, the development is considered to have an adverse impact on the streetscape amenity of Mullaloo Drive. The inconsistency of the street setback was also raised by the JDRP.

The 1.76 metre fill along the Stanford Road boundary has been proposed to facilitate the undercroft parking. The extent of retaining and fill is not consistent with the character of Stanford Road that is typified by the single storey residential buildings that are not generally retained within the street setback, and the significant amount of retaining on this boundary is incongruent with the immediate neighbourhood streetscape.

#### *Street fencing*

The application proposes a front fence with a maximum height of 2.11 metres along Mullaloo Drive.

The JDRP recommended that further consideration be given to the boundary fencing to increase its landscape qualities and visual permeability. The amended proposal has included an additional section (approximately 3.4 metres long) of permeable fencing along Mullaloo Drive with no additional permeability provided to Stanford Road. The increase in permeable infill fencing does improve passive surveillance to the street, however there are still portions of solid fencing to Mullaloo Drive. As the surrounding area is typified by open streetscapes, it is not consistent with the general residential character and is therefore not supported.

#### Noise

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	Clause 5.4.2 – Noise Attenuation: vehicle accessways and car parking areas to be located away from noise-sensitive land uses (such as residences)	Car park and vehicular access located adjacent to residential dwelling.	The ENA demonstrates that the proposal meets the <i>Environmental Protection (Noise) Regulations 1997</i> .



The amended proposal has moved the bin store from the south-eastern end of the car park (directly adjacent to residential properties) to the western side of the new tandem staff bays (approximately 20 metres away from the southern and eastern boundaries). A solid wall has also been included to the southern side of the service compound to enclose it on three sides.

The applicant has submitted a revised ENA as part of the application (refer to Attachment 6), demonstrating that the development can meet the requirements of the *Environmental Protection (Noise) Regulations 1997*. The ENA includes the following noise mitigation measures that could also be incorporated to further reduce acoustic impacts:

- Kitchen exhaust fans designed as inline type fans, installed with attenuators or diverted ducting, rather than externally mounted plant.
- When designing the development's air conditioning, an Acoustic Consultant and Mechanical Service Engineer shall be engaged to ensure the air conditioning, in combination with other plant, will be in compliance with Assigned Levels of the *Environmental Protection (Noise) Regulations 1997*.
- The proposed walls and gates at the child care premises are to be free of gaps and be of a material with a minimum surface mass of 8 kg/m<sup>2</sup>.
- Daytime staff bays are to be restricted from use until after 7.00am and the car park bays are to be arranged to conform with the DA plan Drawing A02 Revision E.
- The following best practices implemented where practicable:
  - The behaviour and 'style of play' of children monitored to prevent particularly loud activity.
  - Soft finishes and toys in the outdoor play area to minimise impact noise.
  - Crying children should be taken inside.
  - No amplified music to be played outside. Music inside to be restricted in volume and contain no significant bass content.
  - External doors and windows to be closed during indoor activity.
  - The carpark ceiling (underside of slab) is to be lined with acoustically absorptive soffit lining to reduce reverberation.
  - The carpark floor:
    - shall be constructed so that there are no significant gaps in construction or where these exist, are to be filled with non-hardening mastic.
    - Shall have drainage grates that are plastic or metal with rubber gaskets and secured to avoid excess banging.
    - Should have a brushed concrete finish to avoid tyre squeal. Where the concrete is to be sealed, a product such as Aquaron 1000 by Markham (or equivalent) is to be used.

The ONMP (refer to Attachment 7) incorporates the management aspects of the above recommendations, specifically:

- Outdoor play will be staggered over the course of a day.
- The following 'best practices' would be incorporated into the daily outdoor play routine to reduce noise levels at adjoining properties, particularly for the 0-2 and 2-3 age groups which are adjacent to the eastern sensitive receiver:
  - Age groups to play in the outdoor spaces directly adjacent to their internal rooms, as a means of preventing large groups of children playing in a single area.

- Staff to monitor the behaviour and 'style of play' of children to prevent particularly loud/unruly activity (e.g. loud banging / crashing of objects, 'group' shouts/yelling).
- Crying children taken into the building to be comforted.
- No amplified music to be played outside, and music played within the building to be 'light' with no significant bass content.
- In the interest of minimising impact associated with car park activity, staff will adhere to the following ongoing operational practices:
  - The first two staff attending the facility in the morning are instructed to park in bays 7 and 8, which are enclosed at three sides and detached from the adjoining sensitive receivers.
  - Any subsequent staff attending the site prior to 7am are instructed to use bays 6 and 9, which are the most detached and separated from sensitive receivers.
  - No staff members are permitted to use bays 15-20 prior to 7am.
  - Morning staff are instructed to use the car park in a quiet and courteous manner, to be observed by the centre manager on an ongoing basis.
- At the time of enrolment, the following standards will be communicated to parents and subsequently observed by centre staff on an ongoing basis:
  - 'Drop off' and 'pick up' activity is to occur within designated visitor bays only, to ensure orderly and proper use of the parking area.
  - The turnaround bay is not to be used as a parking space, and should be kept vacant at all times to ensure efficient car park flow.
  - Morning car park usage to occur in a quiet and courteous manner. No shouting, yelling, or loud activity is to occur in the car park.
- The facility's AC condenser units are located within an enclosed area of the undercroft car park where noise is buffered/attenuated from the neighbouring properties by a solid wall. The facility's air conditioner will not be activated until 7am, and will be deactivated no later than 6:30pm.

While it is noted that the ONMP does not describe detailed operations of the facility (such as specific times children will be playing outside), it is considered to adequately describe how the noise mitigation measures (as noted above) within the ENA can be achieved to further reduce noise impact on surrounding properties. Other measures such as car park flooring could be addressed through conditions of approval.

In accordance with Clause 5.4.2 of the CCPLPP, noise generating activities such as outdoor play areas, vehicle accessways, car parking areas and any plant equipment are to be located away from noise-sensitive land uses (such as residences). It is noted that play areas for children aged 3 - 5 years have been located away from residential properties, however the vehicular access, car park and plant equipment are directly adjacent to the residential properties to the east and south and the play areas for children aged 0 - 2 and 2 - 3 years is directly adjacent to the residential property to the east. Although the applicant has demonstrated that they will be able to comply with the *Environmental Protection (Noise) Regulations 1997*, as the development does not meet the requirements for the location of car parking and noise-generating services, there is the potential to impact on the amenity of the adjoining properties. The nature of the selected location means that procedural control on parking and on operation of mechanical plant equipment introduces the risk of noise disturbances.

#### Hours of operation

Provision	Requirement	Proposal	Assessment
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Child Care Premises LPP	Monday to Friday: 7.00am to 6.00pm	Monday to Friday 7.00am to 6.00pm	The application is in accordance with the requirements of Clause 5.6 a).
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Under the draft CCPLPP, the hours of operation remain unchanged however staff are permitted on site 30 minutes prior to and after the stipulated hours of operation.

The amended proposal has reduced the hours of operation by 30 minutes to the opening and closing time. The ONMP states that two staff would arrive sometime between 6:30am to 7.00am to set up and prepare for the day's activities and two staff may remain onsite for a short period after 6pm to undertake final clean up or other administrative duties as part of the closing process. Having regard to the draft CCPLPP, the proposed hours of operation are consistent with these requirements.

#### Landscaping

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	8% (113m <sup>2</sup> ) of lot area to be landscaped.	345.98m <sup>2</sup> 24.47%	The application satisfies the requirements of Clause 5.5 a) and b) of the CCPLPP.
	The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries	Stanford Road – 1.65m minimum  Mullaloo Drive – 1.5m minimum	
	Verge areas are to be suitably landscaped and maintained to discourage patrons from parking on the verge. The verge is not permitted to be sealed as this would encourage its use for parking.	The verge area is proposed to be suitably landscaped.	The application satisfies the requirements of Clause 5.5 d) of the CCPLPP.

The amended proposal includes a garden area containing high bamboo planting to the south-eastern end of the car park (where the bin store was originally located) and Jasmine Creeper has been included along the southern and south-western balustrade of the playscape. The overall landscaping area has now increased slightly to 24.47% (previously 23.8%). The existing Mullaloo Drive crossover has also been removed and replaced with landscaping.

The development proposal satisfies the landscaping requirements of the CCPLPP which requires a minimum of 8% of the total site area provided as landscaping and for a 1.5 metre landscaping strip to be provided to all street boundaries.



Although the proposal is considered to meet the requirements of the CCPLPP, the JDRP raised concern that the landscape plan has insufficient detail and does not clearly set out the landscape design intent in terms of planting proposals and play space activities. In response to the matters raised by the JDRP, the applicant has stated that the planting arrangements depicted on the ground floor plan include species types and indicative planting locations throughout the playscape and verge and that this has been informed through input from Keiki's landscape/garden expert. Further landscaping information will be provided as part of the detailed design stage, should development approval be granted.

It is not a requirement for a full landscaping plan to be provided as part of an application, and should the application be approved, a condition would be recommended which requires a detailed landscaping plan to be submitted to the City for approval prior to the commencement of development.

### Signage

Provision	Requirement	Proposal	Assessment
Advertisements Local Planning Policy	Maximum of 1 wall sign.  1.2m <sup>2</sup> for a non-residential building.	4 wall signs proposed.  All signage exceeds the 1.2m <sup>2</sup> size.	The application does not satisfy the requirements of Clause 5.2.1 of the City's <i>Advertisements Local Planning Policy</i> .

Clause 5.2.1 of the City's *Advertisements Local Planning Policy* requires signage within the 'Residential' zone to be located within private land, advertise services related to the land use and not include any illumination / fluorescent materials. Furthermore, the development is restricted to one wall sign that is 1.2m<sup>2</sup> in size.

There have been no changes to the signage from the original proposal:

- Two signs integrated into the external boundary wall fronting Mullaloo Drive and Stanford Road.
- One sign integrated into a wall adjoining the entry to the car park
- One sign integrated into the northern façade of the eastern building.

The signs are spread across two frontages, are simplistic in nature and integrated with the building design. Taking into the consideration the need for signage for the site development, the signage is considered to be compatible with the residential area and is supported.

### **Conclusion:**

The amended proposal is not considered to adequately address all the relevant provisions under the City's *Local Planning Scheme No. 3*, the *Child Care Premises Local Planning Policy* and Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Having regard to the draft *Child Care Premises Local Planning Policy*, the scale and location of the child care premises, and vehicle access from Stanford Road also do not meet these requirements.

The location of the child care premises in a residential area, with reliance on an access road (Stanford Road) for vehicle access, and the overall architectural response is not considered appropriate and will adversely impact the amenity of the adjoining and surrounding residential area.

It is considered that the JDAP's previous reasons for refusal are still applicable, with some modification to reason 4 to address the feedback from the Joondalup Design Review Panel on the amended proposal. As consideration is now required to be given to the draft CCPLPP, an additional reason for refusal is also recommended. These reasons are set out in the recommendation.

### Alternatives

Pursuant to section 31 of the *State Administrative Tribunal Act 2004* the JDAP may reconsider its decision and:

- affirm the previous decision,
- vary the decision, or
- set aside the decision and substitute a new decision.

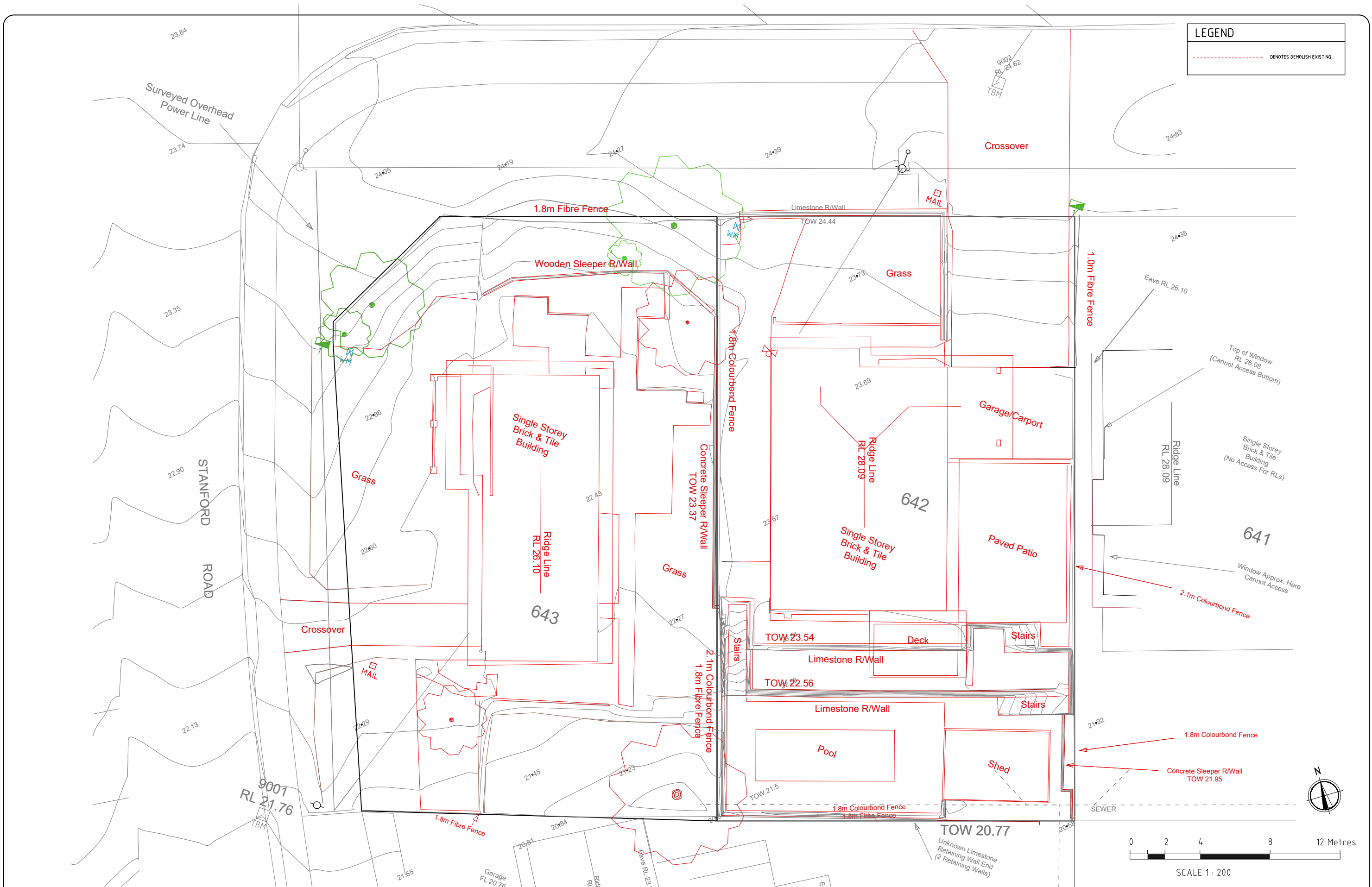
Should the JDAP resolve to set aside its original decision and approve the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and as set out in the *Development Assessment Panel Practice Notes: Making Good Planning Decisions*.

However, as outlined in the report, it is considered that the development does not meet the relevant provisions and/or objectives of the applicable planning framework and it is therefore recommended that the application be refused.









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LOT 642 (104) MULLALOO DRIVE  
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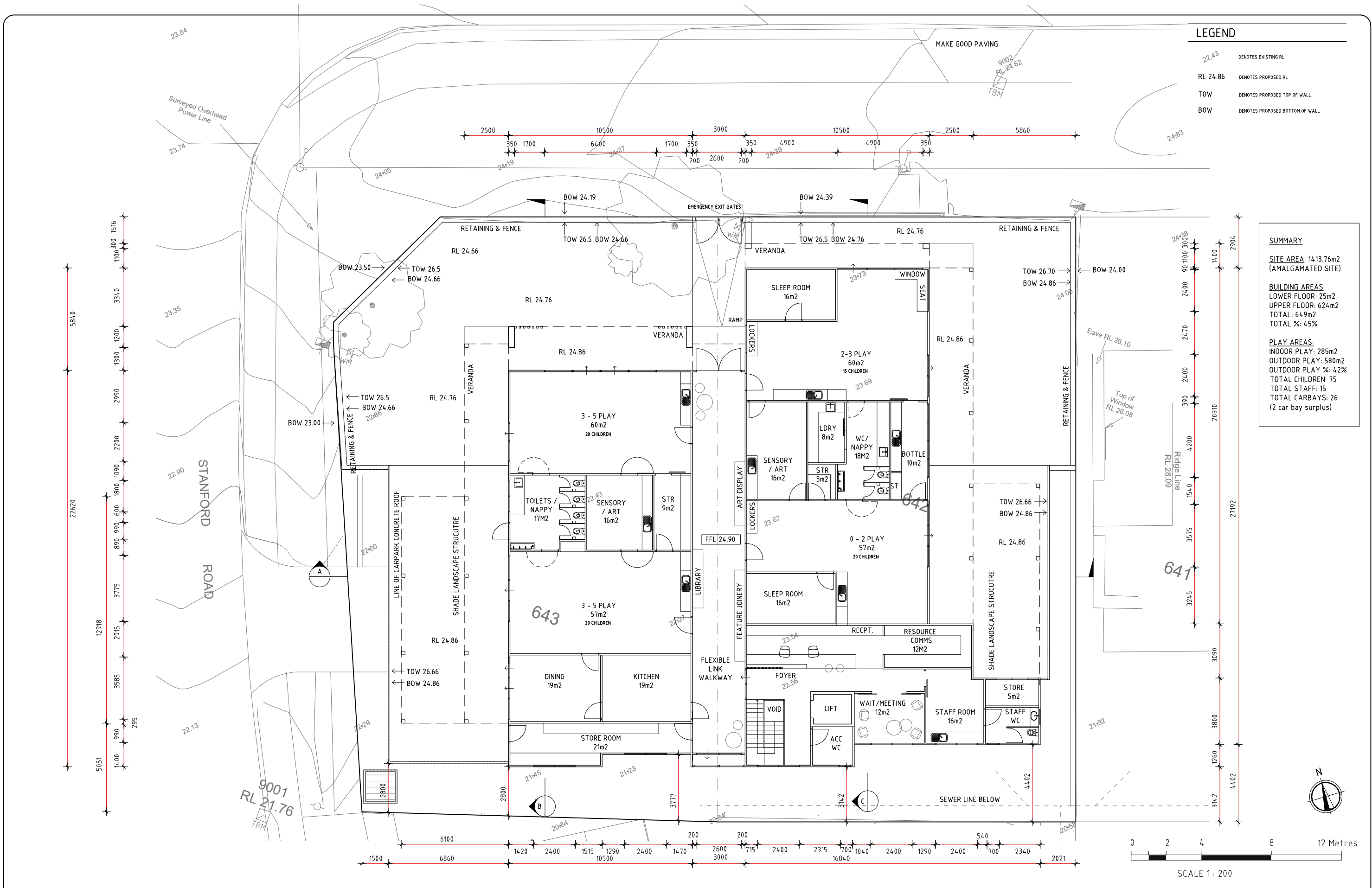
**sph**  
architecture  
+ interiors

KEIKI EARLY LEARNING  
KALLAROO

DEMOLIITON PLAN

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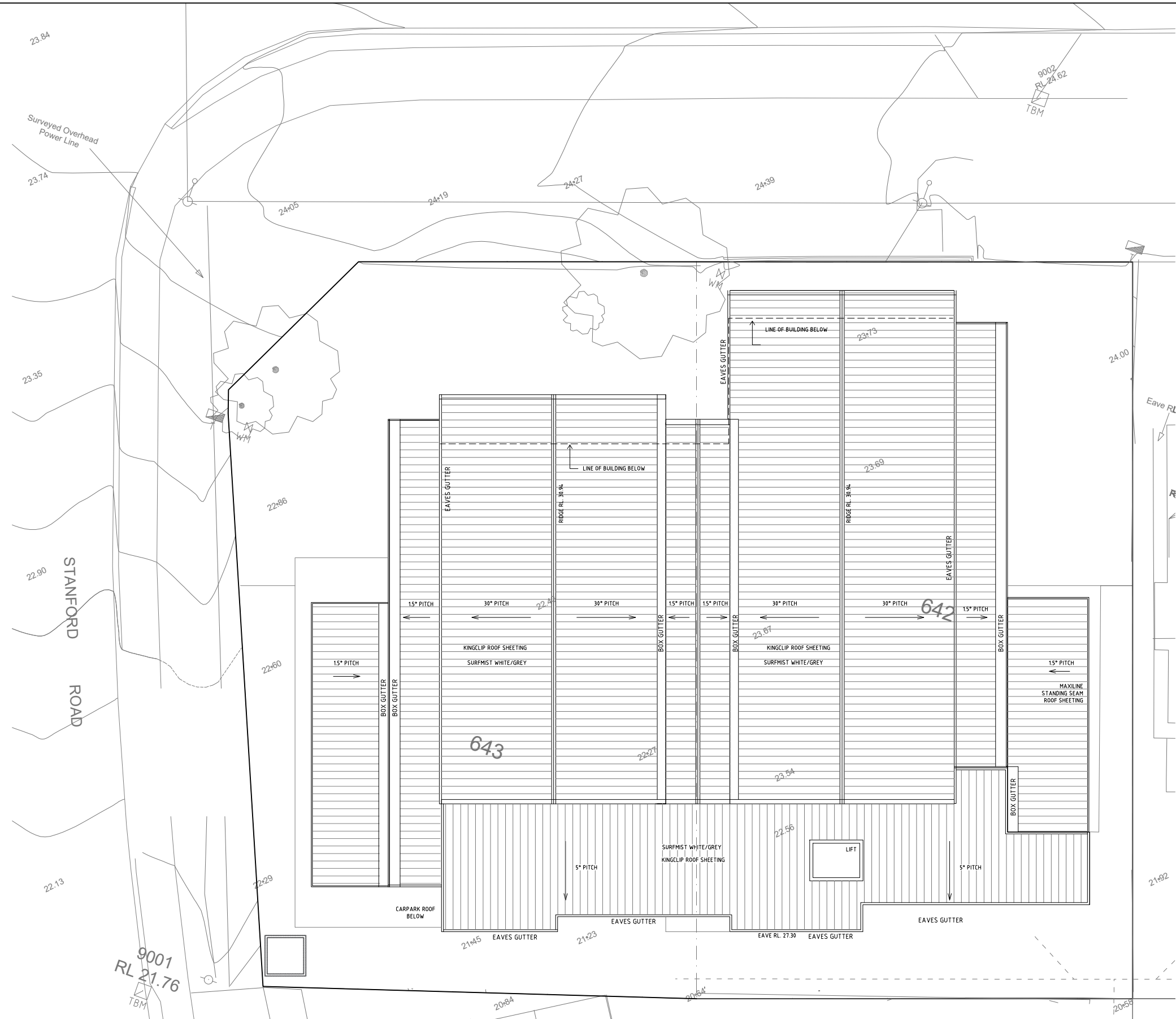
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architecture  
+ interiors

KEIKI EARLY LEARNING  
KALLAROO

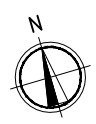
UPPER FLOOR PLAN

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PROJECT No: <b>418039</b>	DRAWING No: <b>A01</b>	REVISION: <b>J</b>		





LEGEND	
22.43	DENOTES EXISTING RL
RL 24.86	DENOTES PROPOSED RL



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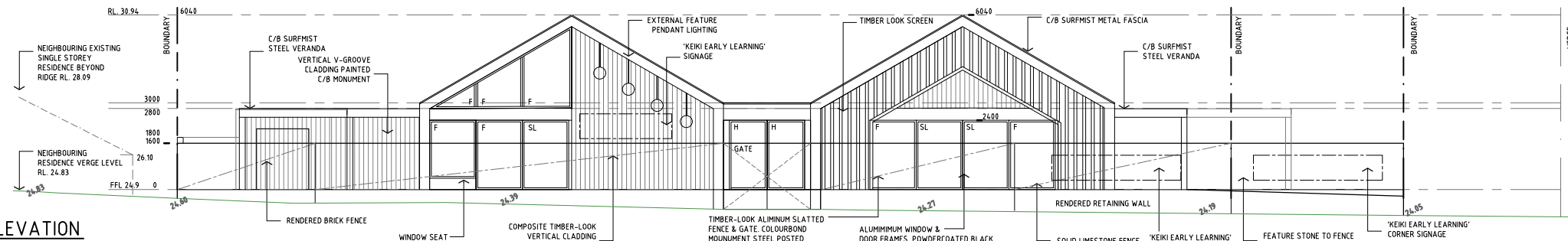
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+ interiors

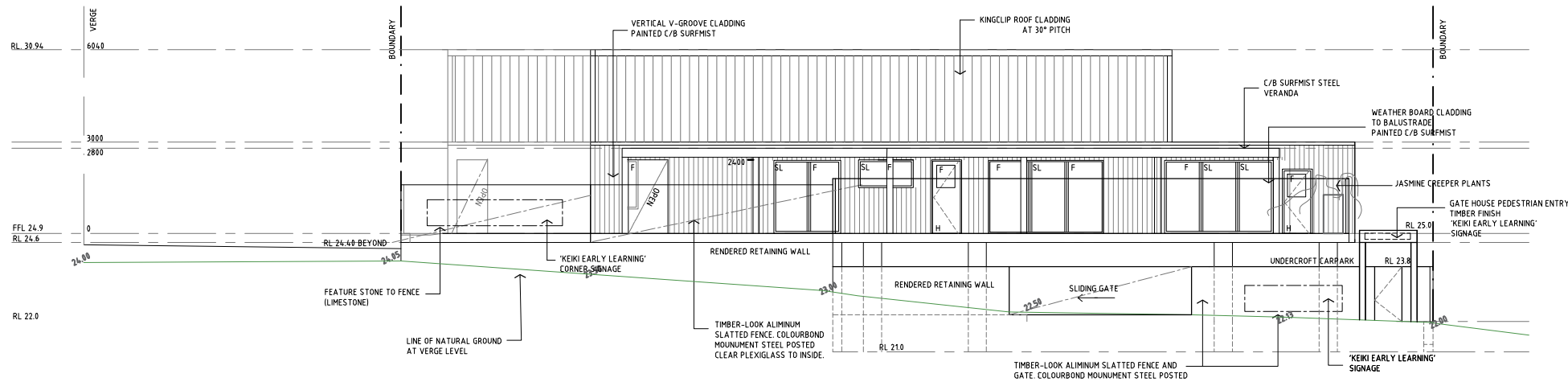
KEIKI EARLY LEARNING  
KALLAROO

## ROOF PLAN

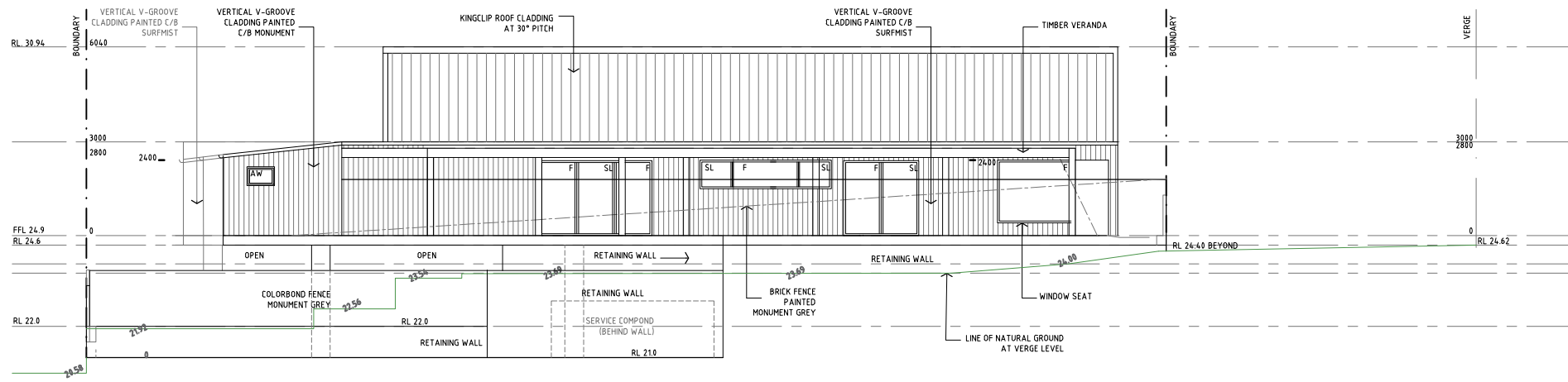
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PROJECT No: 418039	DRAWING No: A03	REVISION: G		



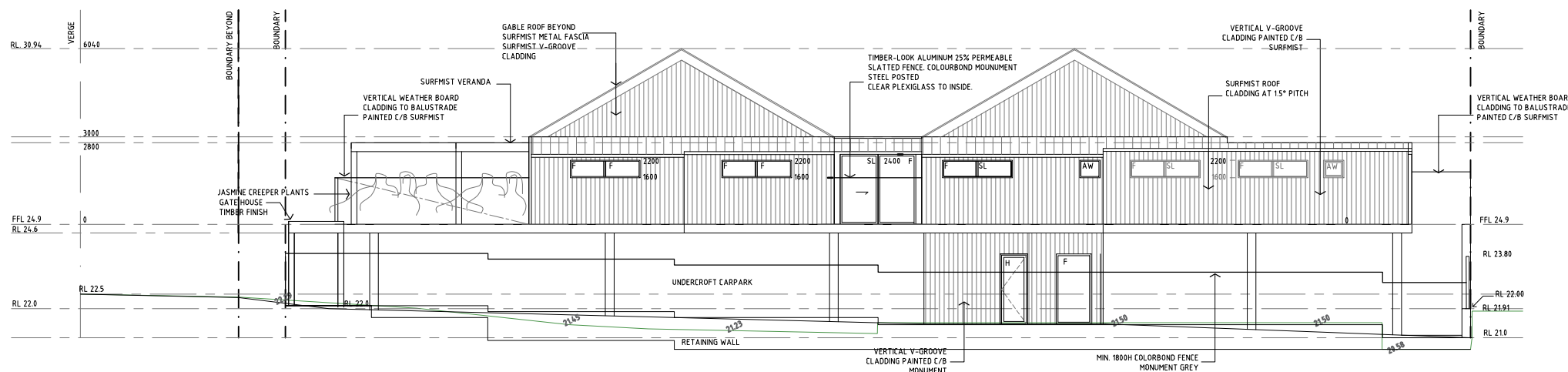
**NORTH ELEVATION**  
SCALE 1:200



**WEST ELEVATION**  
SCALE 1:200



**EAST ELEVATION**  
SCALE 1:200



**SOUTH ELEVATION**  
SCALE 1:200

MATERIAL & FINISHES SCHEDULE	
MATERIAL	FINISH COLOUR
ROOF SHEETING	SURFMIST WHITE/GREY
EXTERNAL WALL GENERAL	VERTICAL V-GROOVE CLADDING, PAINTED C/B SURFMIST WHITE/GREY
EXTERNAL WALL FEATURE, REFER DRAWINGS FOR EXTENT	VERTICAL V-GROOVE CLADDING, PAINTED C/B MONUMENT GREY
EXTERNAL WALL FEATURE, REFER DRAWINGS FOR EXTENT	COMPOSITE TIMBER LOOK VERTICAL CLADDING
TIMBER LOOK SCREEN FEATURE	COMPOSITE TIMBER-LOOK VERTICAL SCREEN BATTENS
FLASHING, CAPPING & GUTTERS	C/B SURFMIST WHITE/GREY
WINDOW FRAMES AND DOORS	ALUMINUM POWDERCOAT BLACK
VERANDA	STEEL PAINTED C/B SURFMIST WHITE/GREY
PAVING	LIMESTONE PAVING
DRIVEWAY AND CARPARK	GREY BITUMEN
FENCING REFER DRAWINGS FOR EXTENT	RENDERED BRICKWORK, PAINTED WARM WHITE
FENCING FEATURE REFER DRAWINGS FOR EXTENT	LIMESTONE CLADDING
FENCING REFER DRAWINGS FOR EXTENT	ALUMINUM SLATTED FENCE, COLOURBOND MOUNMENT STEEL POSTED
FENCING REFER DRAWINGS FOR EXTENT	WEATHER BOARD CLADDING TO BALUSTRADE PAINTED WHITE
FENCING REFER DRAWINGS FOR EXTENT	COLORBOND FENCE MONUMENT GREY
GATES REFER DRAWINGS FOR EXTENT	ALUMINUM SLATTED GATES, COLOURBOND MOUNMENT STEEL POSTED

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KALLAROO

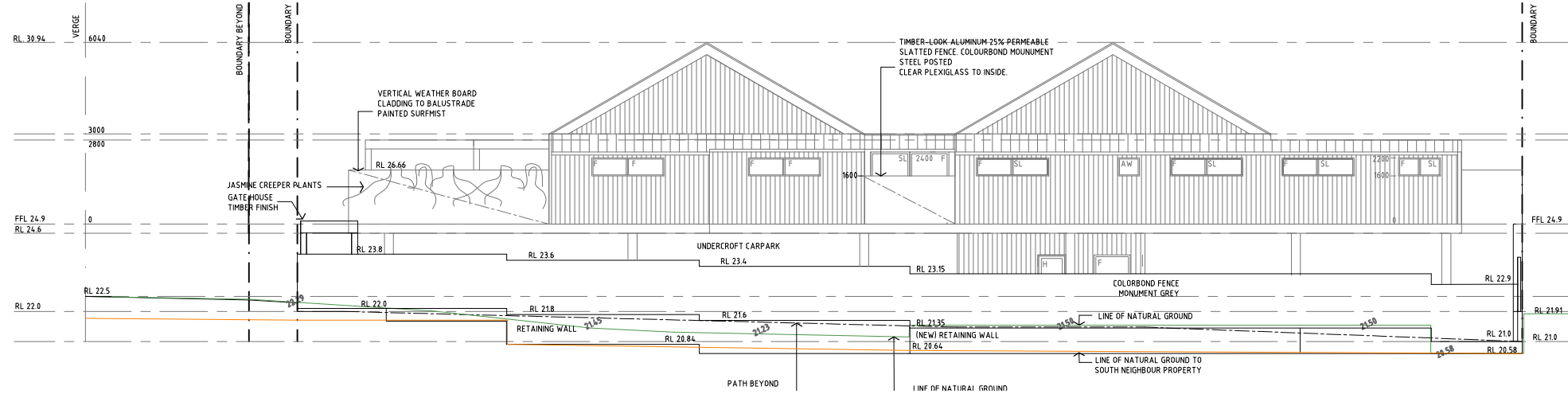
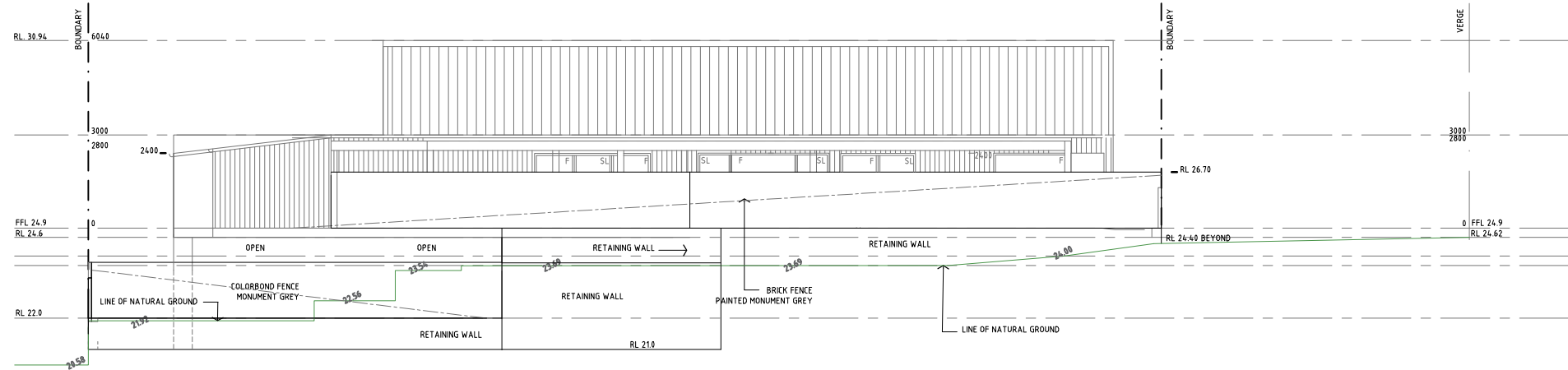
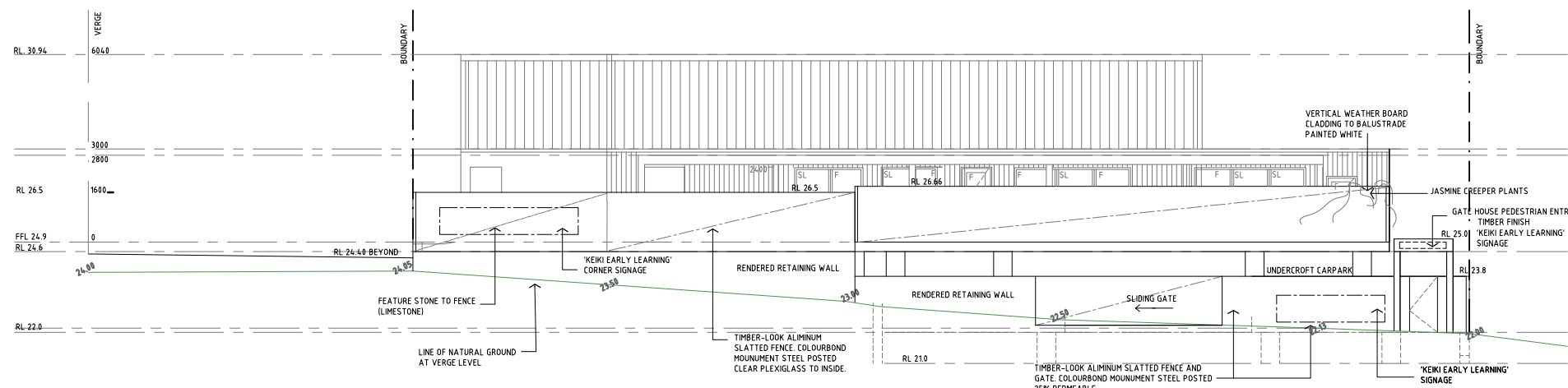
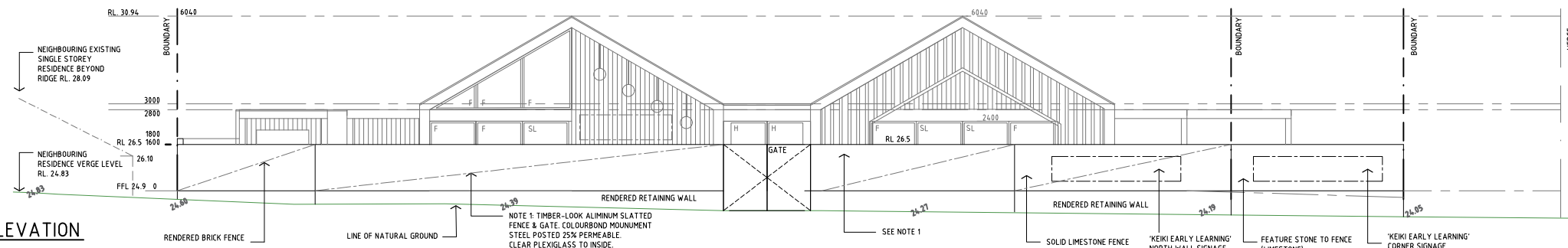
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**sph**  
architecture  
+ interiors

KEIKI EARLY LEARNING  
KALLAROO

ELEVATIONS

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: NS
PROJECT No: <b>418039</b>	DRAWING No: <b>A04</b>	REVISION: <b>M</b>		



LEGEND	
22.43	DENOTES EXISTING RL
RL 24.86	DENOTES PROPOSED RL

LOT 643 (20) STANFORD ROAD  
LOT 642 (104) MULLALOO DRIVE  
KALLAROO

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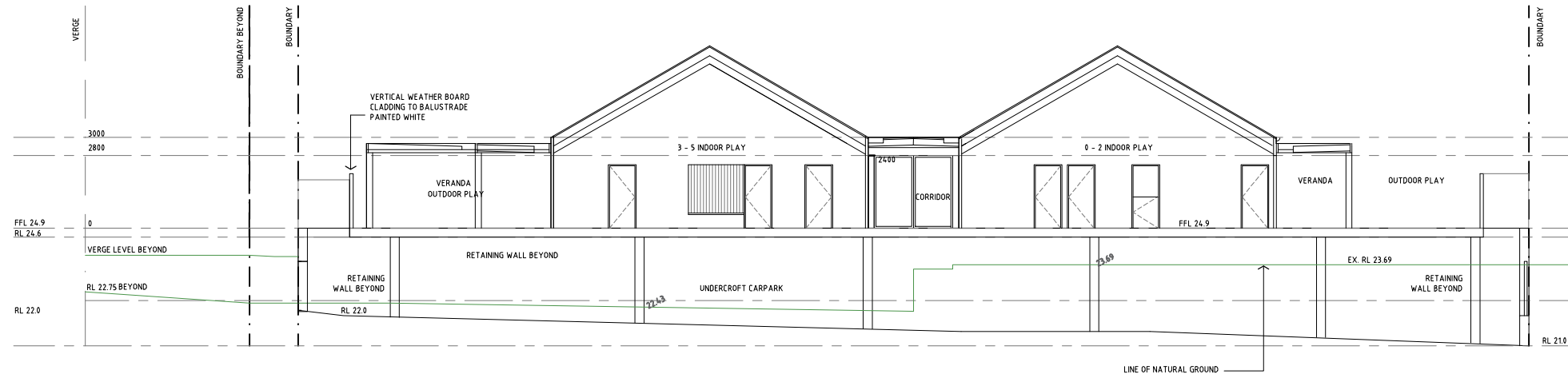
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KALLAROO

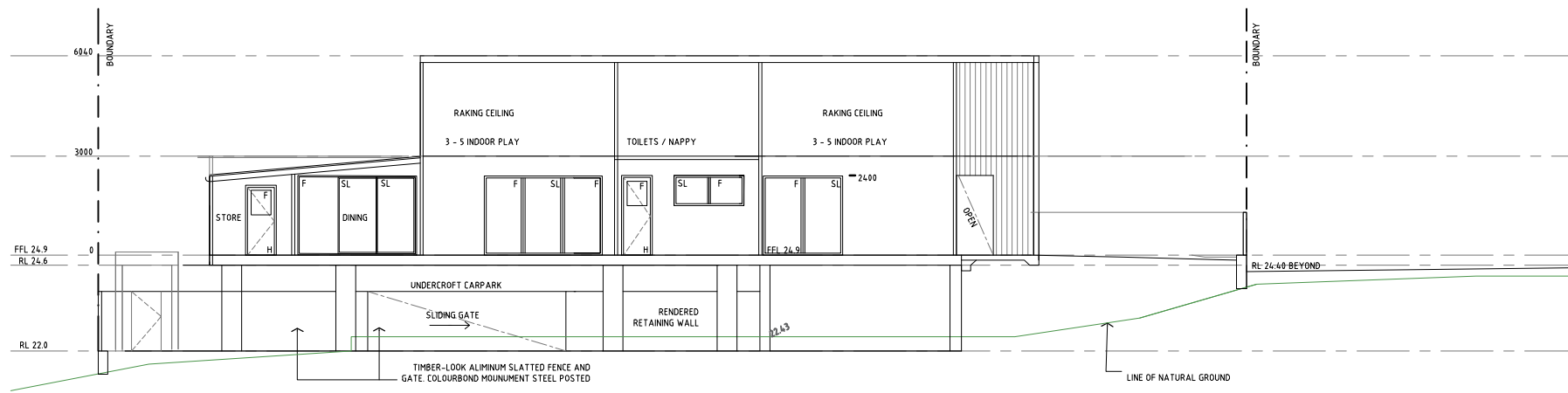
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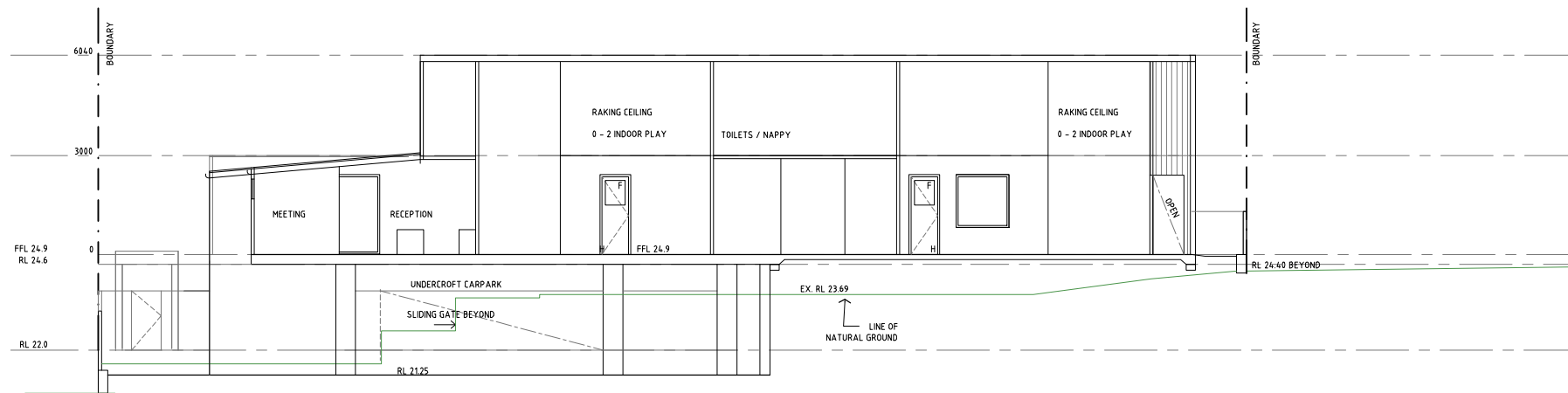




SECTION AA  
SCALE 1:200



SECTION BB  
SCALE 1:200



SECTION CC  
SCALE 1:200

LOT 643 (20) STANFORD ROAD  
LOT 642 (104) MULLALOO DRIVE  
KALLAROO

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KALLAROO

SECTIONS

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: NS
PROJECT No: <b>418039</b>	DRAWING No: <b>A05</b>	REVISION: <b>F</b>		







KEIKI KALLAROO EARLY LEARNING CENTRE  
Schematic 3d Images





KEIKI KALLAROO EARLY LEARNING CENTRE  
Schematic 3d Images





# KEIKI KALLAROO EARLY LEARNING CENTRE

Schematic 3d Images





KEIKI KALLAROO EARLY LEARNING CENTRE  
Schematic 3d Images









GS1



GS2



GS3

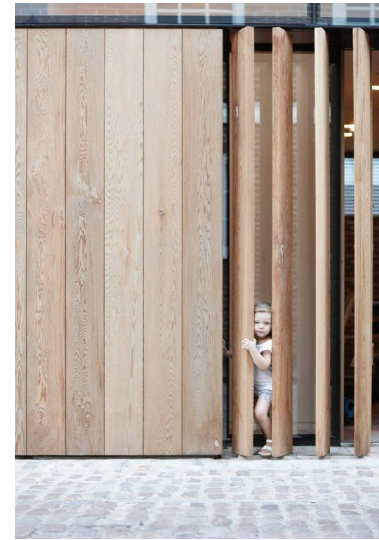


GS4



GS5





# KEIKI EARLY LEARNING CENTRE

## Inspiration Images



REVISION:  
J



AP ref: 21-011  
SAT ref: DR 203/2021  
City ref: DA21/0499  
DAP ref: DAP/21/02000

1 December 2021

City of Joondalup  
PO Box 21  
Joondalup WA 6919

Attention: Renae Mather & Ashleigh Bryce, Planning Services

**KALLAROO PLAY & LEARN PTY LTD v PRESIDING MEMBER OF THE MOJDAP  
SECTION 31 RECONSIDERATION REQUEST  
LOT 642 (104) MULLALOO DRIVE & LOT 643 (20) STANFORD ROAD, KALLAROO**

Apex Planning acts on behalf of Kallaroo Play and Learn Pty Ltd with respect to the early learning centre proposed at Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo (**subject site**).

Further to orders issued by Member Rochelle Lavery of the State Administrative Tribunal (**SAT**) on 17 November 2021 in relation to the above matter, the following additional information package is provided to inform the Respondent's reconsideration of the development in accordance with section 31 of the *State Administrative Tribunal Act 2004*.

This additional information package consists of:

- A comprehensive submission responding to the reasons for refusal (contained in this letter).
- Determination letter and stamped plans (**Appendix 1**).
- Amended plans (**Appendix 2**).
- Operation and noise management plan (**Appendix 3**).
- Revised traffic assessment (**Appendix 4**), acoustic assessment (**Appendix 5**), and waste management plan (**Appendix 6**).

## **1 SUMMARY OF CHANGES**

The operating hours of the facility are reduced to 7am-6pm, though it is noted allowance will be made for staff to be on-site within 30 minutes of opening and closing. A set of amended drawings is provided at **Appendix 2** of this package, depicting the following changes:

- Reduction of centre capacity to 75 children and 15 staff (formerly 80 children and 16 staff). The 2-3 years age group is reduced by 5 children, which has reduced the overall number of children within the eastern play area (the play area closest to the neighbouring property).

- Alterations to the southern side of the building:
  - Increased setbacks to southern boundary, achieving a compliant minimum setback of 2.8m and a maximum setback of 4.4m. Compliance is exceeded along most of the wall.
  - Articulated storeroom wall, resulting in stepped building form along the entire southern boundary which diminishes building bulk.
  - The inclusion of two highlight windows along the storeroom wall, which reduces the extent of blank façade and further diminishes building bulk.
- Modifications within the lower level (car park):
  - The creation of a tandem area within the northern side of the car park, containing two sets of tandem staff bays (two staff bays at the rear and two staff bays at the front). A total of 27 bays are now provided in the car park.
  - The provision of a turnaround bay at the eastern end of the car park.
  - Removal of the bin store from the south-eastern end of the car park and its replacement with a 1.7m wide garden area containing high bamboo planting. Landscape planting frames the entire car park interface with the neighbouring eastern and southern properties.
  - Relocation of the bin store to the western side of the new tandem staff bays. The bin store has been expanded to contain 4x 1,100L bins (2 for refuse, 2 for recyclables). The bin store location is detached from the eastern and southern properties.
  - The extension of a solid wall along the southern side of the 'service compound' area, resulting in its enclosure to three sides which face neighbouring properties (north, east, south). The western side of the enclosure is open, facing the interior of the car park for ventilation.
- The inclusion of Jasmine Creeper along the southern and south-western balustrade of the playscape. The Jasmine Creeper will hang over the balustrade and screen it, to further diminish perceived bulk.
- Deletion of the existing Mullaloo Drive crossover and its reinstatement with landscaped verge.

## 2 LOCATION OF CHILD CARE PREMISES (REFUSAL REASON 1a AND 2)

The location of the proposed early learning centre is appropriate and acceptable, noting:

- The substance of these refusal reasons originates from a Local Planning Policy (**LPP**). Whilst it is acknowledged policy provisions are intended to guide discretion, they do not have statutory effect in the same manner as local planning scheme provisions. Development which deviates from the provisions of policy warrants consideration and where appropriate, discretion can (and should) be applied.
- Under Section 5.1.1a of the LPP, it is "*preferable*" but not essential to locate child care premises adjacent to non-residential land uses. In this regard, it is considered appropriate for childcare facilities (which are inherently a community service) to form part of the communities they serve, provided residential amenity is not adversely impacted.
- Residential amenity is demonstrated to be preserved by the amended proposal, noting:



- Hours of operation which align with Section 5.6 of the LPP.
  - A high quality, attractive and architecturally designed streetscape response which contributes positively to Mullaloo Drive and Stanford Road.
  - Its sensitive design interface to adjoining eastern and southern properties with compliant setbacks, compliant building/wall heights, compliant visual privacy, acceptable overshadowing, and landscape integration.
  - Acceptable operations and noise management practices as confirmed by the Operation and Noise Management Plan (**ONMP**).
  - Acoustic compliance and manageable acoustic impacts as demonstrated by way of acoustic assessment.
  - Insignificant traffic generation and no adverse impacts to the surrounding road network as confirmed by the supporting traffic assessment.
  - Satisfactory waste management practices which consider and protect the amenity of adjoining properties, as confirmed in the Waste Management Plan (**WMP**).
- The site is located along Mullaloo Drive (a Local Distributor Road), which is designed to carry higher volumes of vehicles and perform a function of connecting the locality to Marmion Avenue. The centre will be highly accessible to the community and located along the daily route of parents travelling to/from work (and is therefore well-positioned to deliver community benefit).
  - The site is in a corner location with two road frontages, limiting impacts to two boundaries. The site is not located along a cul-de-sac road or embedded within a neighbourhood where traffic relies solely on a local access road system.
  - There is an established and growing need for childcare services in the Kallaroo / Mullaloo locality, which is evidenced by:
    - Enrolments fully exhausted for 2022 and substantial waiting lists at the other Keiki facilities located in the northern coastal corridor.
    - Impending changes to the Child Care Subsidy (**CCS**) system in the coming months, which provide access to childcare services to more families, with the intent of increasing economic opportunities and improving workforce participation.

### **3 ACCESS TO STANFORD ROAD (REFUSAL REASON 1b AND 1c)**

An important feature of the proposed development is the provision of access to Stanford Road, which supports the split-level format of the centre where buildings and outdoor play areas are provided at the upper level and the car park is provided at the lower level.

The provision of access to Stanford Road facilitates a superior planning and design outcome which responds to the topographical constraints of the site, as it:

- Allows the car park to be provided within an undercroft area which is concealed from public view, which protects visual amenity. Architecturally designed buildings and engaging outdoor play areas form the streetscape response to Mullaloo Drive and Stanford Road.
- Reduces the extent of earthworks which would otherwise have been required, if a more traditional single-level design format were employed for the centre (noting the site slopes by approximately 3.5m).

Importantly, the Transport Impact Statement (TIS) provided at **Appendix 4** (which has been revised based on the reduced capacity of the centre) demonstrates there will be no adverse traffic impact to Stanford Road as a result of the access, noting:

- The traffic generation of the centre is estimated at 57 trips in the AM peak hour and 37 trips in the PM peak hour, with 263 total daily trips. This extent of traffic generation is insignificant and falls within the 'moderate' threshold of impact, in accordance with the WA Planning Commission traffic impact assessment guidelines.
- The vast majority of traffic (approximately 80%) using this centre would originate from Mullaloo Drive, using the northern 30m of Stanford Road to access the site. The likelihood of amenity impact is minimal given the increased use of Stanford Road is concentrated to a small portion closest to Mullaloo Drive.
- The remaining minority of traffic using the southern parts of Stanford Road equates to 11 trips in the AM peak and 9 trips in the PM peak. This level of traffic generation is clearly minimal and would not create impacts to the character or function of Stanford Road.
- The additional turning movements at the Mullaloo Drive / Stanford Road intersection were previously considered by the City's engineers and confirmed to be acceptable, noting they equated to a turning movement every 5 minutes in the AM peak and every 6-7 minutes in the PM peak. It is noted that the number of turning movements have slightly reduced as a result of the reduced capacity of the centre.

Having regard for the above, it is evident that the Stanford Road access is acceptable and warrants approval.

#### 4 RESIDENTIAL AMENITY (REFUSAL REASON 2 AND 3)

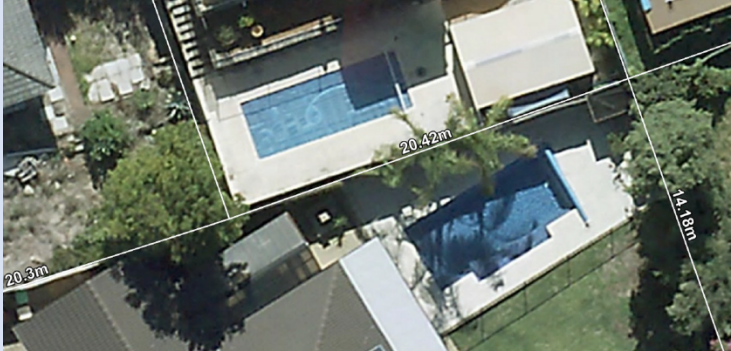
In accordance with Section 5.1.1b of the Child Care Premises LPP, the potential impacts to residential amenity associated with the proposed early learning centre are discussed and addressed in **Table 1** below.

Table 1: assessment of residential amenity	
Element of residential amenity	Response
Traffic and access	<p>Traffic generation and the location of the Stanford Road crossover is comprehensively addressed in the previous section of this submission.</p> <p>In addition to traffic generation, modifications within the car park which involve the provision of a turning bay and two additional parking spaces (resulting in a two bay surplus) substantially improve site functionality and parking availability.</p> <p>The turnaround bay offers a dedicated space in which vehicles can perform a turnaround movement to exit the car park in forward gear, which is considered to further improve traffic conditions for the facility.</p> <p>The car park provides a total of 27 bays, which exceeds policy requirements by 2 bays, minimizing parking congestion on the site.</p> <p>The development is sound from a traffic and access point of view and should be approved.</p>

Noise	<p>As demonstrated by the revised acoustic assessment provided at <b>Appendix 5</b>, compliance is readily achieved at all neighbouring sites and nearby sensitive receivers with regard to outdoor play, car park noise, and mechanical plant. The noise levels received at the eastern and southern property have reduced as a result of the centre's decreased capacity and minor alterations within the car park.</p> <p>An ONMP has been prepared which articulates the management practices of the centre to ensure acoustic compliance is maintained for the life of the development.</p> <p>The operating hours of the centre have been amended to 7am-6pm Monday to Friday, which is compliant with Section 5.6 of the LPP. Staff may arrive within 30 minutes of the opening or closing time, however the controlled nature of car park usage prior to 7am ensures impacts are minimised and compliance is achieved. The creation of tandem spaces in the northern side of the car park has further reduced the potential for noise impacts, as the first two staff arriving on site will be using Bays 7 and 8, which are within an enclosed area substantially separated from the adjoining properties.</p> <p>As a result of the amended operating hours, the AC units will only be activated during the operating hours of the facility (ie from 7am). Compliance is readily achieved for the usage of AC units during this period, and it is noted that the service compound has been modified so that it is fully shielded from the eastern and southern properties by a solid wall. Compliance will be verified at detailed design stage, once specific AC units are selected.</p> <p>Outdoor play continues to achieve compliance based on the provision of acoustically attenuated fencing/walls along the playscape boundaries. It is noted that the 2-3 year age group has reduced by 5 places, which has reduced the total number of children in the eastern play area, reducing noise levels adjacent to 106 Mullaloo Drive. It is important to note compliance is demonstrated based on all 75 kids in the play area for extended periods of time which will rarely be the case, therefore actual noise levels received at the adjoining properties are expected to be lower.</p> <p>The proposal is entirely appropriate from an acoustic point of view. Clearly, noise potentially generated by the centre will not create unacceptable impacts to the adjoining properties and is capable of being managed.</p>
Built form and design	<p>The development is designed in a sensitive and attractive manner, with architecturally designed buildings and an engaging vegetated outdoor play area forming the streetscape response. As noted earlier, the provision of access to Stanford Road is a key component of the facility's design approach, as this minimizes car park interface with the street, protecting the visual amenity of the locality.</p> <p>It is noted that a portion of the eastern building slightly protrudes into the Mullaloo Drive front setback area, representing a minor variation to the policy standard. The stepped nature of buildings and positioning of open style verandahs creates articulation to break up the built form interface with the street and adjoining properties. The building heights comply with the requirements of the R-Codes.</p> <p>The built form approach employs a pitch-roof format and materials which complement the coastal character of Kallaroo / Mullaloo. This includes vertical white cladding, limestone features, warm timber tones and black ascent details within screens and window frames.</p> <p>The design response involves significant landscape integration, noting the retention of existing mature trees on the site, substantial landscape planting in the verges and playscapes, and dense landscape buffer planting along the car park's interface with adjoining properties.</p>



		<p>The streetscape response is evidently of a high quality, and the minor front setback variation clearly warrants discretion.</p>
Bulk and scale		<p>Where the development is viewed from the street, bulk and scale is within the acceptable range, noting:</p> <ul style="list-style-type: none"> <li>• The single storey scale of the proposed buildings (which as noted earlier, is facilitated by the split-level format achieved through suitably located access to Stanford Road).</li> <li>• Compliant external wall and building heights in accordance with both the R-Codes and Policy requirements.</li> <li>• Compliant street setbacks for most of the development, except for the minor protrusion into the Mullaloo Drive setback area which is demonstrated to warrant discretion.</li> <li>• The creation of articulation through verandahs and stepping of buildings, in addition to the variation of materiality and use of architectural treatments.</li> <li>• Substantial landscape integration along the eastern boundary.</li> </ul> <p>Where the development is viewed from the adjoining eastern and southern properties, bulk and scale is within the acceptable range, noting:</p> <ul style="list-style-type: none"> <li>• Compliant setbacks to the eastern boundary, associated with the store and staff WC (which includes a highlight window to minimize blank walls). The remainder of the boundary is comprised of a recessed balustrade and boundary fence which are within the typical residential height range. Beyond the balustrade is a vegetated playscape area with an open verandah, which does not create bulk impact.</li> <li>• Setbacks to the southern boundary which exceed the minimum 2.8m requirement, with setbacks ranging from 2.8m to 3.77m to 3.14m to 4.4m along the wall from west to east. The stepping of the wall creates articulation to the southern boundary diminishing perceived bulk, rather than a single flat wall. The wall is further broken up with a permeable horizontal slatted fence section with landscape feature in the centre with highlight windows along the entire wall to minimize which further diminishes bulk.</li> <li>• Compliant external wall heights, and the recessing of the pitch roofs by up to 5.9m from the wall.</li> <li>• Balustrading at the southern end of the playscape now includes Jasmine Creeper planting which will cascade over its exterior, enhancing the green interface with the adjoining property.</li> <li>• Substantial landscape planting along the southern boundary which will form part of the vista from the adjoining southern property.</li> </ul> <p>The alterations to the southern side of the building have also resulted in a reduction of overshadowing to the southern adjoining property. From a statutory planning point of view, it is relevant to note no overshadowing requirement applies to this type of development, as the land use is non-residential and the Child Care Premises LPP does not prescribe an overshadowing standard. Therefore, a merit assessment using the R-Codes as guidance is appropriate.</p> <p>Approximately 220sqm of the adjoining lot is overshadowed, which equates to 28.7% of its area. Using the R-Codes as guidance, this would represent a minor 29sqm (3.7%) exceedance to the allowable 25% (191sqm) of overshadowing under the R-Codes. The overshadowing to the southern property is not considered to create unacceptable impacts, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Approximately 82sqm of the total 220sqm shadow area falls within the front setback area (comprising a vehicle driveway and boundary vegetation) and the garage roof the adjoining dwelling. This leaves 138sqm of shadow over the open space areas of the adjoining property, which is within the compliant/acceptable range.</li> </ul>

	<ul style="list-style-type: none"> <li>• A significant proportion of the 138sqm shadow area outlined above falls within the pool area of the adjoining property. As the shadow is taken at 12pm 21 June, this is likely to be an inactive area in the middle of winter. The area is not overshadowed during other times of the year, therefore its useability is not affected.</li> <li>• The covered patio of the adjoining property is located along the northern boundary, where it is most susceptible to overshadowing impact. A compliant form of residential development on the development site, which uses existing dwelling pad levels, would more than likely create overshadowing over this patio area (therefore impact to this area is considered to be unavoidable)</li> <li>• A large tree exists within the development site, which is adjacent to and already casts a shadow over the patio area. Elevated fencing already exists along the rest of the boundary which creates shadowing within the patio and pool area. Refer to the below image demonstrating this:</li> </ul>  <ul style="list-style-type: none"> <li>• The shadow area does not affect existing solar panels on the adjoining dwelling.</li> <li>• In light of the above points, overshadowing impacts are evidently within an acceptable range and the proposal is considered to be capable of achieving the design principles under Clause 5.4.2 of the R-Codes (if this applied to the proposal).</li> </ul> <p>Overall, it is considered the development is appropriate from a bulk and scale point of view.</p>
Waste management	<p>The waste management plan has been revised to account for the expanded/relocated bin storage area within the undercroft car park (refer to <b>Appendix 6</b>).</p> <p>The bin storage area has been shifted to the northern side of the car park, where it is detached from sensitive adjoining properties. This minimizes the possibility of amenity impact as a result of the storage of waste and any activity occurring within the bin store.</p> <p>The waste management arrangements confirmed for this proposal include:</p> <ul style="list-style-type: none"> <li>• A bin storage area sufficiently sized to accommodate 4x 1,100L bins (2 for refuse, 2 for recyclables)</li> <li>• Collections to occur once a week for refuse and recyclables, between 7am-12pm on Saturdays</li> <li>• Collections undertaken by private contractor, using a suitably sized collection vehicle capable of maneuvering in the car park (swept paths are included within the TIS)</li> <li>• The bin store is fully enclosed and serviced with a drain and tap to allow for regular cleaning and maintenance by centre staff.</li> </ul> <p>The waste management practices are captured within the ONMP. The waste management arrangements are sensitive and minimize the potential for external impact.</p>

## **5 HEIGHT, BULK, SCALE, ORIENTATION & APPEARANCE (REFUSAL REASON 4)**

Comments received from the Joondalup Design Reference Panel (**JDRP**) with respect to building height, bulk and scale, orientation and appearance have been comprehensively addressed in the previous sections of this submission. The amended proposal and justification presented in this submission is considered to resolve the comments formerly provided by the JDRP.

It is noted that the amended proposal will be considered by the recently revised JDRP in mid December. The applicant will present the amended proposal at the 2<sup>nd</sup> JDRP meeting and explain how the previous comments have been resolved.

## **6 CONCLUSION**

This section 31 package contains amended plans, planning justification, revised consultant reports and an operation/noise management plan which are considered to comprehensively address/resolve the Panel's reasons for refusal.

The early learning facility has been modified in a number of ways to increase the development's sensitivity to neighbouring properties, and more detail has been provided regarding the centre's ongoing management practices.

The proposed early learning centre will deliver much needed education and care services for families in the Kallaroo/Mullaloo area, within a location which is highly accessible and well positioned to create community benefit. The development will co-exist harmoniously with the surrounding area.

The MOJDAP's approval is therefore respectfully requested.

Should you have any queries or wish to discuss the above in further detail, don't hesitate to contact the undersigned on 0416 672 501.

**ALESSANDRO STAGNO**  
**APEX PLANNING**



# Environmental Noise Assessment

**Lot 643 (20) Stanford Road and Lot 642 (104)  
Mullaloo Drive, Kallaroo  
Proposed Childcare Centre**

**Reference: 21016058-01A**

**Prepared for:**  
**Keiki Early Learning**

# Report: 21016058-01A

## Lloyd George Acoustics Pty Ltd

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Date:	Rev	Description	Prepared By	Verified
5-May-21	-	Issued to Client	Matt Moyle	Terry George
30-Nov-21	A	Updated for latest plans	Matt Moyle	Terry George

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B	Terminology

# 1 INTRODUCTION

It is proposed to develop Lot 643 (20) Stanford Road and Lot 642 (104) Mullaloo Drive in Kallaroo (refer *Figure 1-1*) as a childcare centre (CCC). The proposed childcare centre development will consist of the following:

- Four internal play spaces capable of accommodating up to 75 children, grouped as follows:
  - 2x Play spaces for Kindy (3 years or over), 40 children in total,
  - 1x Play spaces for Toddlers (2 to 3 years old), 15 children in total,
  - 1x Play space for Babies (0-24 months), 20 children.
- Outdoor play areas located to the east, west and north of the building.
- Amenities and associated mechanical plant such as:
  - One kitchen with rangehood and exhaust fan assumed to be located on the roof above,
  - Various exhaust fans (toilets, laundry, nappy room) assumed to be located on the roof above, and
  - AC plant assumed to be located on ground level in the undercroft car park at the northeast corner.
- Undercroft car parking.

It is noted that residential premises are in the vicinity of the subject site. As such an assessment of noise to these receptors is required.

This report presents the assessment of the noise emissions from child play, car doors closing in the car park and mechanical plant associated with the childcare centre against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) based on the development drawings shown in *Appendix A*.

The proposed hours of operation are 7.00am to 6.00pm Monday to Friday. Therefore, staff and parents can arrive and park before 7.00am, which is during the night-time period of the Regulations.

*Appendix B* contains a description of some of the terminology used throughout this report.



Figure 1-1 Project Locality (DPLH Maps)



Figure 1-2 Project Site Plan



## 2 CRITERIA

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

Regulation 7 defines the prescribed standard for noise emissions as follows:

“7. (1) Noise emitted from any premises or public place when received at other premises –

- (a) Must not cause or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
- (b) Must be free of –
  - i. tonality;
  - ii. impulsiveness; and
  - iii. modulation,
 when assessed under regulation 9”

A “...noise emission is taken to significantly contribute to a level of noise if the noise emission ... exceeds a value which is 5 dB below the assigned level...”

Tonality, impulsiveness and modulation are defined in Regulation 9. Noise is to be taken to be free of these characteristics if:

- (a) The characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and
- (b) The noise emission complies with the standard prescribed under regulation 7 after the adjustments of *Table 2-1* are made to the noise emission as measured at the point of reception.

**Table 2-1 Adjustments Where Characteristics Cannot Be Removed**

Where Noise Emission is Not Music			Where Noise Emission is Music	
Tonality	Modulation	Impulsiveness	No Impulsiveness	Impulsiveness
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

Note: The above are cumulative to a maximum of 15dB.

The baseline assigned levels (prescribed standards) are specified in Regulation 8 and are shown in *Table 2-2*.

**Table 2-2 Baseline Assigned Noise Levels**

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Noise sensitive premises: highly sensitive area <sup>1</sup>	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

1. **highly sensitive area** means that area (if any) of noise sensitive premises comprising —
- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
  - (b) any other part of the premises within 15 metres of that building or that part of the building.

The total influencing factor, applicable at surrounding noise sensitive premises has been calculated as 2 dB – refer *Table 2-3*. There are no significant commercial or industrial premises within 450 metres of the receivers. The transport factor was calculated as 2 dB, as Mullaloo Road is a secondary road (as defined by the Regulations to have between 6,000 and 15,000 vehicles per day (vpd) – MRWA Site #0802 with 8,700 vpd 2018/19) within 100m of the site and nearest receivers.

**Table 2-3 Influencing Factor Calculation**

Description	Within 100 metre Radius	Within 450 metre Radius	Total
Industrial Land	0 %	0 %	0 dB
Commercial Land	0 %	0%	0 dB
Transport Factor	Minor Road	Minor Road	2 dB
<b>Total</b>			<b>2 dB</b>

*Table 2-4* shows the assigned noise levels including the influencing factor and transport factor at the receiving locations.

Table 2-4 Assigned Noise Levels

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
All nearest highly sensitive areas <sup>1</sup>	0700 to 1900 hours Monday to Saturday (Day)	47	57	67
	0900 to 1900 hours Sunday and public holidays (Sunday)	42	52	67
	1900 to 2200 hours all days (Evening)	42	52	57
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	37	47	57
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

1. **highly sensitive area** means that area (if any) of noise sensitive premises comprising —
- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
  - (b) any other part of the premises within 15 metres of that building or that part of the building.

It must be noted the assigned noise levels above apply outside the receiving premises and at a point at least 3 metres away from any substantial reflecting surfaces. Where this was not possible to be achieved due to the close proximity of existing buildings and/or fences, the noise emissions were assessed at a point within 1 metre from building facades and a -2 dB adjustment was made to the predicted noise levels to account for reflected noise.

It is noted the assigned noise levels are statistical levels and therefore the period over which they are determined is important. The Regulations define the Representative Assessment Period (RAP) as *a period of time of not less than 15 minutes, and not exceeding 4 hours*, which is determined by an *inspector or authorised person* to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission. An *inspector or authorised person* is a person appointed under Sections 87 & 88 of the *Environmental Protection Act 1986* and include Local Government Environmental Health Officers and Officers from the Department of Environment Regulation. Acoustic consultants or other environmental consultants are not appointed as an *inspector or authorised person*. Therefore, whilst this assessment is based on a 4 hour RAP, which is assumed to be appropriate given the nature of the operations, this is to be used for guidance only.

### 3 METHODOLOGY

Computer modelling has been used to predict the noise emissions from the development at all nearby receivers. The software used was *SoundPLAN 8.2* with the ISO 9613 algorithms (ISO 171534-3 improved method) selected, as they include the influence of wind and are considered appropriate given the relatively short source to receiver distances.



Input data required in the model are:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

### 3.1 Meteorological Information

Meteorological information utilised is provided in *Table 3-1* and is considered to represent worst-case conditions for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

**Table 3-1 Modelling Meteorological Conditions**

Parameter	Day (0700-1900)	Night (1900-0700)
Temperature (°C)	20	15
Humidity (%)	50	50
Wind Speed (m/s)	Up to 5	Up to 5
Wind Direction*	All	All

\* Note that the modelling package used allows for all wind directions to be modelled simultaneously.

It is generally considered that compliance with the assigned noise levels needs to be demonstrated for 98% of the time, during the day and night periods, for the month of the year in which the worst-case weather conditions prevail. In most cases, the above conditions occur for more than 2% of the time and therefore must be satisfied.

### 3.2 Topographical Data

Topographical information was based on data publicly available (e.g. *GoogleEarth*) in the form of spot heights and combined with finished floor levels provided on the development drawings.

It is noted the topography is generally descending from north to south along Stanford Road.

### 3.3 Buildings and Receivers

Surrounding existing buildings were included in the noise model, as these can provide noise shielding as well as reflection paths.

Adjacent houses are either single or double storey and were modelled as 3.5 metre and 6.0 metre high buildings, with receivers located 1.5 metres and 4.4 metres above local ground level, respectively. The childcare centre building incorporates an undercroft car park and play areas as shown in the design drawings of *Appendix A* and this was reproduced as appropriate within the noise model.

*Figure 3-1* shows a 2D overview of the noise model with the location of all relevant receivers identified.

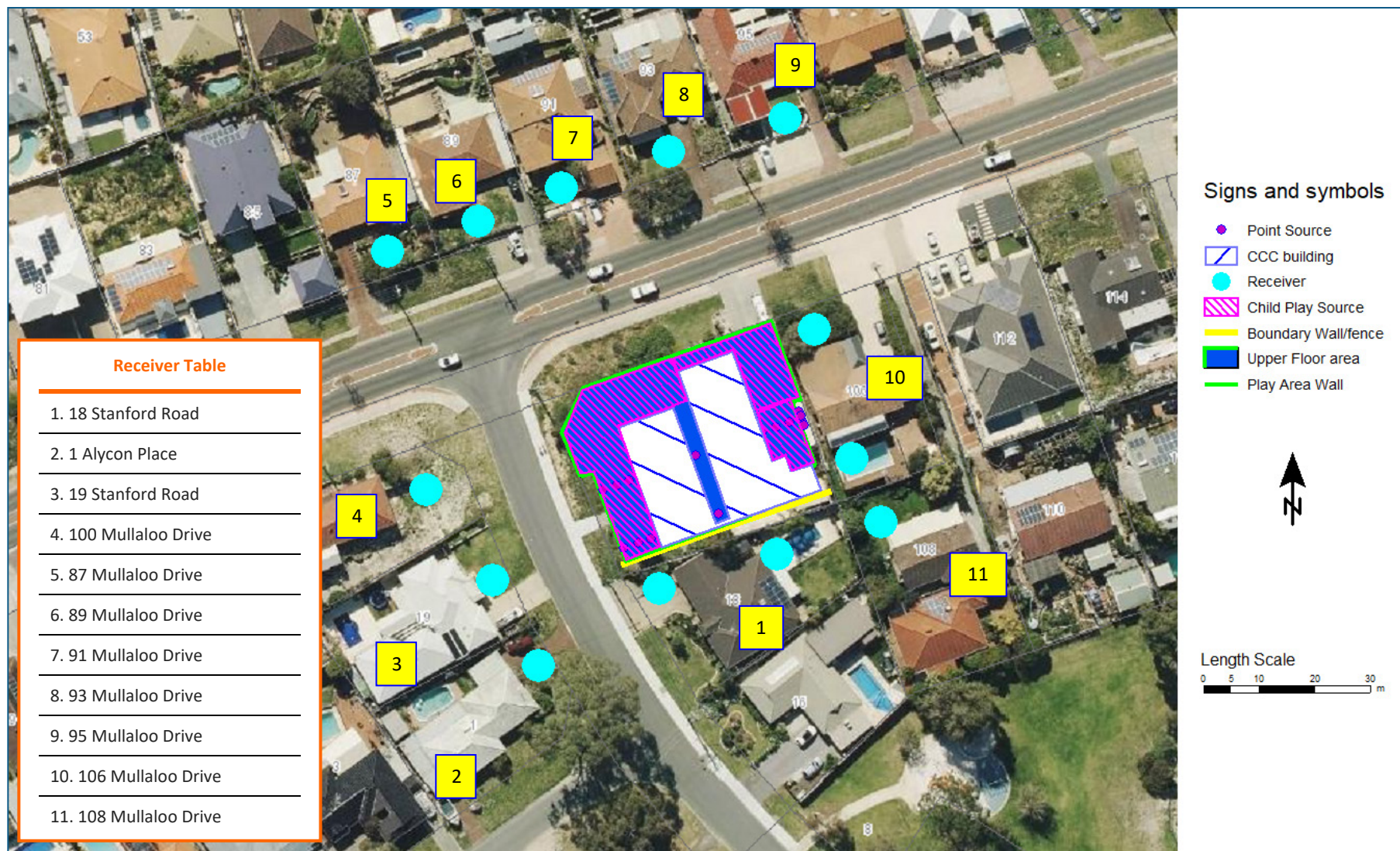


Figure 3-1 2D Overview of Noise Model

### 3.4 Source Sound Levels

The sound power levels used in the modelling are provided in *Table 3-2*.

**Table 3-2 Source Sound Power Levels, dB**

Description	Octave Band Centre Frequency (Hz)								Overall dB(A)
	63	125	250	500	1k	2k	4k	8k	
Babies Play Aged 0-2 Years (10 kids), L <sub>10</sub>	78	54	60	66	72	74	71	67	<b>78</b>
Toddler Play Aged 2-3 Years (10 kids), L <sub>10</sub>	61	67	73	79	81	78	74	70	<b>85</b>
Kindy Play Aged 3+ Years (10 kids), L <sub>10</sub>	64	70	75	81	83	80	76	72	<b>87</b>
AC plant, double fan unit (4 off), each, L <sub>10</sub>	72	74	68	69	63	61	53	47	<b>70</b>
Toilet/Laundry Exhausts, each, L <sub>10</sub>	60	65	62	63	60	61	56	53	<b>67</b>
Kitchen Exhaust, L <sub>10</sub>	50	64	61	70	69	66	62	50	<b>73</b>
Closing Car Door, L <sub>max</sub>	71	74	77	81	80	78	72	61	<b>84</b>

The following is noted in relation to the source levels above:

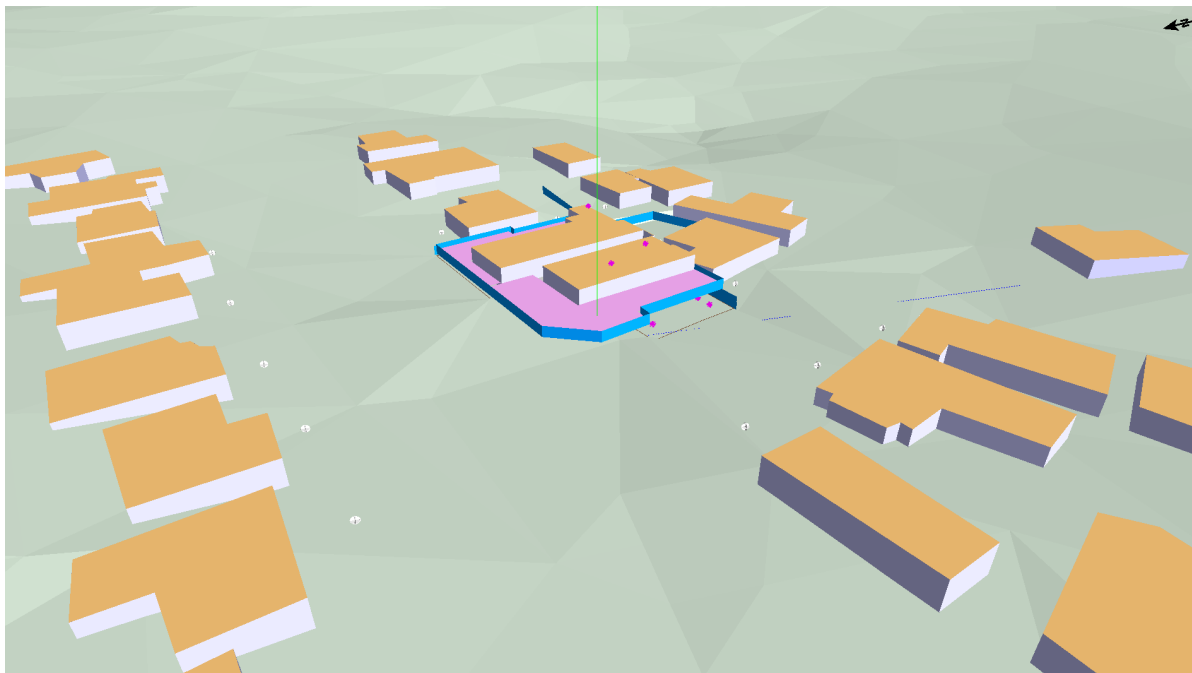
- Child play source levels are based on Guideline 3.0 provided by the Association of Australasian Acoustical Consultants (AAAC) published September 2020. Where the number of children for individual play areas is specified in the plans, these have been adjusted from the reference source levels using appropriate acoustical calculations. Outdoor child play was modelled as area sources at 1-metre heights above ground level. The sound power levels used in the model were scaled as follows:
  - 20 Babies = 81 dB(A)
  - 15 Toddlers = 87 dB(A)
  - 40 Kindy = 93 dB(A)
- Based on the AAAC Guideline 3.0, source sound power levels for AC condensing units were assumed. The DA drawing shows 4 units, and therefore medium sized (double fan) outdoor units were deemed appropriate. Each was modelled as a point source located 1.2 metres above ground level positioned as indicated on plans.
- Based on similar projects, four AC condensing units were assumed to be required for the various spaces. Each was modelled as a point source located in the undercroft plant area.
- Other mechanical plant includes three exhaust fans (toilets and laundry) and one kitchen exhaust fan/rangehood fan. All were modelled as point sources approximately 0.5 metres above roof level and above the area serviced.
- Car doors closing were modelled as a point source 1.0 metre above ground level. Since noise from a car door closing is a short term event, only the L<sub>Amax</sub> level is applicable. It is noted that several bays are reserved for day staff and therefore these were excluded from the night time assessment.



### 3.5 Walls and Fences

The area is mostly suburban residential with typical boundary fencing (fibro and Colorbond types) between residences. It is assumed that a 1.8m high solid fence will be installed encompassing the upper floor play areas on all sides - refer DA drawings for more detail. The modelling has assumed that no gaps are present in this barrier, and this will need to be ensured in the final build. The material selected for this barrier must have a minimum  $8\text{kg/m}^2$  surface mass to be effective acoustically. With regard to the entry gate on the north side, this must also be solid and any air gaps appropriately sealed or overlapped.

Figure 3-2 shows a view of the 3D model based on the information above in relation to topography and building and fence heights. Also shown are the outdoor play areas (pink polygon) and point sources (e.g. mechanical plant, car doors) as purple dots.



*Figure 3-2 North West Elevation View of 3D Noise Model*

### 3.6 Ground Absorption

Ground absorption varies from a value of 0 to 1, with 0 being for an acoustically reflective ground (e.g. asphalt, concrete) and 1 for acoustically absorbent ground (e.g. grass/sand). In this instance, a value of 0 has been used for the outdoor play areas and the car park and road areas, and 0.6 for all other areas.

## 4 RESULTS

### 4.1 Outdoor Child Play

The childcare development will host up to 75 children, it is noted play time is generally staggered and therefore not all children would be playing outside at once for extended periods of time. However, noise levels were conservatively predicted for this, as a worst-case scenario, as follows:

- All four groups, totalling 75 children (all ages) are playing outside simultaneously for extended periods of time.

Table 4-1 presents the predicted noise levels at each receiver, noting the predicted noise levels are from child play only i.e. mechanical plant noise is not included. Figure 4-1 also shows the predicted noise levels as noise contour maps at ground level (1.5 metres AGL).

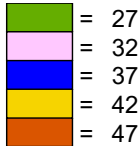
**Table 4-1 Predicted Noise Levels of Child Play, dB LA10**

Receiver	75 Children Outside
1. 18 Stanford Road	33
1. 18 Stanford Road Front	42
2. 1 Alycon Place	43
3. 19 Stanford Road	45
4. 100 Mullaloo Drive	47
5. 87 Mullaloo Drive	45
6. 89 Mullaloo Drive	46
7. 91 Mullaloo Drive	47
8. 93 Mullaloo Drive	46
9. 95 Mullaloo Drive	43
10. 106 Mullaloo Drive front	46
10. 106 Mullaloo Drive Rear	40
11. 108 Mullaloo Drive	37

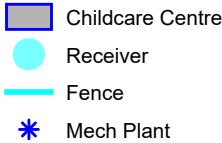
Figure 4-2 Mechanical Plant Noise, dB L<sub>A10</sub>



Predicted Noise level




Legend



Scale 1:800



Project No: 21016058  
Consultant: MM  
Date: 30/11/2021  
Algorithm: ISO 9613  
SoundPLAN Version: 8.2



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## 4.2 Mechanical Plant

Mechanical plant consists of AC plant and extraction fans for the kitchen, toilets and laundry. The exhaust fans were assumed to be located on the roof and above the room being serviced. The AC plant was modelled as per the designated area on the north west side of the car parking.

The predicted mechanical plant noise levels are presented in *Table 4-2*.

**Table 4-2 Predicted Noise Levels of Mechanical Plant, dB  $L_{A10}$**

Receiver	Rooftop Exhaust Fans	AC Condensers (Under croft)	Combined
1. 18 Stanford Road	31	34	36
1. 18 Stanford Road Front	28	18	28
2. 1 Alycon Place	29	28	31
3. 19 Stanford Road	30	32	34
4. 100 Mullaloo Drive	29	28	31
5. 87 Mullaloo Drive	26	24	28
6. 89 Mullaloo Drive	26	26	29
7. 91 Mullaloo Drive	28	27	30
8. 93 Mullaloo Drive	28	28	31
9. 95 Mullaloo Drive	24	16	25
10. 106 Mullaloo Drive front	25	24	28
10. 106 Mullaloo Drive Rear	30	32	34
11. 108 Mullaloo Drive	28	30	32

It can be seen that at most receivers, the predicted mechanical plant noise is lower than the child play noise levels (*Table 4-1*). Therefore, child play noise would dominate the noise levels during the day at most receivers. The above results should be recalculated once mechanical plant specifications are known closer to building permit application.

The overall plant noise levels are also shown on *Figure 4-2* respectively.

Figure 4-2 Mechanical Plant Noise, dB  $L_{A10}$



Predicted Noise level

- = 27
- = 32
- = 37
- = 42
- = 47

Legend

- Childcare Centre
- Receiver
- Fence
- Mech Plant

Scale 1:800



Project No: 21016058  
Consultant: MM  
Date: 30/11/2021  
Algorithm: ISO 9613  
SoundPLAN Version: 8.2



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### 4.3 Car Park

The model includes noise from car doors closing in all parking bays and *Table 4-3* presents the highest predicted noise levels applicable to each receiver. *Figure 4-3* also presents the maximum noise levels at ground level (1.5 m AGL) for car doors as a contour map. Note that this contour is not a cumulative level, but a composite contour of each maximum noise event.

**Table 4-3 Predicted Car Doors Closing Noise Levels, dB  $L_{Amax}$**

Receiver	Car doors
1. 18 Stanford Road	42
1. 18 Stanford Road Front	45
2. 1 Alycon Place	47
3. 19 Stanford Road	47
4. 100 Mullaloo Drive	45
5. 87 Mullaloo Drive	41
6. 89 Mullaloo Drive	39
7. 91 Mullaloo Drive	39
8. 93 Mullaloo Drive	39
9. 95 Mullaloo Drive	36
10. 106 Mullaloo Drive front	34
10. 106 Mullaloo Drive Rear	41
11. 108 Mullaloo Drive	42

### 4.4 Indoor Child Play

An assessment of noise levels from indoor child play was carried out and the resulting noise levels at all locations were predicted to be well below that of outdoor child play considered in *Section 4.1*. This assessment was carried out based on the following considerations:

- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group; and,
- Any music played within the internal activity areas would be 'light' music with no significant bass content and played at a relatively low level.



Figure 4-3 Car Park Noise, dB L<sub>Amax</sub>



Predicted Noise level

- = 47
- = 52
- = 57
- = 62
- = 67

Legend

- Childcare Centre
- Receiver
- Fence
- Car Door Source

Scale 1:800



Project No: 21016058  
Consultant: MM  
Date: 30/11/2021  
Algorithm: ISO 9613  
SoundPLAN Version: 8.2



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## 5 ASSESSMENT

### 5.1 Outdoor Child Play

Based on the proposed hours of operation, outdoor child play will only occur after 7.00am, when the assigned noise levels increase by 10 dB. Noise from child play is not considered to contain annoying characteristics within the definition of the Regulations and therefore, no adjustments are made to the predicted noise levels.

Table 5-1 presents the assessment of the highest predicted noise levels from all 75 children playing outside against the  $L_{A10}$  assigned noise level at each receiver. It is noted that at the receivers shown in Table 5-1, the daytime mechanical plant noise levels are generally not significantly contributing to the overall noise levels, and therefore noise from child play can be considered in isolation.

**Table 5-1 Assessment of Outdoor Child Play Noise Levels, dB  $L_{A10}$**

Receiver	Assigned Noise Level	Predicted Level	Exceedance
1. 18 Stanford Road	47	33	Complies
1. 18 Stanford Road Front	47	42	Complies
2. 1 Alycon Place	47	43	Complies
3. 19 Stanford Place	47	45	Complies
4. 100 Mullaloo Drive	47	47	Complies
5. 87 Mullaloo Drive	47	45	Complies
6. 89 Mullaloo Drive	47	46	Complies
7. 91 Mullaloo Drive	47	47	Complies
8. 93 Mullaloo Drive	47	46	Complies
9. 95 Mullaloo Drive	47	43	Complies
10. 106 Mullaloo Drive front	47	46	Complies
10. 106 Mullaloo Drive Rear	47	40	Complies
11. 108 Mullaloo Drive	47	37	Complies

From Table 5-1 it can be seen that noise levels comply with the most critical receivers, directly adjacent to the north, east and west of the site. The assessment demonstrates compliance based on a conservative scenario of all 75 children playing simultaneously. Therefore, no further mitigation measures are required.

## 5.2 Mechanical Plant

Given the proposed opening hours of the childcare centre, the day-time period (i.e. from 7.00am) is most critical. The overall noise levels are generally dominated by the kitchen exhaust plant and A/C condenser noise, which may be considered tonal, and a +5 dB adjustment (refer *Table 5-2*) applies to predictions.

**Table 5-2 Assessment of Mechanical Plant Noise Levels, dB LA10**

Receiver	Assigned Noise Level	Predicted Level	Adjusted Level	Exceedance
1. 18 Stanford Road	47	36	41	Complies
1. 18 Stanford Road Front	47	28	33	Complies
2. 1 Alycon Place	47	31	36	Complies
3. 19 Stanford Place	47	34	39	Complies
4. 100 Mullaloo Drive	47	31	36	Complies
5. 87 Mullaloo Drive	47	28	33	Complies
6. 89 Mullaloo Drive	47	29	34	Complies
7. 91 Mullaloo Drive	47	30	35	Complies
8. 93 Mullaloo Drive	47	31	36	Complies
9. 95 Mullaloo Drive	47	25	30	Complies
10. 106 Mullaloo Drive front	47	28	33	Complies
10. 106 Mullaloo Drive Rear	47	34	39	Complies
11. 108 Mullaloo Drive	47	32	37	Complies

Based on the predicted noise levels in *Table 5-2*, the most critical mechanical plant noise levels are to the south. These are primarily caused by the AC condensers, and the exhaust fans do not significantly contribute. Compliance is demonstrated for the day time period.

It must be noted this assessment is based on assumptions in relation to the number, size and type of AC plant and exhaust fans. Therefore, mechanical plant noise is to be reviewed by a qualified acoustical consultant during detailed design, when plant selections become known.



### 5.3 Car Doors

Car doors closing noise are short duration events and were therefore assessed against the  $L_{Amax}$  assigned noise level. Given the proposed hours of operation, staff may arrive before 7.00am when the night-time assigned noise level of 57 dB  $L_{Amax}$  is applicable. Car door noise was considered impulsive within the definition of the Regulations. Therefore, an adjustment of +10 dB (refer Table 5-3) is to be applied to the predicted noise levels.

**Table 5-3 Assessment of Car Doors Closing Noise Levels, dB  $L_{Amax}$**

Receiver	Night Assigned Noise Level	Predicted Level	Adjusted Level	Exceedance
1. 18 Stanford Road	57	42	52	Complies
1. 18 Stanford Road Front	57	45	55	Complies
2. 1 Alycon Place	57	47	57	Complies
3. 19 Stanford Road	57	47	57	Complies
4. 100 Mullaloo Drive	57	45	56	Complies
5. 87 Mullaloo Drive	57	41	51	Complies
6. 89 Mullaloo Drive	57	39	49	Complies
7. 91 Mullaloo Drive	57	39	49	Complies
8. 93 Mullaloo Drive	57	39	49	Complies
9. 95 Mullaloo Drive	57	36	46	Complies
10. 106 Mullaloo Drive front	57	34	44	Complies
10. 106 Mullaloo Drive Rear	57	41	51	Complies
11. 108 Mullaloo Drive	57	42	52	Complies
1. 18 Stanford Road	57	42	52	Complies

The noise from car doors is demonstrated to comply at locations, noting that the restricted staff bays adequately mitigate noise during the night and that during the day compliance is readily achieved. It is recommended that compliance be confirmed once detailed retaining walls and top of wall (fence heights) can be verified at detailed design.

## 6 RECOMMENDATIONS

To mitigate noise from kitchen exhaust fans, it is recommended that these be designed as inline type fans, which could be installed with attenuators or diverted ducting, rather than externally mounted plant.

The noise from AC condensing units is demonstrated to comply during the day time hours and nothing further is required, subject to verification at building permit in accordance with standard practice.

Noise from child play is demonstrated to comply during the day, with the proposed walls ensuring the walls and gates are free of gaps and a material with minimum surface mass of 8 kg/m<sup>2</sup>.

Noise from car park use to properties to the west, east and south should be anticipated, however by restricting the staff bays (and use times) as noted on the DA plans, this will be mitigated as demonstrated by way of noise modelling.

Separate to the above, the following 'best practice' measures could be incorporated to further reduce acoustic impact (though not specifically required to achieve compliance):

- The behaviour and 'style of play' of children should be monitored to prevent particularly loud activity e.g. loud banging/crashing of objects, 'group' shouts/yelling,
- Favour soft finishes in the outdoor play area to minimise impact noise (e.g. soft grass, sand pit(s), rubber mats) over timber or plastic,
- Favour soft balls and rubber wheeled toys,
- Crying children should be taken inside to be comforted,
- No amplified music to be played outside,
- External doors and windows to be closed during indoor activity / play, and
- Any music played within the internal activity areas to be 'light' music with no significant bass content and played at a relatively low level.
- Line carpark ceiling (underside of slab) with acoustically absorptive soffit lining to reduce reverberation.
- Carpark Floor
  - Shall be constructed so that there are no significant gaps in construction or where these exist, are to be filled with non-hardening mastic.
  - Drainage grates to be plastic or metal with rubber gasket and secure to avoid excess banging.
  - Brushed concrete finish to avoid tyre squeal. Where the concrete is to be sealed, a product such as Aquaron 1000 by Markham is understood to be suitable and not contribute to tyre squeal.

## 7 CONCLUSIONS

The noise impacts from the proposed childcare centre to be located at Lot 643 (20) Stanford Road and Lot 642 (104) Mullaloo Drive in Kallaroo have been assessed against the relevant criteria of the *Environmental Protection (Noise) Regulations 1997*.

Based on the modelling and assessments in relation to the noise emissions from child play, mechanical plant and car doors closing, it is concluded that compliance can be achieved for all noise sensitive premises provided that the recommendations in *Section 6* are implemented.



**Appendix A**

**Development Plans**



**Appendix B**

**Terminology**



The following is an explanation of the terminology used throughout this report.

***Decibel (dB)***

The decibel is the unit that describes the sound pressure and sound power levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

***A-Weighting***

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as  $L_A$  dB.

***Sound Power Level ( $L_w$ )***

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure levels at known distances. Noise modelling incorporates source sound power levels as part of the input data.

***Sound Pressure Level ( $L_p$ )***

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

***$L_{ASlow}$***

This is the noise level in decibels, obtained using the A frequency weighting and the S (Slow) time weighting as specified in IEC 61672-1:2002. Unless assessing modulation, all measurements use the slow time weighting characteristic.

***$L_{AFast}$***

This is the noise level in decibels, obtained using the A frequency weighting and the F (Fast) time weighting as specified in IEC 61672-1:2002. This is used when assessing the presence of modulation only.

***$L_{APeak}$***

This is the greatest absolute instantaneous sound pressure in decibels using the A frequency weighting as specified in IEC 61672-1:2002.

***$L_{Amax}$***

An  $L_{Amax}$  level is the maximum A-weighted noise level during a particular measurement.

***$L_{A1}$***

An  $L_{A1}$  level is the A-weighted noise level which is exceeded for one percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

***$L_{A10}$***

An  $L_{A10}$  level is the A-weighted noise level which is exceeded for 10 percent of the measurement period and is considered to represent the “intrusive” noise level.

**$L_{Aeq}$**

The equivalent steady state A-weighted sound level ("equal energy") in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the "average" noise level.

**$L_{A90}$**

An  $L_{A90}$  level is the A-weighted noise level which is exceeded for 90 percent of the measurement period and is considered to represent the "background" noise level.

**One-Third-Octave Band**

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive.

**$L_{Amax}$  assigned level**

Means an assigned level which, measured as a  $L_{A\ Slow}$  value, is not to be exceeded at any time.

**$L_{A1}$  assigned level**

Means an assigned level which, measured as a  $L_{A\ Slow}$  value, is not to be exceeded for more than 1% of the representative assessment period.

**$L_{A10}$  assigned level**

Means an assigned level which, measured as a  $L_{A\ Slow}$  value, is not to be exceeded for more than 10% of the representative assessment period.

**Tonal Noise**

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

the presence in the noise emission of tonal characteristics where the difference between -

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as  $L_{Aeq,T}$  levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as  $L_{A\ Slow}$  levels.

This is relatively common in most noise sources.

**Modulating Noise**

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

a variation in the emission of noise that —

- (a) is more than 3 dB  $L_{A\ Fast}$  or is more than 3 dB  $L_{A\ Fast}$  in any one-third octave band;
- (b) is present for at least 10% of the representative.

### **Impulsive Noise**

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness is:

a variation in the emission of a noise where the difference between  $L_{A \text{ peak}}$  and  $L_{A \text{ Max slow}}$  is more than 15 dB when determined for a single representative event;

### **Major Road**

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

### **Secondary / Minor Road**

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

### **Influencing Factor (IF)**

$$= \frac{1}{10} (\% \text{ Type A}_{100} + \% \text{ Type A}_{450}) + \frac{1}{20} (\% \text{ Type B}_{100} + \% \text{ Type B}_{450})$$

where :

% Type A<sub>100</sub> = the percentage of industrial land within  
a 100m radius of the premises receiving the noise

%TypeA<sub>450</sub> = the percentage of industrial land within  
a 450m radius of the premises receiving the noise

% Type B<sub>100</sub> = the percentage of commercial land within  
a 100m radius of the premises receiving the noise

%TypeB<sub>450</sub> = the percentage of commercial land within  
a 450m radius of the premises receiving the noise

+ Traffic Factor (maximum of 6 dB)

= 2 for each secondary road within 100m

= 2 for each major road within 450m

= 6 for each major road within 100m

### **Representative Assessment Period**

Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

### **Background Noise**

Background noise or residual noise is the noise level from sources other than the source of concern. When measuring environmental noise, residual sound is often a problem. One reason is that regulations often require that the noise from different types of sources be dealt with separately. This separation, e.g. of traffic noise from industrial noise, is often difficult to accomplish in practice. Another reason is that the measurements are normally carried out outdoors. Wind-induced noise, directly on the microphone and indirectly on trees, buildings, etc., may also affect the result. The character of these noise sources can make it difficult or even impossible to carry out any corrections.

### **Ambient Noise**

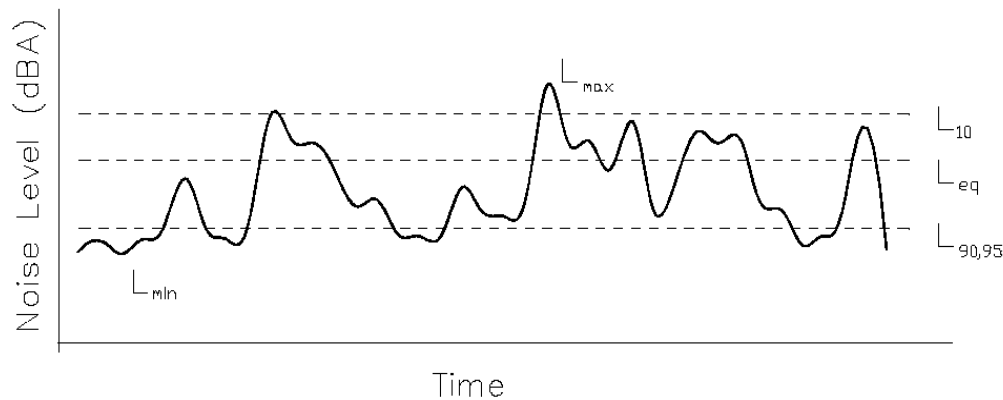
Means the level of noise from all sources, including background noise from near and far and the source of interest.

### **Specific Noise**

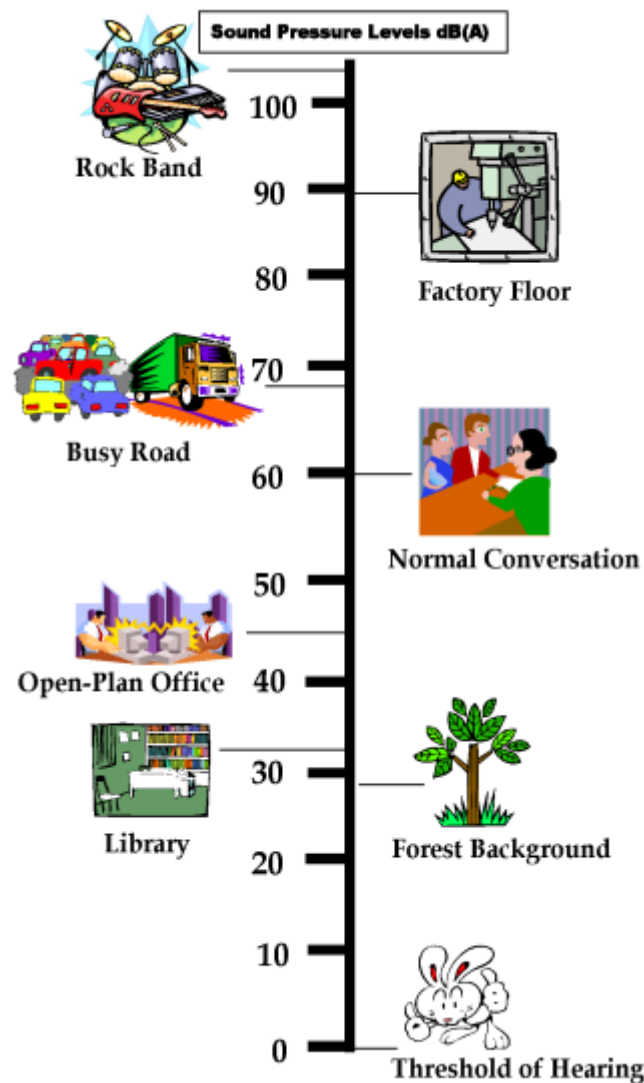
Relates to the component of the ambient noise that is of interest. This can be referred to as the noise of concern or the noise of interest.



Chart of Noise Level Descriptors



Typical Noise Levels



## **APPENDIX 6**

### **REVISED WASTE MANAGEMENT PLAN**



# Waste Management Plan

Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo

Prepared for Keiki Early Learning

26 November 2021

Project Number: TW21085



#### DOCUMENT CONTROL

Version	Description	Date	Author	Reviewer	Approver
1.0	First Approved Release	5/08/2021	DP	DM	DP
2.0	Second Approved Release	26/11/2021	DP	DM	DP

#### Approval for Release

Name	Position	File Reference
Dilan Patel	Project Manager – Waste Management Consultant	TW21085-02_Waste Management Plan_2.0
Signature		

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## Executive Summary

Keiki Early Learning is seeking development approval for the proposed childcare centre located at Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo (the Proposal).

To satisfy the conditions of the development application the City of Joondalup requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

A summary of the bin size, numbers, collection frequency and collection method is provided in the below table.

### Proposed Waste Collection Summary

Waste Type	Generation (L/week)	Bin Size (L)	Number of Bins	Collection Frequency	Collection
Bin Storage Area					
Refuse	1,635	1,100	Two	Once each week	Private Contractor
Recycling	1,635	1,100	Two	Once each week	Private Contractor

A private contractor will service the Proposal onsite utilising a low entry rear loader waste collection vehicle, directly from the Bin Storage Area. The private contractor's waste collection vehicle will enter and exit the Proposal in forward gear via Stanford Road.

The building manager/cleaners will oversee the relevant aspects of waste management at the Proposal.

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Figure 1: Locality Plan

Figure 2: Bin Storage Area



## 1 Introduction

Keiki Early Learning is seeking development approval for the proposed childcare centre located at Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo (the Proposal).

To satisfy the conditions of the development application the City of Joondalup requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

The Proposal is bordered by Mullaloo Drive to the north, residential developments to the east and west and Stanford Road to the south, as shown in Figure 1.

### 1.1 Objectives and Scope

The objective of this WMP is to outline the equipment and procedures that will be adopted to manage waste (refuse and recyclables) at the Proposal. Specifically, the WMP demonstrates that the Proposal is designed to:

- Adequately cater for the anticipated volume of waste to be generated;
- Provide adequately sized Bin Storage Area, including appropriate bins; and
- Allow for efficient collection of bins by appropriate waste collection vehicles.

To achieve the objective, the scope of the WMP comprises:

- Section 2: Waste Generation;
- Section 3: Waste Storage;
- Section 4: Waste Collection;
- Section 5: Waste Management; and
- Section 6: Conclusion.

## 2 Waste Generation

The following section shows the waste generation rate used and the estimated waste volumes to be generated at the Proposal.

### 2.1 Proposed Tenancies

The anticipated volume of refuse and recyclables has been calculated based on the total internal floor area (m<sup>2</sup>) of the childcare facility, 467m<sup>2</sup>.

### 2.2 Waste Generation Rates

The estimated amount of refuse and recyclables to be generated by the Proposal is based on the City of Melbourne's *Guidelines for Preparing a Waste Management Plan* (2017).

Table 2-1 shows the waste generation rates which have been applied to the Proposal.

**Table 2-1: Waste Generation Rates**

Tenancy Use Type	City of Melbourne Guidelines	Refuse Generation Rate	Recycling Generation Rate
Childcare Centre	Childcare	350L/week	350L/week

### 2.3 Waste Generation Volumes

Waste generation is estimated by volume in litres (L) as this is generally the influencing factor when considering bin size, numbers and storage space required.

Waste generation volumes in litres per week (L/week) adopted for this waste assessment are shown in Table 2-2. It is estimated that the Proposal will generate 1,635L of refuse and 1,635L of recyclables each week.

**Table 2-2: Estimated Waste Generation**

Childcare Centre	Floor Area (m <sup>2</sup> )	Waste Generation Rate (L/week)	Waste Generation (L/week)
Refuse	467	350	1,635
Recycling	467	350	1,635
Total			3,332

### 3 Waste Storage

To ensure that waste is managed appropriately at the Proposal, it is important to allow for sufficient space to accommodate the required quantity of bins within the Bin Storage Area. The quantity, size and design of the Bin Storage Area is described in the following sections.

#### 3.1 Internal Bins

To promote positive recycling behaviour and maximise diversion from landfill, the Proposal will make provision for internal refuse and recycling bins for their separate disposal.

Waste from these internal bins will be transferred by staff/cleaners to the Bin Storage Area and deposited into the appropriate bins.

All bins will be colour coded and labelled in accordance with Australian Standards (AS 4123.7) to assist staff and cleaners to dispose of waste materials in the correct bins.

#### 3.2 Bin Sizes

Table 3-1 gives the typical dimensions of standard bins sizes that may be utilised at the Proposal. It should be noted that these bin dimensions are approximate and can vary slightly between suppliers.

**Table 3-1: Typical Bin Dimensions**

Dimensions	Bin Sizes			
	240L	360L	660L	1,100L
Depth (mm)	730	848	780	1,070
Width (mm)	585	680	1,260	1,240
Height (mm)	1,060	1,100	1,200	1,300
Area (mm <sup>2</sup> )	427	577	983	1,327

Reference: SULO Bin Specification Data Sheets

#### 3.3 Bin Storage Area Size

To ensure sufficient area is available for storage of the bins, the amount of bins required for the Bin Storage Area was modelled utilising the estimated waste generation in Table 2-2, bin sizes in Table 3-1 and based on collection of refuse and recyclables once each week.

Based on the results shown in Table 3-2 the Bin Storage Area has been sized to accommodate:

- Two 1,100L refuse bins; and
- Two 1,100L recycling bins.

**Table 3-2: Bin Requirements for Bin Storage Area**

Waste Stream	Waste Generation (L/week)	Number of Bins Required			
		240L	360L	660L	1,100L
Refuse	1,635	7	5	3	2
Recycling	1,635	7	5	3	2



The configuration of these bins within the Bin Storage Area is shown in Figure 2. It is worth noting that the number of bins and corresponding placement of bins shown in Figure 2 represents the maximum requirements assuming two collections each week of refuse and recyclables.

Note: the waste generation volumes are best practice estimates and the number of bins to be utilised represents the maximum requirements once the Proposal is fully operational. Bin requirements may be impacted as the development becomes operational and the nature of the tenants and waste management requirements are known.

### 3.4 Bin Storage Area Design

The design of the Bin Storage Area will take into consideration:

- Smooth impervious floor sloped to a drain connected to the sewer system;
- Taps for washing of bins and Bin Storage Area;
- Adequate aisle width for easy manoeuvring of bins;
- No double stacking of bins;
- Doors to the Bin Storage Area self-closing and vermin proof;
- Doors to the Bin Storage Area wide enough to fit bins through;
- Ventilated to a suitable standard;
- Appropriate signage;
- Undercover where possible and be designed to not permit stormwater to enter into the drain;
- Located behind the building setback line;
- Bins not to be visible from the property boundary or areas trafficable by the public; and
- Bins are reasonably secured from theft and vandalism.

Bin numbers and storage space within the Bin Storage Area will be monitored by the building manager and cleaners during the operation of the Proposal to ensure that the number of bins and collection frequency is sufficient.

## **4 Waste Collection**

A private contractor will service the Proposal and provide two 1,100L bins for refuse and two 1,100L bins for recyclables.

The private contractor will collect refuse and recyclables once each week utilising a low entry rear loader waste collection vehicle.

The private contractor's waste collection vehicle will service the bins onsite, directly from the Bin Storage Area. The private contractor's waste collection vehicle will travel with left hand lane traffic flow on Stanford Road, turn into the Proposal in forward gear and pull up adjacent to the Bin Storage Area for servicing.

It is proposed that servicing will be conducted outside of normal operating hours to allow the waste collection vehicle to utilise the empty carpark for manoeuvring and mitigate impacts on local traffic movements during peak traffic hours.

The private contractor waste collection staff will ferry bins to and from the waste collection vehicle and the Bin Storage Area during servicing. The private contractor will be provided with key/PIN code access to the Bin Storage Area and security access gates to facilitate servicing, if required.

Once servicing is complete the private contractor's waste collection vehicle will exit in a forward motion, turning onto Stanford Road moving with traffic flow.

The above servicing method will preserve the amenity of the area by removing the requirement for bins to be presented to the street on collection days. In addition, servicing of bins onsite will reduce the noise generated in the area during collection. Noise from waste vehicles must comply with the Environmental Protection (Noise) Regulations and such vehicles should not service the site before 7.00am or after 7.00pm Monday to Saturday, or before 9.00am or after 7.00pm on Sundays and Public Holidays.

The ability for an 8.0m rear loader waste collection vehicle to access the Proposal in a safe manner has been assessed by Transcore.

### **4.1 Bulk and Speciality Waste**

Bulk and speciality waste materials will be removed from the Proposal as they are generated. Removal of these wastes will be monitored by the building manager, who will liaise with staff and cleaners to assist with the removal of these wastes, as required.

Sanitary wastes will be collected in situ. A suitably qualified sanitary waste collection and disposal provider will be engaged to determine storage and collection requirements.

## 5 Waste Management

The building manager/cleaners will be engaged to complete the following tasks:

- Monitoring and maintenance of bins and the Bin Storage Area;
- Cleaning of bins and Bin Storage Area, when required;
- Ensure all staff/cleaners at the Proposal are made aware of this WMP and their responsibilities thereunder;
- Monitor staff behaviour and identify requirements for further education and/or signage;
- Monitor bulk and speciality waste accumulation and assist with its removal, as required;
- Regularly engage with staff to develop opportunities to reduce waste volumes and increase resource recovery; and
- Regularly engage with the private contractors to ensure efficient and effective waste service is maintained.



## 6 Conclusion

As demonstrated within this WMP, the Proposal provides a sufficiently sized Bin Storage Area for storage of refuse and recyclables, based on the estimated waste generation volumes and suitable configuration of bins. This indicates that an adequately designed Bin Storage Area has been provided, and collection of refuse and recyclables can be completed from the Proposal.

The above is achieved using:

- Two 1,100L refuse bins, collected once times each week; and
- Two 1,100L recycling bins, collected once times each week.

A private contractor will service the Proposal onsite utilising a low entry rear loader waste collection vehicle, directly from the Bin Storage Area. The private contractor's waste collection vehicle will enter and exit the Proposal in forward gear via Stanford Road.

The building manager/cleaners will oversee the relevant aspects of waste management at the Proposal.

## Figures

Figure 1: Locality Plan

Figure 2: Bin Storage Area



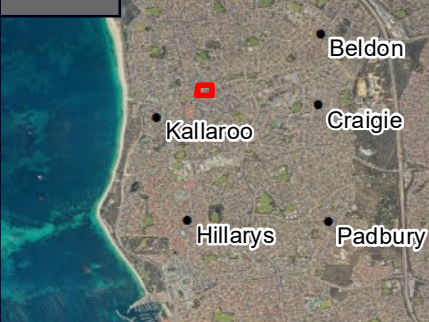


## LEGEND

- Site Layout
- Cadastre

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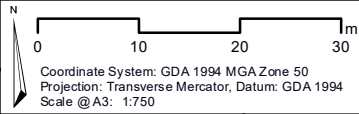
## LOCALITY



## LOCALITY PLAN

104 Mullaloo Drive  
& 20 Stanford Road,  
Kallaroo, WA 6025

Keiki Early Learning



Prepared: W Robertson	Date: 19/07/2021
Reviewed: D Patel	Revision: A
Project: TW21085	



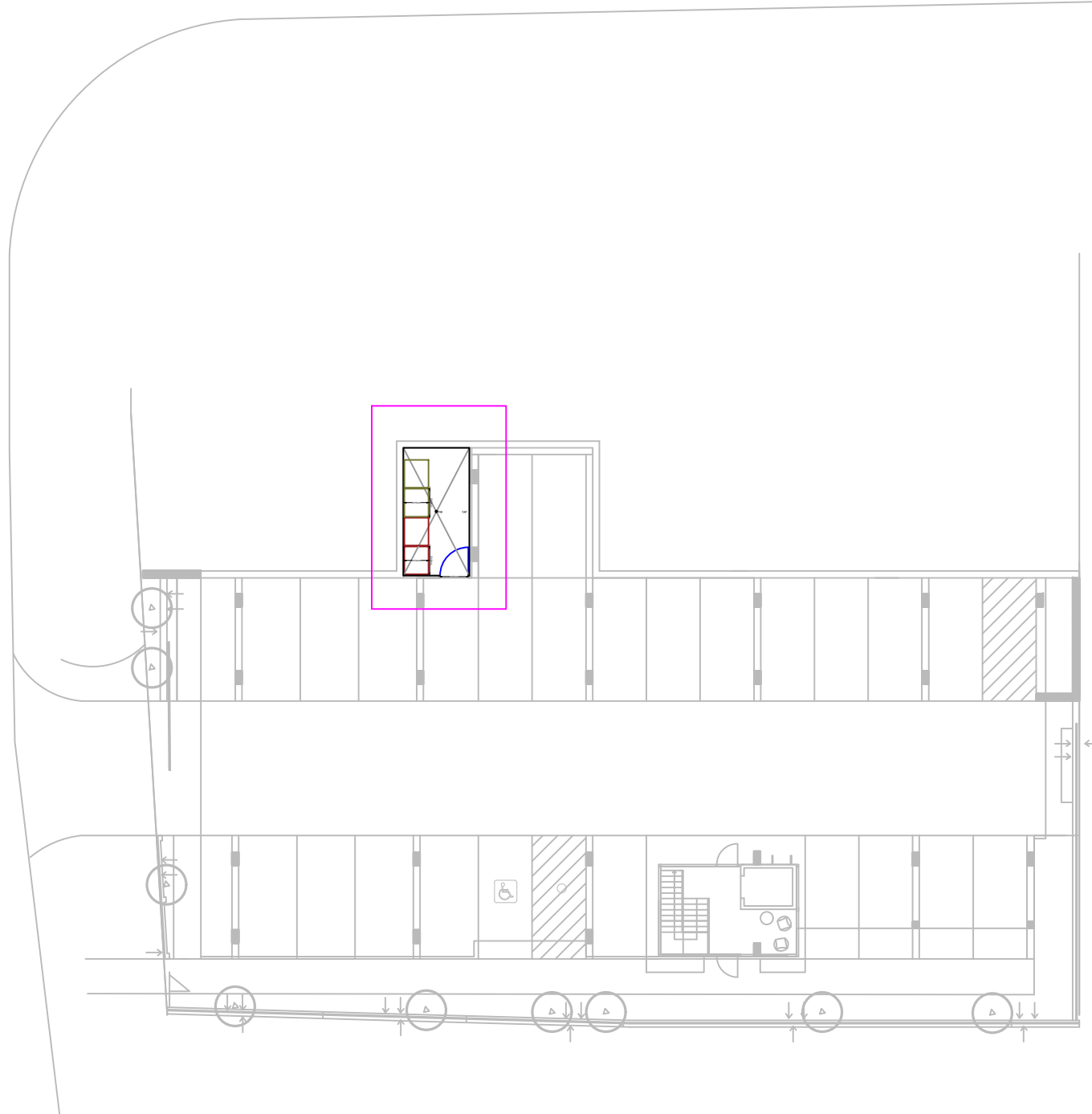
Figure 01

Data source: Roads - MRWA, 2020. Imagery: Landgate, 2020.



MULLALOO DRIVE

STANFORD ROAD

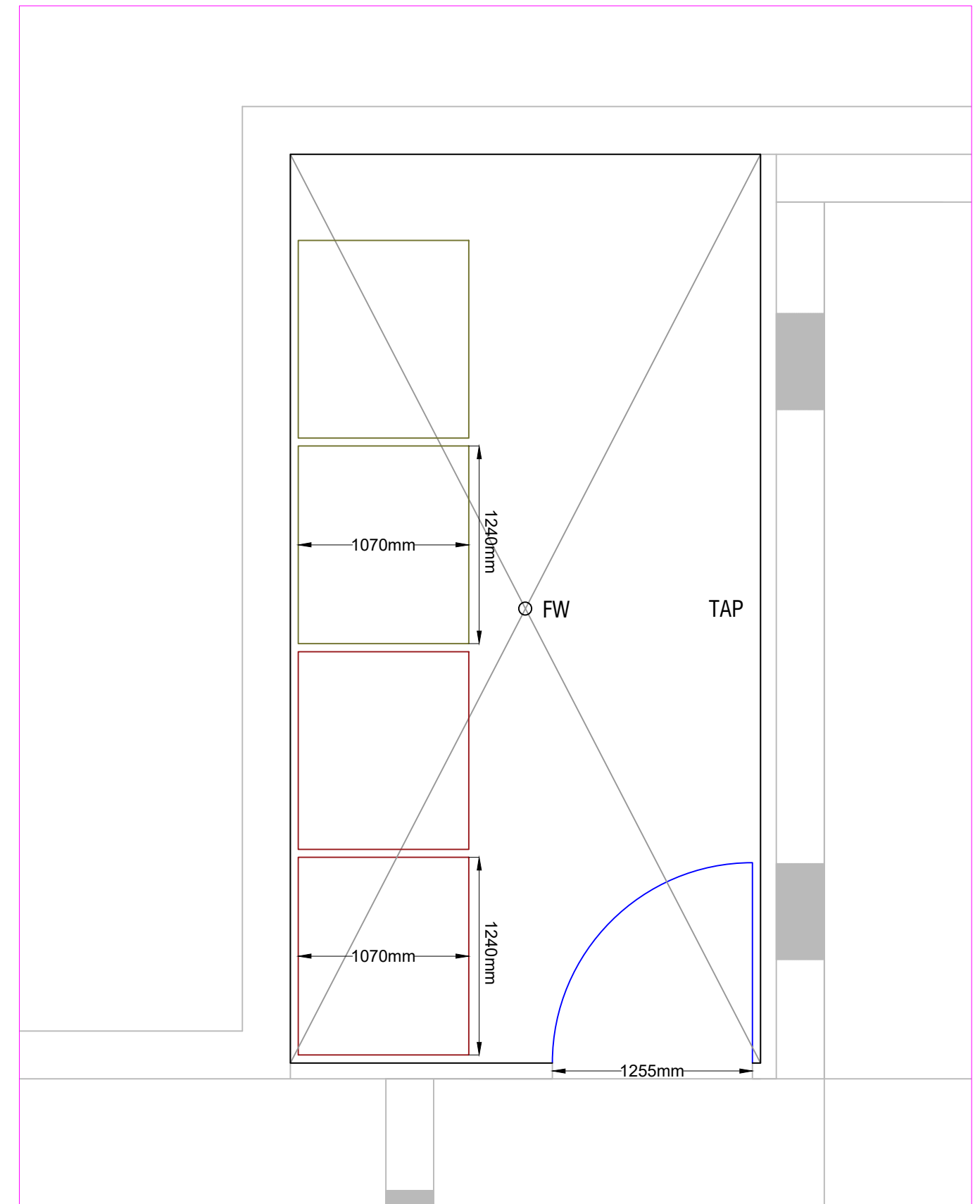


### Legend:

#### Bin Storage Area

- 2 x 1,100L refuse (1,070mm x 1,240mm)
- 2 x 1,100L recycling (1,070mm x 1,240mm)

### Bin Storage Area





**Assets | Engineering | Environment | Noise | Spatial | Waste**

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# OPERATION AND NOISE MANAGEMENT PLAN – KEIKI EARLY LEARNING

## LOT 642 (104) MULLALOO DRIVE & LOT 643 (20) STANFORD ROAD, KALLAROO

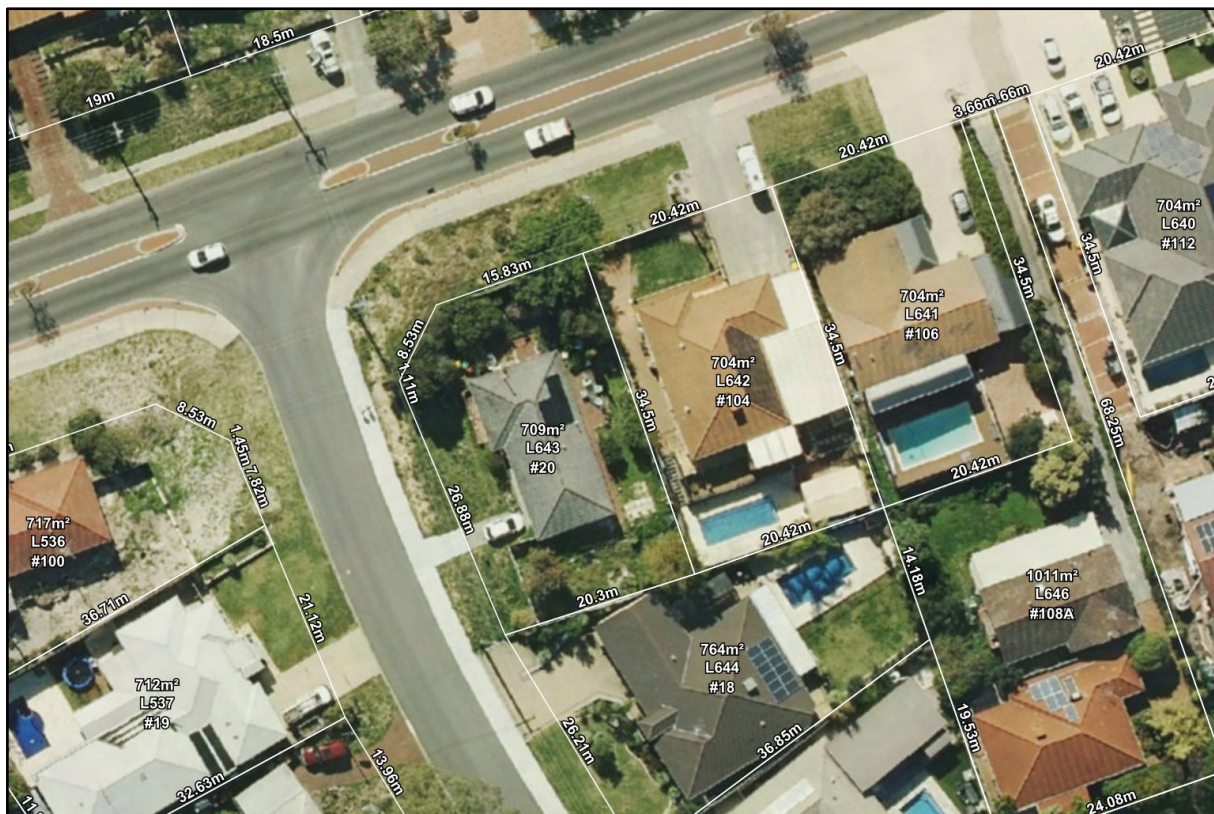
### 1 INTRODUCTION

This operation and noise management plan (**ONMP**) has been prepared to outline the key operational and noise management practices of Keiki Early Learning in Kallaroo.

This ONMP supplements the application for planning approval and captures key details regarding operations, noise management, waste management and traffic management in a single, consolidated document.

### 2 LOCATION

The child care premises will be located at Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo. Refer to **Figure 1** below.



**Figure 1:** Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo (image source MNG Access)

Potential sensitive receivers adjoin the facility to the east (106 Mullaloo Drive) and south (18 Stanford Road), and are located adjacent the facility to the north (beyond Mullaloo Drive) and west (beyond Stanford Road).

This ONMP has been produced having particular regard for the amenity of the abovementioned properties.



### **3 OPERATIONAL AND NOISE MANAGEMENT STRATEGIES**

The proposed childcare facility will provide care services for up to 75 children, to be operated by up to 15 staff in a manner compliant with the *Education and Care Services National Regulations 2012*.

The building contains four internal activity spaces compliantly catering for 75 children (ie 'groups') as follows:

0-2 play: 20 children of 0-2 years

2-3 play: 15 children of 2-3 years

3-5 play (north): 20 children of 3-5 years

3-5 play (south): 20 children of 3-5 years

Total: 75 children

#### **3.1 OPENING AND CLOSING**

The facility's hours of operation are 7am – 6pm, Monday to Friday.

Two staff are rostered to attend the facility as part of the daily opening / set up procedure. The two staff would arrive sometime between 6:30am-7am to set up / prepare for the day's activities.

Two staff are rostered to undertake the end of day / closing procedure. The last two staff may remain onsite for a short period after 6pm to undertake final clean up or other administrative duties as part of the closing process.

#### **3.2 OUTDOOR PLAY**

An acoustic assessment has been produced by Lloyd George Acoustics (ref 21016058-01A), which demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997* with respect to outdoor play.

Compliance is achieved based on the following noise attenuation measures:

- A 1.8m high solid brick fence along the playscape's eastern boundary.
- A 1.8m high solid balustrade along the playscape's southern boundary.
- A 1.6m high solid fence along the playscape's northern and western boundaries. Permeable infill sections will contain clear acoustically rated plexiglass.

It is important to note the above attenuation measures achieve compliance based on a conservative scenario of all 75 children playing outside simultaneously for extended periods of time (generating the highest noise levels).

In practice, outdoor play will be staggered over the course of a day. Therefore, actual noise generated during outdoor play would be lower than that assessed due to children being distributed both inside and outside the building.

The following 'best practices' would be incorporated into the daily outdoor play routine to reduce noise levels at adjoining properties, particularly for the 0-2 and 2-3 age groups which are adjacent to the eastern sensitive receiver:

- Age groups to play in the outdoor spaces directly adjacent to their internal rooms, as a means of preventing large groups of children playing in a single area.
- Staff to monitor the behaviour and 'style of play' of children to prevent particularly loud/unruly activity (e.g. loud banging / crashing of objects, 'group' shouts/yelling).
- Crying children taken into the building to be comforted.
- No amplified music to be played outside, and music played within the building to be 'light' with no significant bass content.

### 3.3 CAR PARKING MANAGEMENT

The car park is enclosed with a security gate, which prevents unauthorised access outside of operating hours. The gate will be opened by the first staff to arrive, and will remain open during centre operation. The gate will be closed at 6pm.

The acoustic assessment demonstrates compliance at adjoining sensitive receivers, with car park noise mitigated through:

- A 1.8m high colorbond fence along the southern boundary.
- The controlled use of six parking spaces after 7am only, at the eastern end of the car park (marked as 'day staff' on the car park plan).

In the interest of minimising impact associated with car park activity, staff will adhere to the following ongoing operational practices:

- The first two staff attending the facility in the morning are instructed to park in bays 7 and 8, which are enclosed at three sides and detached from the adjoining sensitive receivers.
- Any subsequent staff attending the site prior to 7am are instructed to use bays 6 and 9, which are the most detached and separated from sensitive receivers.
- No staff members are permitted to use bays 15-20 prior to 7am.
- Morning staff are instructed to use the car park in a quiet and courteous manner, to be observed by the centre manager on an ongoing basis.

At the time of enrolment, the following standards will be communicated to parents and subsequently observed by centre staff on an ongoing basis:

- 'Drop off' and 'pick up' activity is to occur within designated visitor bays only, to ensure orderly and proper use of the parking area.
- The turnaround bay is not to be used as a parking space, and should be kept vacant at all times to ensure efficient car park flow.
- Morning car park usage to occur in a quiet and courteous manner. No shouting, yelling, or loud activity is to occur in the car park.

### 3.4 WASTE MANAGEMENT AND DELIVERIES

The facility's waste management practices will be undertaken in a sensitive manner, entirely in accordance with the Waste Management Plan (**WMP**) prepared by TALIS.

As outlined in the WMP, waste will be stored within:

- 2x 1,100L bins for general waste
- 2x 1,100L bins for recyclables

The bins are kept within a fully enclosed bin store at the north-western corner of the car park where it is separated from nearby receivers, minimising the possibility of external impact. The bin store is fully enclosed with a swinging gate.

The bin store includes a graded concrete floor with a drain which is connected to wastewater, with a tap providing wash down facilities as required by relevant regulatory standards. The bin store will be maintained to a high standard and cleaned on a regular basis as part of typical centre operations, to prevent odours.

The bin store is easily accessible for staff, who would utilise the lift or staircase within the internal lobby to transport waste to the bin store. Staff will clean the centre on a regular basis as part of usual operational practices, which includes transporting waste from internal bins to the waste receptacles in the bin store.

Waste collection will be undertaken by private contractors when the facility is closed. Collection frequency will be once a week, on Saturdays, between the hours of 7am-12pm which is consistent with the periods prescribed under the *Environmental Protection (Noise) Regulations 1997*. Waste contractors will have a key to the car park's entry gate, allowing unrestrained access to the bin store during the agreed collection time.

Waste removal will occur by a 'Low Entry Vehicle' waste collection vehicle, which is 7.674m long and achieves a maximum height of 2.338m during collection. As the facility will be closed during waste collection, vehicles can use the entire car park to perform reversing movements and exit the site in forward gear.

### 3.5 MECHANICAL PLANT

The acoustic assessment demonstrates compliance of mechanical plant noise during the daytime period of 7am-7pm, in accordance with the *Environmental Protection (Noise) Regulations 1997*.

The facility's AC condenser units are located within an enclosed area of the undercroft car park where noise is buffered/attenuated from the neighbouring properties by a solid wall. The facility's air conditioner will not be activated until 7am, and will be deactivated no later than 6:30pm.



#### **4 PROCEDURE TO MANAGE SITE OPERATIONS**

The facility will adhere to the following procedures to manage site operations in accordance with the matters detailed in this OMP:

- A formal induction at the commencement of employment of staff to establish the centre's standards regarding behaviour, car park usage and noise management strategies.
- Operations of the centre and key responsibilities of parents (including proper car park use) to be communicated at the time of child enrolment. A copy of the Keiki Early Learning Enrolment Policy is provided at **Appendix 1** of this ONMP.
- Ongoing monitoring of the operation of the centre, and adherence to the operational standards, by the centre manager at all times.
- Emergency protocols typical of a childcare centre and required by the *Education and Care Services National Regulations 2012* to be implemented and maintained to ensure a safe and responsible environment for all occupants of the facility.

#### **5 CONTACT DETAILS AND COMPLAINTS PROCEDURE**

The business can be contacted as follows:

\*insert phone number and details, once known\*

\*insert email and details, once known\*

The centre's direct contact details (phone and email) will also be available on the Keiki Early Learning website.

Complaints relating to the operation of the centre will be addressed in accordance with the Keiki Early Learning Grievance Policy, which is provided at **Appendix 2** of this ONMP.

Any complaints should be directed in the first instance to the centre manager. The centre manager will evaluate and respond to complaints in a swift and effective manner.

A voicemail service and/or email specific to the centre will facilitate the receipt of any messages or communications if the facility is contacted outside of business hours. The centre manager will respond to any complaints received via voicemail or email within 24 hours.

# Enrolment Policy



## WHAT are we talking about in this document?

This policy is related to Enrolments, Orientations and Tours.



## WHO is this for?

This policy applies to children, families, staff, management and visitors of the service.



## WHY do we need this policy?

We aim to ensure children and families receive a positive and informative enrolment and orientation process that meets their individual needs. We strive to establish respectful and supportive relationships between families and the service to promote positive outcomes for children whilst adhering to legislative requirements.

## THE IMPORTANT STUFF

According to the Child Care Provider Handbook (June 2019) 'enrolling children is a requirement under Family Assistance Law for all children who attend childcare (or have an arrangement for care) regardless of their parent's or guardian's eligibility for Child Care Subsidy. An enrolment links the child, the individual claiming the subsidy and the childcare service.' An enrolment notice is required for each child attending the service. This reflects the type of arrangement that is in place between the provider and the family/individual or organisation.

Enrolments will be accepted providing:

- a) The maximum daily attendance does not exceed the licensed capacity of the service
- b) A vacancy is available both for the booking required and the agreed number of children is in accordance with the licensing requirements
- c) The adult to child ratio is maintained in each room as per regulation

## Priority of Access guidelines

Our Service aims to assist families who are most in need and may prioritise filling vacancies with children who are:

- at risk of serious abuse or neglect
- a child of a sole parent who satisfies, or parents who both satisfy, the activity test through paid employment.

Providers are asked to (but are not legally obliged to prioritise children). CCS Handbook p.51

## Enrolment

Families are required to pay fees two weeks in advance as a bond to secure the position. Failure to pay the upfront fees will lead to the child not being accepted.

Children with disabilities and additional or medical needs will be enrolled, if in the opinion of management the service can meet the child's needs. Additional resources and funding may be required through disability and inclusion programs.

When a family has indicated their interest in enrolling their child in our service, the following will occur:

- Families will be invited to come on a tour of the Service.
  - Families will be provided with a range of information about the service which will include: educational curriculum methods, menu, incursions, excursions, inclusion, fees, Child Care Subsidy, policies, procedures, sun protection requirements, regulations and the licensing and assessment process, signing in and out procedure, the National Quality Framework, room routines, educator qualifications, introduction of educator in the room the child will be starting in and educator and parent/guardian communication.
- Families are invited to ask questions and seek any further information they require.
- Families will be provided with vacancies, a start date and a suitable time for the child to be orientated to the service.

- Any matters that are sensitive of nature, such as discussing a child's medical needs, court orders, parenting plans or parenting orders, will be discussed privately with management. Families will be required to bring any corresponding documents in relation to court orders, medical needs or plans before their enrolment start date.
- Families are sent an enrolment email, which includes a copy of the Family Handbook, which outlines the service operation and philosophy.
- Families will need to complete an enrolment record and information sheet informing management of their child's interests, strengths and individual needs.
- If a family or child uses English as a second language, or speak another language at home, we request that families provide us with some key words in the languages the child speaks at this time so that educators can learn the words. Educators will furthermore use visuals to assist the child to understand and be able to communicate with others.
- Families who wish to receive CCS as reduced fees must apply through the myGov website/app. This includes the Child Care Subsidy activity test.
- Families will be invited to bring their child into the service for a minimum of two orientation sessions in order to familiarise themselves with the environment and educators.
- It is a legal requirement that prior to the child starting at the service we have all corresponding documents including enrolment form, medical plans, birth certificate/passport/statutory declaration, immunisation status and any court orders.
- It is a requirement from Family Assistance Office that immunisation information is continuous. Families are reminded at re-enrolment and in newsletters to provide any immunisation updates to the service in order to continue receiving childcare subsidy.  
Families are required to provide current Australian Childhood Immunisation Register (ACIR) History Statement which shows that the child is up to date with their scheduled immunisations. The ACIR is national register administered by Medicare that records details of vaccinations given to children. Children will NOT be enrolled into the service if their child is not immunised or on a medically approved catch up plan.
- It is the family's responsibility to keep the service informed of any changes to the information recorded on the application form. Please Note: Children who are not up to date with their immunisations are unable to attend the service.
- Families are advised that since January 2018 children who have not been immunised due to parent's conscientious objection cannot be enrolled at an early childhood education and care service.
- Unborn children may be placed on the waiting list to avoid the unfair allocation of places that may occur if children can only be placed on the list after birth. If an unborn child is placed on the waiting list, the family must advise the Service of the expected birth date. It is the responsibility of the parent to inform Management of the name and date of birth of the child within three months after the expected birth date. If this information is not provided, then the child and family details will be removed from the list.
- It is the family's responsibility to keep the Service informed of any changes to the information recorded on the enrolment record.

### **Termination of Enrolment**

We have the legal duty to ensure the health, safety and wellbeing of children, management, educators, families, volunteers and visitors at our Service. To promote respectful and effective partnerships with families, we invite parents to participate in a comprehensive induction and orientation to the Service including detailing our terms of enrolment, as per our legal agreement, which advises families on the Services' right to terminate a child's enrolment if a service policy has been breached. All families have access to the Service Policies and Procedures and agree to follow them at enrolment and re-enrolment.

There are times when children's behaviour requires guidance, which will always be undertaken according to the Service's policies and procedures. Every effort will be made to deal with the behaviour using positive guidance and working closely with families to implement a plan in order to help rectify any unacceptable behaviour. If the child's behaviour continues to be disruptive and harmful and the safety of other children and staff is compromised, we reserve the right to ask you to withdraw your child from the Service.



Management or the Nominated Supervisor will advise families in writing that their child's enrolment will be terminated following all attempts to rectify any non-compliance.

Two weeks' notice will be provided to families, unless the safety and wellbeing of other children, staff or families is at risk. In this case, an immediate termination of enrolment may apply.

Any outstanding fees will be provided to families and remain due to be paid upon termination of enrolment.

**Families will be asked to provide the following information:**

1. The full name, residential address, place of employment and contact telephone number of a parent.
2. The full name, residential address and contact telephone number of a person who may be contacted in case of an emergency concerning the child if a parent is unable to be contacted. Parent must nominate who can be contact in the case of an emergency or for the collection of the child. (Authorised Nominee/Emergency Contact)
3. The full name, residential address, place of employment and contact telephone number of any person authorised to collect the child from the service. Parent must nominate who can be contacted for the collection of the child. (Authorised Nominee/Emergency Contact)
4. The full name of the child.
5. Child's date of birth.
6. Child's address.
7. The gender of the child.
8. Cultural background of the child.
9. The primary language spoken by the child; if the child has not learnt to speak, the child's family's language.
10. Any special requirements of the family, including for example cultural or religious requirements
11. Any court orders or parenting agreements regarding the child.
12. Complying Written Agreement
13. Immunisation History Statement
14. Any special requirements notified by the family, including for example cultural or religious requirements.
15. The individual needs of a child with a disability or with other additional needs.
16. A statement indicating parental permission for any medications to be administered to the child whilst at the service. Only a parent on the enrolment form can authorise the administration of medication.
17. A statement indicating parental permission for any emergency medical hospital and ambulance services.
18. The name and address and telephone number of the child's doctor.
19. Excursion permission for regular occurring outings.
20. The child's Medicare number.
21. Specific healthcare needs of the child, including any medical condition including allergies, which will need to be documented on a Health Care Plan. These must be updated annually.
22. Any Medical Management Plans for Anaphylaxis, Asthma and Allergies or other medical conditions, to be followed with respect to a specific healthcare need, medical condition or allergy. These must be updated annually.
23. Details of any dietary restrictions for the child.
24. Authorisation for regular excursions/outings or regular transportation.
25. CRN for child and claimant.
26. Child Care Subsidy Assessment confirmation.

**Enrolment Pack**

Families will be provided with an enrolment pack which consists of:

- Family Handbook
- Access to information on the National Quality Framework, National Quality Standards and the Early Years Learning Framework
- The Service's Professional Code of Conduct
- Access to Child Care Subsidy information
- Information about the service's online platform/app.
- If applicable, lunchbox suggestion.

## Orientation of the Service

During the orientation of the Service, families will be:

- Provided with information on the service policies which will include fees payment, sun protection, illness and accident and medical authorisation
- Shown the signing in/out process
- Spoken to about appropriate clothing worn to the service, including shoes
- Introduced to child's educators
- Taken on a tour around the service
- Discuss Medical Management Plans, Health Care Plans and allergies completed on file (if applicable)
- Advised about the service's Software for Curriculum and how families can view this
- Introduced to the room routine and service program. This includes the online portfolios and the observation methods.
- Informed about service communication – meetings, interviews, newsletters, emails etc.
- Sun protection requirements at the service
- Given the opportunity to set goals for their child.
- Provided suggestions for developing and maintaining a routine for saying goodbye to their child.

## The Centre Coordinator/Nominated Supervisor will ensure:

- The enrolment form is completed accurately and in full, and all authorisations are signed
- Information about medical or cultural needs have been supplied.
  - Any child with medical conditions requiring medication and/or a medical action plan will not start until the service has the information, medication and action plan.
    - Action plans are current and completed in full.
    - Risk Minimisation Plan is completed and passed over to the Room Leader.
- The room leader is informed about the new child who will be in the room, highlighting any medical conditions, interests, needs and strengths
  - All about me information form has been completed
- The **current and up to date** immunisation certificate and birth certificate, **current passport or statutory declaration** have been sighted and photocopied
- Child's file has been created
- The child is added to Xplor
- The enrolment lodged through Xplor
- That Child Care Subsidy has been explained to family

## Child Care Subsidy

**Child Care Subsidy (CCS)** offers assistance to families to help with the cost of childcare for children aged 0-13 years.

There are three factors that determine a family's level of CCS. These are:

- **Combined annual family income**
- **Activity test** – the activity level of both parents
- **Service type** – type of child care service and whether the child attends school

## Child Care Package – Information for families

- Documentation may be required such as Australian driver licence, Australian passport, Foreign passport, Australian birth certificate, Australian Marriage certificate, Australian citizenship certificate
- Families are provided with a Customer Reference Number (CRN)
- Child Care Subsidy is paid directly to providers to be passed on to families as a fee reduction

- Families will contribute to their childcare fees and pay the Service the difference between the fee charged and the subsidy amount- generally called the 'gap fee'
- Families may also be eligible for [Additional Child Care Subsidy](#) depending upon their circumstance.

#### COMPLYING WRITTEN ARRANGEMENT AND ADDITIONAL CHILD CARE SUBSIDY (ACCS) (CHILD WELLBEING) PROCEDURES

- The Provider and Parent must enter into an agreement regarding the planned arrangements for care of a child, this is called a Complying Written Arrangement (CWA) and is an agreement to provide care in return for fees.
- The CWA must be recorded, and the parent must confirm the terms of the agreement either electronic or hard copy and this must be kept by the provider.
- The CWA must include the following information:
  - the names and contact details of the provider and the individual(s)
  - the date the arrangement starts
  - the name and date of birth of the child (or children)
  - if care will be provided on a routine basis and if so, details about the days on which sessions of care will usually occur
  - the usual start and end times for these sessions of care
  - whether care will be on a casual or flexible basis (in addition to, or instead of, a routine basis)
  - details of fees charged under the arrangement (providers can reference a fee schedule or information available on their website), which the parties understand may vary from time to time.
- Where there are certain changes (fees or booked days) to the individual Complying Written Arrangements (CWA) for care between the provider and an individual, the provider must update the arrangement in writing, and the families are required to confirm the changes by signing the updated CWA.
- An enrolment notice must be submitted within 7 days following the signed CWA and enrolment acceptance.
- Once the provider submits an enrolment notice the family will be asked to confirm the enrolment through their myGov account.
- Parents can apply for ACCS (grandparent), ACCS (temporary financial hardship) or ACCS (transition to work) through Centrelink directly
- The provider can apply for ACCS (child wellbeing) through the CCS software or PEP for children identified at risk of serious abuse or neglect.
- Our service will ensure all ACCS applications are managed in line with the [Guide to Additional Child Care Subsidy \(child wellbeing\)](#) and [CCS Handbook](#)

#### Enrolment Record Keeping

- Our Record Keeping and Retention Policy outlines the information and authorisations that will be included in all child enrolment records

#### On the child's first day

Consideration will be made to each family regarding the initial settling in period and strategies may be offered to assist both parents and the child. Parents will be reassured that they are able to stay with their child for as long as they choose in the early days; speak to their child's educator at any time; contact the service during the day to 'check' in on their child and request help with separation if this is a problem for their child.

On the first day, the child and their family will be welcomed by the Centre Coordinator or Nominated Supervisor

- The child and their family will be welcomed into their room for the first day.
- They will be greeted by one of the educators who will show them where to sign in and out, discuss what is happening in the room, and show where the child's bag can be stored.
- Educators will upload a snapshot or learning story about the child's first day to service's Software for Curriculum and Learning Portfolios.

#### FOOTNOTES



## Source

- The Business of Childcare, Karen Kearns 2004
- Education and Care Services National Regulation 2015
- National Education and Care Regulations
- Department of Human Services (Centrelink)
- <https://www.humanservices.gov.au/individuals/services/centrelink/child-care-subsidy>
- Australian Government Department of Education, Skills and Employment. (2019) Guide to Additional Child Care Subsidy (child wellbeing)
- [https://docs.education.gov.au/system/files/doc/other/2019-11-28 - accs\\_guide\\_0.pdf](https://docs.education.gov.au/system/files/doc/other/2019-11-28 - accs_guide_0.pdf)

## Related regulations and standards

### National Quality Standards (NQS)

Quality Area 6: Collaborative Partnerships		
6.1	<b>Supportive relationships with families</b>	Respectful relationships with families are developed and maintained and families are supported in their parenting role
6.1.1	<b>Engagement with the service</b>	Families are supported from enrolment to be involved in their service and contribute to service decisions
6.1.2	<b>Parent views are respected</b>	The expertise, culture, values and beliefs of families are respected, and families share in decision-making about their child's learning and wellbeing.
6.1.3	<b>Families are supported</b>	Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.
6.2	<b>Collaborative partnerships</b>	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
6.2.3	<b>Community and engagement</b>	The service builds relationships and engages with its community
Education and Care Services National Regulations		
Children (Education and Care Services) National Law NSW		
77	<b>Health, hygiene and safe food practices</b>	
78	Food and beverages	
79	Service providing food and beverages	
80	Weekly menu	
88	Infectious diseases	
90	Medical conditions policy	
92	Medication record	
93	Administration of medication	
96	Self-administration of medication	
97	Emergency and evacuation procedures	
99	Children leaving the education and care service premises	
100	Risk assessment must be conducted before excursion	
101	Conduct of risk assessment for excursion	
102	Authorisation for excursions	
157	Access for parents	
160	Child enrolment records to be kept by approved provider and family day care educator	
161	Authorisations to be kept in enrolment record	
162	Health information to be kept in enrolment record	
168	Education and care service must have policies and procedures	
173	Prescribed information is to be displayed	
177	Prescribed enrolment and other documents to be kept by approved provider	
181	Confidentiality of records kept by approved provider	
183	Storage of records and other documents	

## Review & document control

Policy Reviewed	Modifications	Next Review Date
October 2017	Extension of Policy from regulations and set out expectations for all parties	October 2018

15 <sup>th</sup> November 2017	Edited to say online portfolio system.	15 <sup>th</sup> November 2018
18th December 2017	Sent to panel for review. NO changes recommended by panel.	18th December 2018
8th January 2018	Quality Area updated to reflect the changes to the NQS. Centre Director term replaced with Coordinator.	18th December 2018
1st July 2018	Child Care Benefit and Rebate removed. Child Care subsidy added, CWA added.	1st July 2019
June 2019	Updated onto new format and new Keiki logo added	June 2020
July 2019	Reviewed by panel- no changes. Grammatical errors corrected.	July 2020
July 2020	Child Care Subsidy section updated. Assed information about Additional Child Care Subsidy. Updated information about what parent is required to supply.	July 2021
October 2021	Amended to include passport or statutory declaration at enrolment. Immunisation record clearer – must be up to date and current as per immunisation record.	

## Disclaimer

It is each key stakeholder's responsibility to read, understand, follow and address any concerns with management about this policy.

Are you looking at the most recent version of this document?

You can find it at: <https://keikiearlylearning.com.au/policies-and-procedures/>

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# Grievance Policy



## **WHAT** are we talking about in this document?

This Policy details our Service's procedures for dealing with complaints.



## **WHO** is this for?

This policy applies to children, families, staff, management and visitors of the service.



## **WHY** do we need this policy?

Feedback from families, educators, staff and the wider community is fundamental in creating an evolving early learning service working towards the highest quality of education and care. This policy ensures parents, educators, visitors, students and the community can lodge a grievance with the understanding that it will be managed conscientiously and confidentially.

## Policy Statement

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We will ensure that all persons making a complaint are guided by the following policy values:

- Procedural fairness and natural justice
- Code of ethics and conduct
- Culture free from discrimination and harassment
- Transparent policies and procedures
- Opportunities for further investigation
- Adhering to our Service philosophy

## Procedural fairness

Our Service believes in procedural fairness that govern the strategies and practices, which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence

## IMPLEMENTATION

Grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievance Policy ensures that all persons are presented with procedures that:

- Value the opportunity to be heard
- Promote conflict resolution
- Encourage the development of harmonious partnerships
- Ensure that conflicts and grievances are mediated fairly
- Are transparent and equitable.

## Privacy and Confidentiality

- Management and Educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a government agency may need to be informed.

## Conflict of Interest

It is important for the complainant to feel confident in

- Being heard fairly
- An unbiased decision-making process

Should a conflict of interest arise during a grievance or complaints that involves the Approved Provider, the Coordinator, Management will be nominated as an alternative mediator.



## Definitions

**Complaint:** An issue of a negligible nature that can be resolved within 24 hours, and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor service, and any verbal or written complaint directly related to the Service (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (except associated with the safety of children).

**Complaints and Grievances Register:** Records information about complaints and grievances received at the service, along with the outcomes. This register must be kept in a secure file, accessible only to educators and the Regulatory Authority. The register can provide valuable information to the Approved Provider and Coordinator of the service to ensure children and family's needs are being met.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the service is in breach of a regulation causing injury or possible harm to a child.

**Mediator:** A person who attempts to support people involved in a conflict come to an agreement.

**Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Department of Early Childhood Education and Care within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Coordinator is unsure whether the matter is a notifiable complaint, it is good practice to contact The Department of Early Childhood Education and Care for confirmation. Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- any other relevant information

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website:

[www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System).

**Serious incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises (Regulation 12).

A serious incident should be documented in an Incident, Injury, Trauma and Illness Record as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183

## Steps to ensure an effective grievance procedure

- Ensure the name and telephone number of the person to whom complaint can be made is clearly visible at the service
- Ensure information about the grievance policy is easily accessible to all families, visitors and volunteers
- Treat all grievances seriously and as a priority
- Ensure grievances remain confidential
- Ensure grievances reflect procedural fairness
- Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- Investigate and document the grievance fairly and impartially
- Other staff and educators will not get involved in the investigation or discuss the matter unless directly with the Nominated Supervisor

## Complaint from a Family or Community Member

### Step 1- Receipt of complaint

Ensure the person providing the feedback or complaint is being heard. Remain calm and do not go straight into defence mode, you must investigate the issue.

- Take notes of the conversation, including

- the name of the complainant
- the time of the complaint
- what the complaint is about
  - get as many details as possible
- who is mentioned in the complaint
- what steps the complainant has already taken to resolve issue (if applicable)
- and what the complainant would like to occur moving forward
- Contact the Quality Manager or Owner to discuss the complaint

Note:

- Complaints regarding fees should be directed to the Finance Manager

## **Step 2 – Investigate**

The Nominated Supervisor should conduct the investigation. In cases where the complaint is against the Nominated Supervisor, contact the Administration Manager.

- Begin the investigation by
  - Reviewing the circumstances and facts of the complaint and invite all parties involved to provide information
  - Discuss the nature of the complaint with the educator/staff member involved and provide them with the opportunity to respond (accused is invited to have a support person present)

Note:

- If there is a conflict of interest contact the Quality Manager or Owner who will determine the next step.
- If this is a notifiable incident, contact the Administration Manager to begin the Notification process. See more information below.

## **Step 3 – Evaluate the Investigation**

Use the information gathered to critically reflect and determine any changes that may need to occur. Use any documentation required, such as a risk assessment.

The Nominated Supervisor (or other Management role nominated) will contact the complainant about the results of the investigation as soon as practical.

Any changes to practice should be added to the Quality Improvement Plan.

If the grievance or complaint cannot be resolved, contact Head Office who will take over the matter.

## **Complaint from Educators/Staff**

We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved as unresolved conflict can lead to tension; stress; low productivity; bitter relationships; excess time off; ill health; anxiety and many other destructive emotions. When conflict is addressed and handled constructively the outcomes are feelings of relaxation; openness; high productivity; vitality; good health, empowerment; a sense of achievement etc.

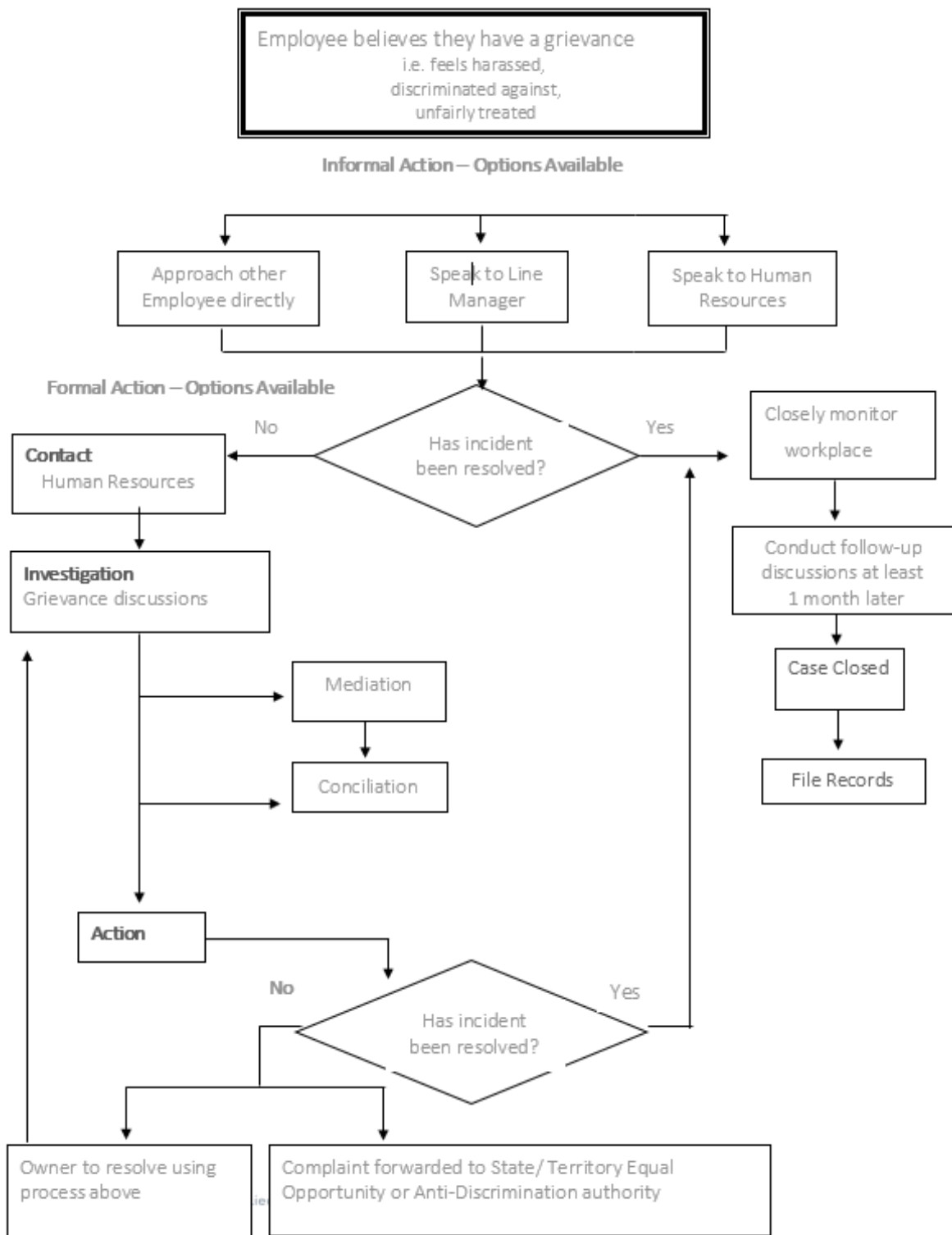
Positive communication between educators is vital to the smooth running of the Service and to ensure a positive environment for children. Educators are expected to treat other educators with respect, accept differences and share ideas. It is every staff member's responsibility to contribute to the development of an open, healthy and constructive work environment. All grievances, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.

The Service's employees are expected to look at conflict in a positive way, ready to learn something new, reflect on good quality practice, improve work relationships and ultimately provide better care and education for children.

Employees are also to be aware of their responsibility to be a good role model for children, and appropriately and professionally handle conflict with work colleagues, children, parents, and other associates.

Employees should regularly reflect on Early Childhood Australia’s Code of Ethics for guidance of appropriate behaviour when dealing with conflict. The Code of Ethics states that all team members should “make every effort to use constructive methods to resolve differences of opinion in the spirit of collegiality.”

Keiki Early Learning’s Code of Conduct clearly defines the expectations Keiki has of their educators and staff.



Educators and staff should not contact an external agency or complaints body without exhausting Keiki Early Learning’s grievance and complaints procedures



## Record Keeping

The Nominated Supervisor will keep appropriate records of the investigation and outcome and store these records in accordance with our Privacy and Confidentiality Policy and Record Keeping and Retention Policy.

The Nominated Supervisor will track complaints to identify recurring issues within the Service.

## Notification of Complaints to the Regulatory Authority

The Nominated Supervisor and Administration Manager will notify the Regulatory Authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. This notification will be made by the NQA ITS portal.

If the Nominated Supervisor is unsure whether the matter is a notifiable complaint contact the Administration Manager.

The Administration Manager may contact the Regulatory Authority for confirmation.

Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of the person who investigated the complaint
- any other relevant information

## FOOTNOTES

### Source

- Australian Children's Education & Care Quality Authority. (2014).
- Australian Human Rights Commission: <https://www.humanrights.gov.au>
- Commonwealth Ombudsman. (2009). Better practice guide to complaint handling: [https://www.ombudsman.gov.au/data/assets/pdf\\_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf](https://www.ombudsman.gov.au/data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf)
- Education and Care Services National Regulation. (2011).
- Fair Work Australia: <https://www.fairwork.gov.au/>
- National Quality Standard. (2017).
- Revised National Quality Standard. (2018).

## Related regulations and standards

### National Quality Standards (NQS)

Quality Area 4: Staffing Arrangements		
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of Staff	Every effort is made for children to experience continuity of educators at the service
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.
Quality Area 6: Collaborative Partnerships		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected, and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
Quality Area 7: Governance and Leaderships		

7.1.2	<b>Management Systems</b>	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.2.1	<b>Continuous Improvement</b>	There is an effective self-assessment and quality improvement process in place.

#### Education and Care Services National Regulations

<b>Children (Education and Care Services) National Law</b>	
<b>168</b>	Policies and procedures are required in relation to health and safety
<b>173</b>	Prescribed information to be displayed
<b>176</b>	Time to notify certain information to Regulatory Authority
<b>183</b>	Storage of records and other documents

#### Review & document control

<b>Policy Reviewed</b>	<b>Modifications</b>
August 2017	Extension of Policy from regulations and set out expectations for all parties
10 <sup>th</sup> November 2017	Updated with feedback from owner. Mediator to support. Removed term 'Natural Justice'
8th January 2018	Quality Area updated to reflect changes to NQS. Centre Director term changed to Coordinator.
10th November 2018	Grammatical errors corrected.
November 2019	Nominated Supervisor term added
November 2020	Added procedural fairness term. Review effectiveness added.
June 2021	Combined family and staff processes. Added staff flowchart. Made process clearer.



# Proposed Child Care Centre

Lot 643 (20) Stanford Road & Lot 642  
(104) Mullaloo Drive, Kallaroo

Revised Transport Impact Statement

PREPARED FOR:  
Kallaroo Play and Learn Holdings

November 2021



## Document history and status

Author	Revision	Approved by	Date approved	Revision type
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# 1.0 Introduction

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This revised Transport Impact Statement (TIS) has been prepared by Transcore on behalf of Kallaroo Play and Learn Holdings with regard to a proposed child care centre (CCC) to be located at Lot 643 (No. 20) Stanford Road and Lot 642 (No. 104) Mullaloo Drive, Kallaroo in the City of Joondalup.

Transcore prepared a Transport Impact Statement in March 2021. The originally proposed development entailed a child care centre (CCC) accommodating up to 80 children and 16 staff. A total of 26 on-site parking bays (inclusive of one ACROD bay) were proposed for the development.

According to the information provided to Transcore, it is understood that the development was refused by Metro Outer Joint Development Assessment Panel (MOJDAP) and a subsequent State Administrative Tribunal (SAT) mediation has resulted in the redesign of the original site plan and reduction in children enrolments and staff members (reduction to 75 children and 15 staff). The revised proposal also entails provision of 27 car bays (inclusive of one ACROD bay) within the site for the staff and parents/visitors, expansion and relocation of the bin store and change of operating hours of the centre. Accordingly, this revised TIS is prepared with respect to the latest development proposal.

The subject site is located at the southeast corner of the intersection of Mullaloo Drive and Stanford Road. The subject site currently comprises two residential dwellings and is bounded by Mullaloo Drive to the north, Stanford Road to the west and residential properties to the east and south as illustrated in **Figure 1**.

The WAPC Transport Impact Assessment Guidelines (Vol 4 – Individual Developments, August 2016) states: *“A Transport Impact Statement is required for those developments that would be likely to generate moderate volumes of traffic<sup>1</sup> and therefore would have a moderate overall impact on the surrounding land uses and transport networks”*.

**Section 6.2** of Transcore’s report provides details of the estimated trip generation for the proposed development. Accordingly, as the total peak hour vehicular trips are estimated to be less than 100 trips, a Transport Impact Statement is deemed appropriate for this development.

Key issues that will be addressed in this report include the traffic generation and distribution of the proposed development, access and egress movement patterns and parking demand and supply.

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<sup>1</sup> Between 10 and 100 vehicular trips per hour

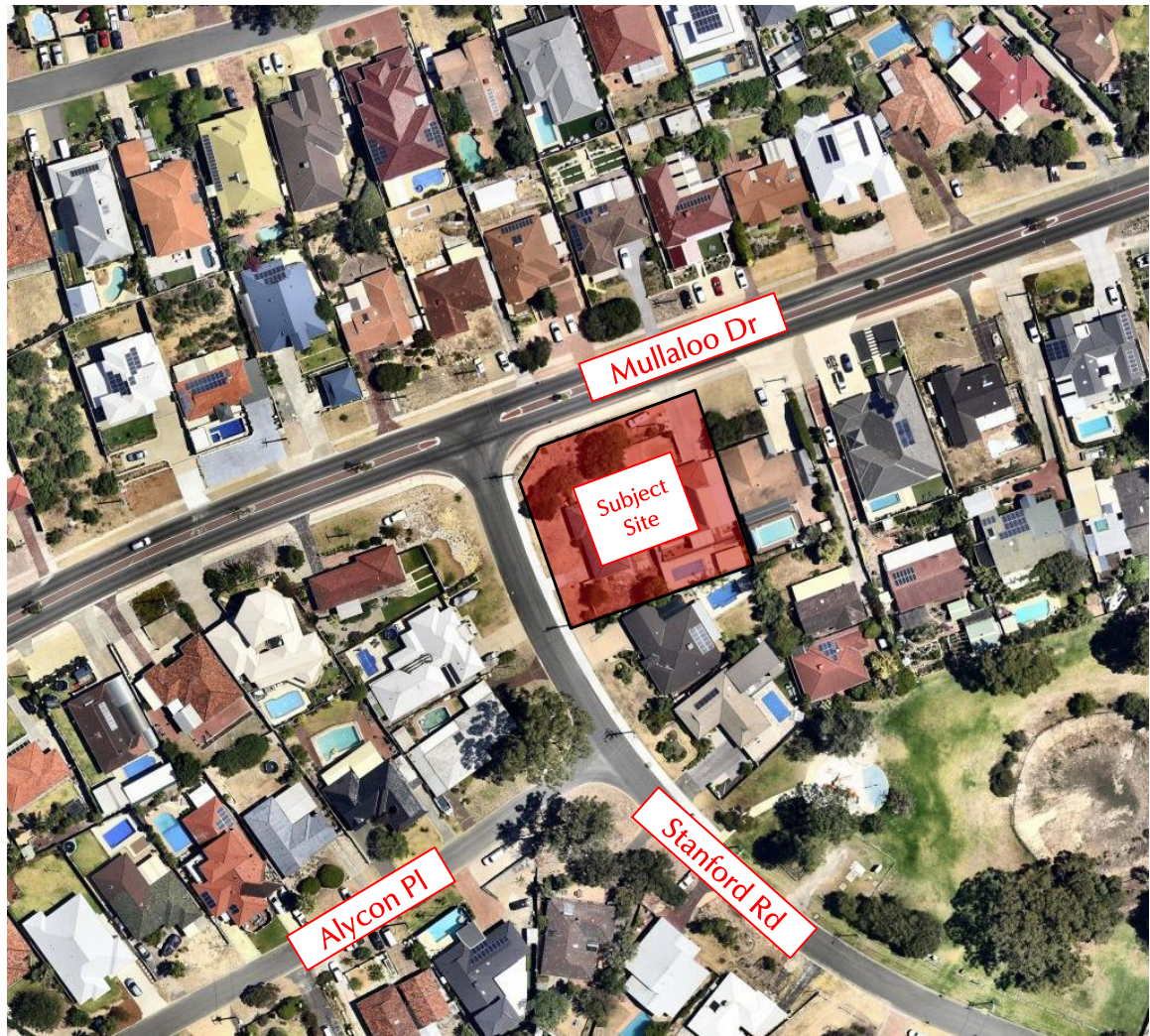


Figure 1: Location of the subject site

## 2.0 Proposed Development

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The development application is for a childcare centre to be located at Lot 643 (No.20) Stanford Road and Lot 642 (No.104) Mullaloo Drive, Kallaroo in the City of Joondalup.

The proposed CCC has been designed to accommodate up to 75 children and 15 staff members.

Vehicle access and egress to the subject site will be via the existing full movement crossover on Stanford Road, which will be modified to provide convenient vehicular access to the site.

According to the revised development plan attached in **Appendix A**, the proposed development comprises of 23 single bays and two pairs of tandem bays. The tandem bays are located adjacent to the bin store and will be dedicated to staff. Accordingly, the proposed CCC would provide a total of 27 on-site car parking bays inclusive of one ACROD bay. One turn around bay is also provided at the end of undercroft car parking area for the efficient vehicular circulation within the site.

A bin store is provided at the northern side of the parking area. Deliveries and waste collection will be accommodated within the site. Waste collection will be undertaken by a private contractor and will occur once per week on Saturdays between 7:00AM – 12:00PM.

A copy of the revised development plans are included in **Appendix A**.



## 3.0 Vehicle Access and Parking

### 3.1 Access

Figure 2 shows the location of existing crossovers and Figure 3 shows the location of the proposed development crossover. Currently there are two crossovers servicing the subject site; one on Mullaloo Drive (crossover 1) and one on Stanford Road (crossover 2).

Vehicular access to the subject site will be provided via the existing crossover on Stanford Road which will be widened/modified to provide convenient vehicular access to the site.



Figure 2: Location of existing crossovers

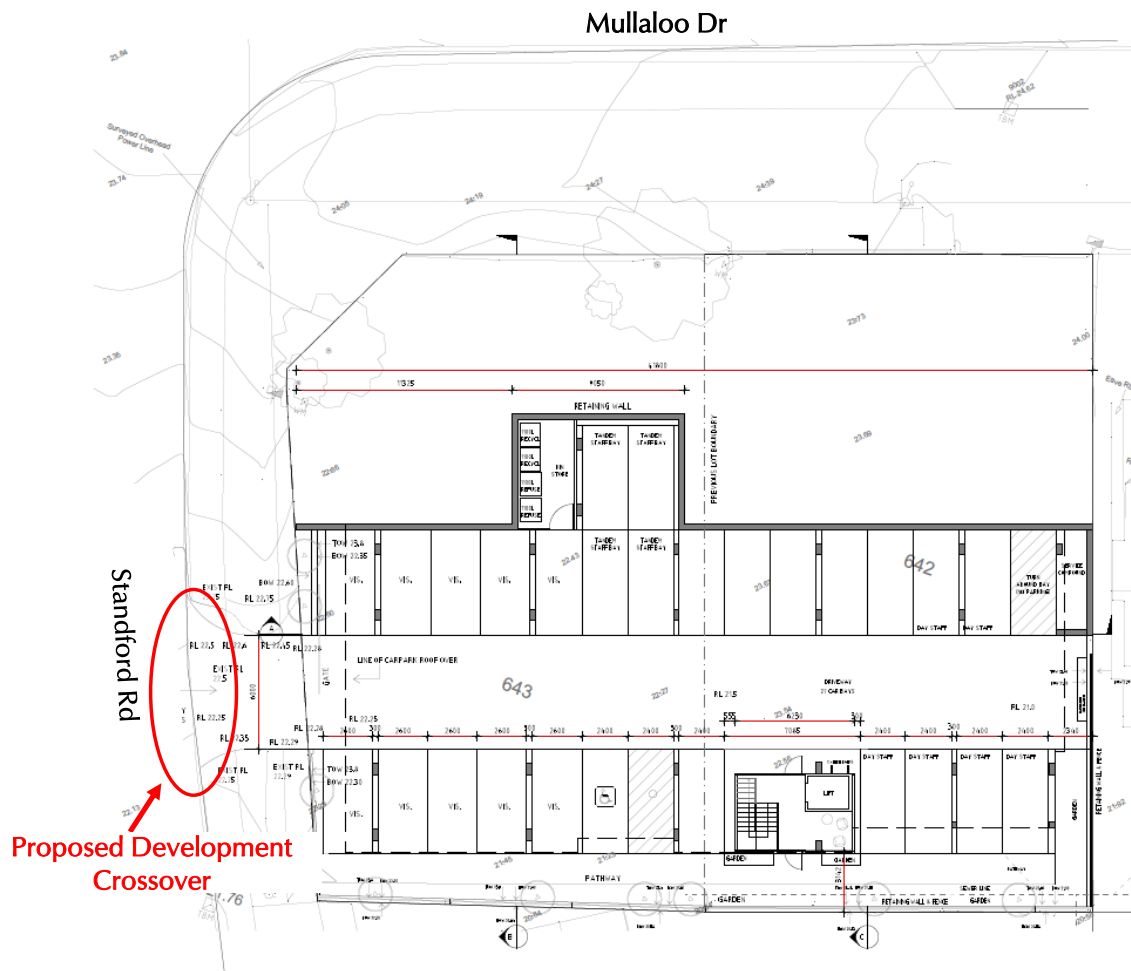


Figure 3: Location of proposed development crossover

### 3.2 *Parking Supply and Demand*

According to the City of Joondalup Child Care Premises Local Planning Policy, the parking provision applicable to the proposed CCC is:

1 per employee plus 10 per 73 - 80 children

The proposed CCC has been designed to accommodate up to 75 children and 15 staff members. Accordingly, the City's policy indicates that a total of 25 bays should be provided for the proposed CCC.

The proposed development provides a total of 27 parking bays inclusive of an ACROD bay on site. Therefore, the proposed parking supply exceeds the minimum required and will ensure parking congestion is minimised, which is an acceptable outcome having regard for the site's suburban location.

## 4.0 Provision for Service Vehicles

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A bin store is located at the northern side of the car parking area as shown in the revised development plan in **Appendix A**.

Waste collection and delivery activity will be accommodated within the site. A private contractor will be assigned to undertake waste collection and will utilise trucks of suitable size and height. Based on the information provided to Transcore, it is proposed that the waste collection will occur once per week on Saturdays between 7:00AM to 12:00PM.

The waste collection truck will enter the site via the Stanford Road crossover in forward gear, turn around within the site and reverse to the bin store area for the waste collection and then exit via the same crossover in forward gear. Turn path analysis carried out in **Appendix B** confirms satisfactory movements of a waste collection truck up to 8.0m in length in the parking area.

It is expected that the child care centre will generate a small volume of service vehicle traffic primarily associated with the deliveries for the child care centre. It is recommended that smaller vehicles such as vans should be used for deliveries.

The onsite service activities will take place outside peak operating periods to ensure the parking area is available for vehicle manoeuvring, loading and unloading activities with no disturbance to the operation of the centre.



## 5.0 Hours of Operation

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The proposed child care centre is proposed to operate during weekdays between 7:00AM to 6:00PM Monday to Friday.

## 6.0 Traffic Volumes

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### 6.1 Existing Development Trip Generation

The subject site is currently occupied by two residential dwellings and for the purpose of this assessment they are assumed to generate negligible traffic volumes.

### 6.2 Proposed Development Trip Generation

In order to establish an accurate traffic generation rate for the proposed child care centre, traffic count surveys undertaken by Transcore at similar centres in the Perth metropolitan area were sourced.

Discussions with the respective centre managers revealed that the peak drop-offs and pick-ups for each of these centres occur between the hours of 7:00AM– 10:00AM and 3:00PM–6:00PM.

From the total number of children at each of the centres on the surveyed days, the following average generation rates were established for the morning and afternoon surveyed periods:

- ✚ 7:00AM–10:00AM: 1.58 trips per child (52% in / 48% out); and,
- ✚ 3:00PM–6:00PM: 1.67 trips per child (47% in / 53% out).

From this information, the traffic generation rate for the combined period of 7:00AM–10:00AM and 3:00PM–6:00PM was calculated as 3.25 trips per child. To convert this figure to a daily generation rate, this figure was increased to 3.5 trips per child to account for any trips outside of the surveyed times. It was assumed that the daily in and out split for vehicle trips was 50/50.

Furthermore, the following peak hour generation rates were established from the surveys for the Child Care Centres:

- ✚ AM peak hour: 8:00AM – 9:00AM: 0.75 trips per child (52% in / 48% out); and,
- ✚ PM peak hour: 4:30PM – 5:30PM: 0.49 trips per child (43% in/ 57% out);

Comparison of the six-hour generation rates and the peak hour generation rates confirms that the distribution of traffic from these centres is spread over the peak periods and that full concentration of traffic does not occur in the peak hour. The AM peak hour represents 47% of the 3-hour AM peak period traffic generation and the typical school PM and road network PM peak hours represent 36% and 29% of the 3-hour PM peak period traffic generation, respectively. As such, childcare centres operate quite differently to schools as their peak period is spread out.

Accordingly, the following number of trips was estimated for the proposed child care centre, assuming a maximum scenario of 75 children being present (i.e. centre at full capacity):

- ✚ AM peak hour: 57 trips generated (30 in / 27 out);
- ✚ PM peak hour: 37 trips generated (16 in / 21 out); and,
- ✚ Daily traffic generation: 263 trips generated (132 in / 131 out).

### ***6.3 Traffic Flow***

Driveway access to the CCC is provided on Stanford Road, so all of the development generated traffic would arrive/depart to and from the site via Stanford Road and then dissipate throughout the surrounding road network.

As with similar centres, an overwhelming majority of patrons would originate from within the local area with only a marginal number of patrons arriving from afar.

Hence, based on the general spatial distribution of existing and future residential developments in the immediate area, permeability of the local road network and the assumption that all traffic attracted to the proposed child care centre would arrive/depart via Stanford Road, the child care centre's traffic distribution adopted for this analysis is as follows:

- ✚ 40% to/from the east of Mullaloo Drive;
- ✚ 40% to/from the west of Mullaloo Drive; and,
- ✚ 20% to/from the south of Stanford Road.

**Figure 4** illustrates trip generation and traffic distribution over the local road network for the proposed Centre.



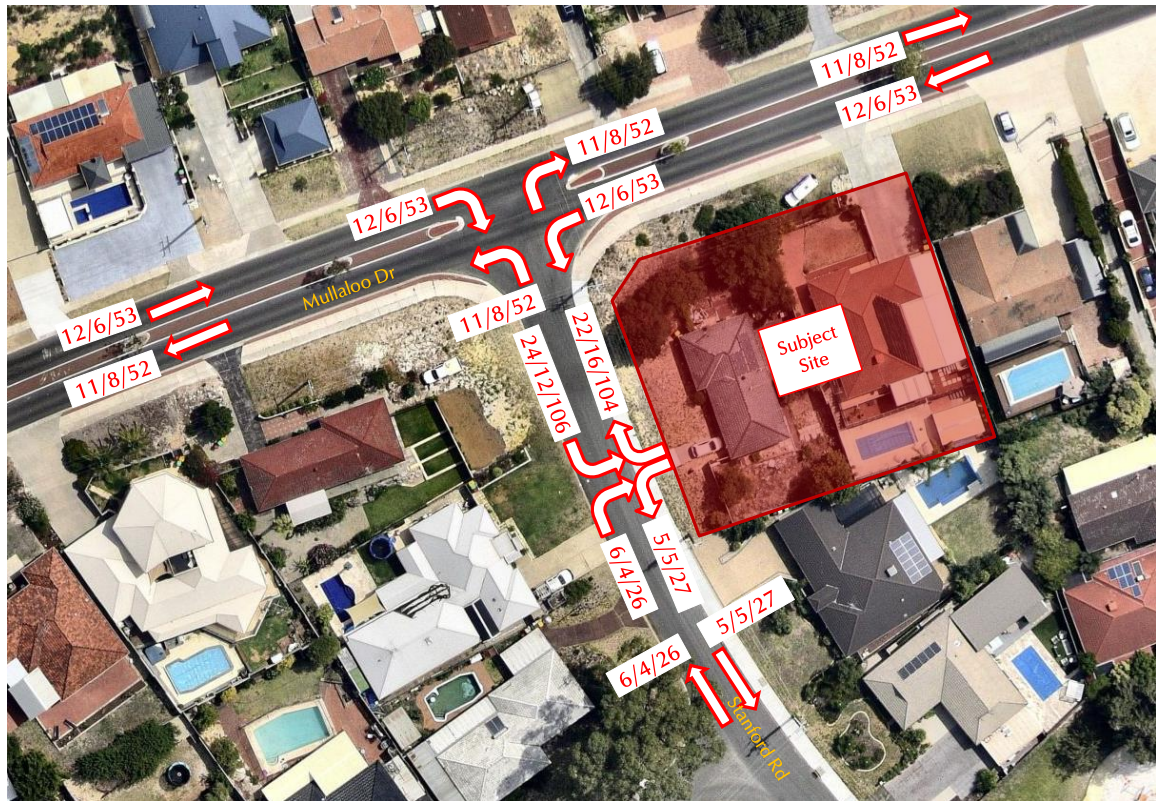


Figure 4: Estimated traffic movements for the proposed CCC  
AM peak/ PM peak /total daily trips

#### 6.4 Impact on Surrounding Roads

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts:

*“As a general guide, an increase in traffic of less than 10 per cent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 per cent may. All sections of road with an increase greater than 10 per cent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 per cent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”*

It is clear that the traffic increase from the proposed child care centre development would be significantly less than the critical threshold (100vph per lane). As detailed in **Section 6.2**, the proposed development will not increase traffic on any lanes on the surrounding road network by more than 100vph, therefore the impact of the development traffic on the surrounding road network will not be significant and does not require further assessment.

## 7.0 Traffic Management on the Frontage Streets

**Mullaloo Drive**, north of the subject site is constructed as a single divided carriageway, two lane road with 2m wide red asphalt/landscaped median as shown in **Figure 5** and **Figure 6** . It features pedestrian paths on both sides of the road.

Mullaloo Drive is classified as a Local Distributor road in the Main Roads WA Functional Road Hierarchy and operates under the default built up area speed limit of 50km/h.

According to the recent traffic count data sourced from Main Roads WA website, Mullaloo Drive (west of Marmion Drive) carried an average weekday traffic flows of 8,777vpd with 3.3% of traffic being heavy vehicles in 2018/19. The morning and afternoon peaks were recorded between 8:00AM to 9:00AM and 4:30PM to 5:30PM with a total of 476vph and 726vph respectively.



Figure 5: Westbound view along Mullaloo Drive



Figure 6: Eastbound view along Mullaloo Drive



**Stanford Road**, west of the subject site, is constructed as a two-lane undivided road (one lane each way) featuring concrete shared path along the eastern verge of this road in the immediate vicinity of the subject site. (Refer **Figure 7** and **Figure 8** for more details).

Stanford Road is classified as an Access Road in the Main Roads WA Functional Road Hierarchy and operates under the default built up area speed limit of 50km/h.

Stanford Road forms T-intersections with Mullaloo Drive to the north and Coorong Place to the south.



Figure 7: Northbound view along Stanford Road



Figure 8: Southbound view along Stanford Road



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## 9.0 Pedestrian Access

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Pedestrian access to the proposed development is available directly from the existing footpath network on Mullaloo Drive and Stanford Road abutting the subject site.

## 10.0 Cycle Access

The Perth Bicycle Network Map illustrated in **Figure 10** shows that the subject site provides direct access for cyclists via the shared path along the southern side of Mullaloo Drive fronting the subject site.

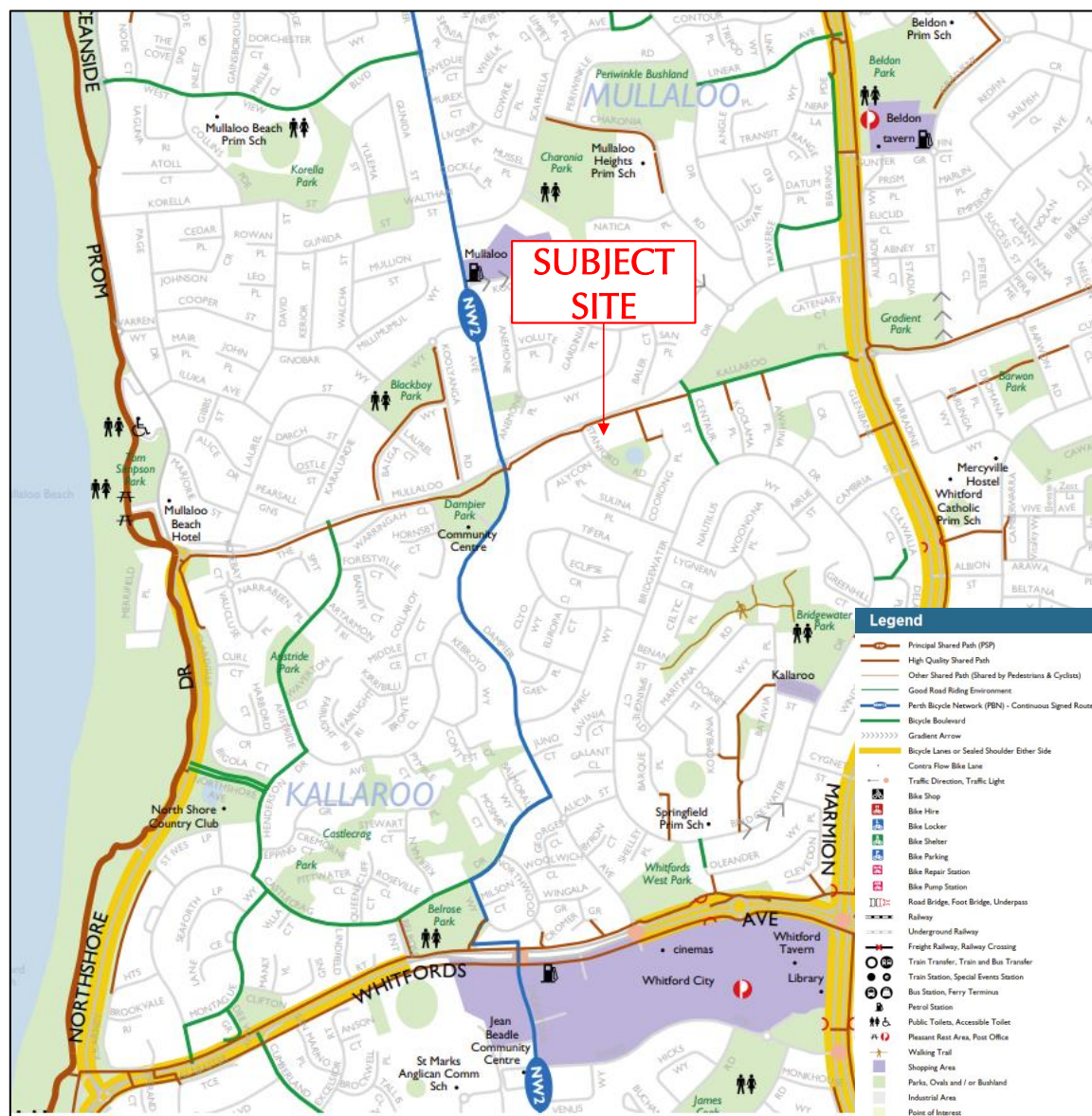


Figure 10: Extract from Perth Bicycle Network (Department of Transport)



## 11.0 Site Specific Issues

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No site-specific issues have been identified for the proposed child care centre.

## 12.0 Safety Issues

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No particular safety issues have been identified for the proposed child care centre.

## 13.0 Conclusions

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Transcore prepared a Transport Impact Statement in March 2021 for the proposed Childcare Centre development (CCC) to be located at Lot 643 (20) Stanford Road & Lot 642 (104) Mullaloo Drive, Kallaroo, in the City of Joondalup.

The originally proposed child care centre (CCC) accommodated up to 80 children and 16 staff. A total of 26 on-site parking bays (inclusive of one ACROD bay) were proposed for the development.

According to the information provided to Transcore, it is understood that the proposal was refused by Metro Outer Joint Development Assessment Panel (MOJDAP) and a subsequent State Administrative Tribunal (SAT) mediation has resulted in redesign of the original site plan and reduction in children enrolments and staff member (reduction to 75 children and 15 staff). The revised development also entails provision of 27 car bays (inclusive of one ACROD bay) within the site for the staff and parents/visitors, expansion and relocation of the bin store and change of operating hours of the centre. Accordingly, this revised TIS is prepared for the latest development proposal.

This revised TIS is therefore prepared for the proposed modified development to cater for 75 children and 15 staff members.

The subject site is currently served by two existing crossovers; one on Mullaloo Drive (crossover 1) and one on Stanford Road (crossover 2). Vehicular access to the subject site will be via the existing crossover on Stanford Road, which will be modified, that leads directly to the under-croft parking area.

Based on the City's parking requirements, the proposed CCC requires a parking provision of 25 parking bays. The proposed development will provide a total of 27 parking bays inclusive of an ACROD bay on site. Therefore, the proposed parking supply exceeds the minimum required and will ensure parking congestion is minimised, which is an acceptable outcome having regard for the site's suburban location.

Waste collection and delivery activity will be accommodated within the site. A private contractor will be assigned to undertake waste and will utilise trucks of suitable size and height to manoeuvre within the parking area. Waste collection will occur once per week on Saturdays between 7:00AM to 12:00PM. Turn path analysis carried out in **Appendix B** confirms satisfactory movements of a waste collection truck up to 8.0m in length in the parking area.

The traffic analysis undertaken in this report shows that the traffic generation of the proposed development is estimated to be in the order of 263 daily trips with 57 AM peak hour and 37 PM peak hour trips (total of both inbound and outbound movements) respectively. Accordingly, the traffic generation of the proposed development is relatively low and as such would not have a significant impact on the surrounding road network.



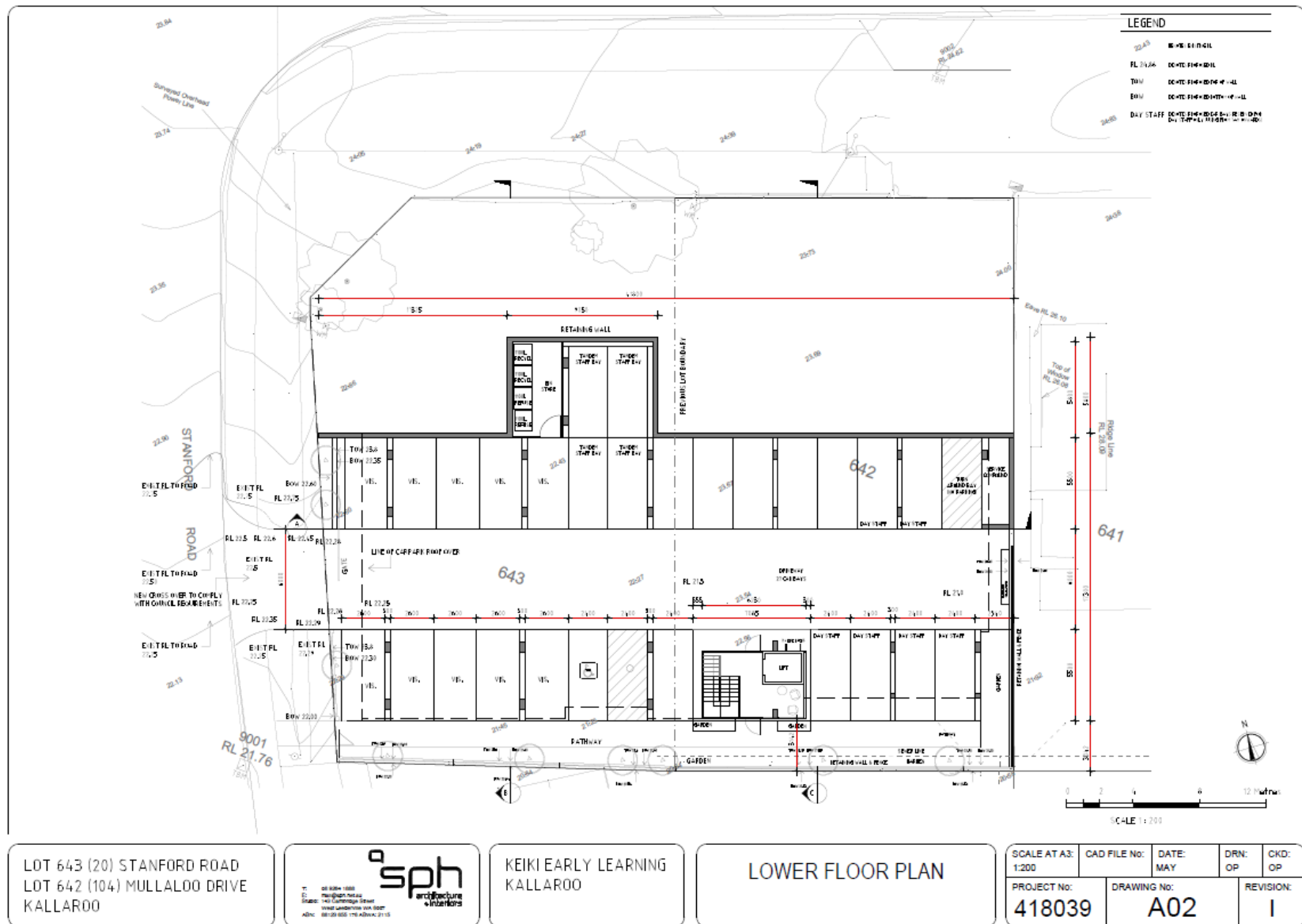
The site features good connectivity via the existing road network, path network and has convenient access to existing public transport services.

It is concluded that the findings of this Transport Impact Statement are supportive of the proposed child care centre.

# Appendix A

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## PROPOSED DEVELOPMENT PLANS







LOT 643 (20) STANFORD ROAD  
LOT 642 (104) MULLALOO DRIVE  
KALLAROO



KEIKI EARLY LEARNING  
KALLAROO

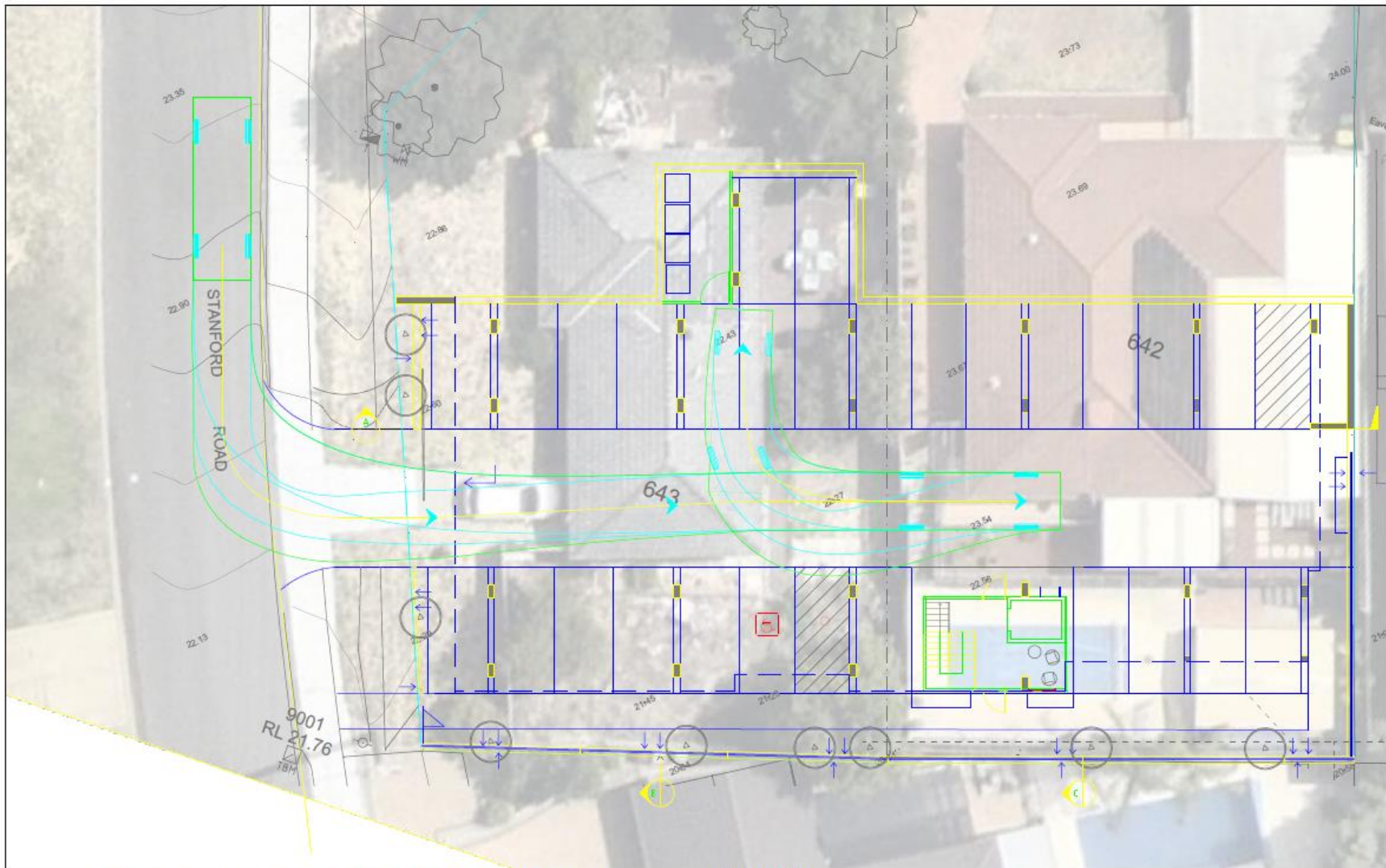
UPPER FLOOR PLAN

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: OP
PROJECT No: <b>418039</b>	DRAWING No: <b>A01</b>	REVISION: <b>I</b>		

# Appendix B

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## TURN PATH ANALYSIS



Lot 643 (20) Stanford Road & Lot 642 (104) Mullaloo Drive  
 8.0m Waste Collection Truck  
 Waste Truck Entry

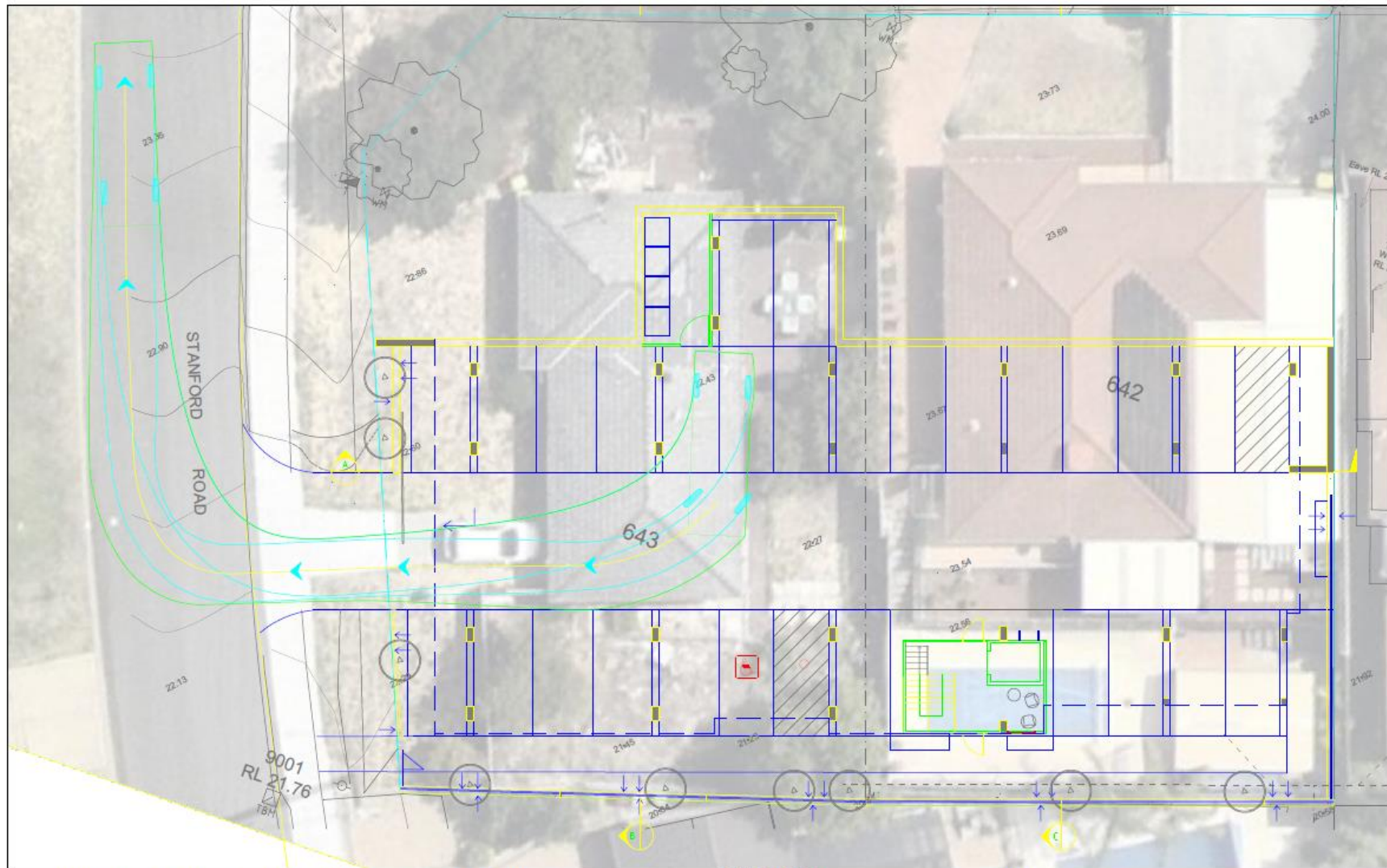
**LEGEND**  
 Vehicle Body  
 Wheel Path



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 Scale: 1:150 @ A3







Lot 643 (20) Stanford Road & Lot 642 (104) Mullaloo Drive  
 8.0m Waste Collection Truck  
 Waste Truck Exit

**LEGEND**  
 Vehicle Body  
 Wheel Path



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 29/11/2021  
 Scale: 1:150 @ A3





# Waste Management Plan

Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo

Prepared for Keiki Early Learning

26 November 2021

Project Number: TW21085

**DOCUMENT CONTROL**

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2.0	Second Approved Release	26/11/2021	DP	DM	DP

## Approval for Release

Name	Position	File Reference
Dilan Patel	Project Manager – Waste Management Consultant	TW21085-02_Waste Management Plan_2.0
Signature		

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## Executive Summary

Keiki Early Learning is seeking development approval for the proposed childcare centre located at Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo (the Proposal).

To satisfy the conditions of the development application the City of Joondalup requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

A summary of the bin size, numbers, collection frequency and collection method is provided in the below table.

### Proposed Waste Collection Summary

Waste Type	Generation (L/week)	Bin Size (L)	Number of Bins	Collection Frequency	Collection
Bin Storage Area					
Refuse	1,635	1,100	Two	Once each week	Private Contractor
Recycling	1,635	1,100	Two	Once each week	Private Contractor

A private contractor will service the Proposal onsite utilising a low entry rear loader waste collection vehicle, directly from the Bin Storage Area. The private contractor's waste collection vehicle will enter and exit the Proposal in forward gear via Stanford Road.

The building manager/cleaners will oversee the relevant aspects of waste management at the Proposal.

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Figure 2: Bin Storage Area

## 1 Introduction

Keiki Early Learning is seeking development approval for the proposed childcare centre located at Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo (the Proposal).

To satisfy the conditions of the development application the City of Joondalup requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

The Proposal is bordered by Mullaloo Drive to the north, residential developments to the east and west and Stanford Road to the south, as shown in Figure 1.

### 1.1 Objectives and Scope

The objective of this WMP is to outline the equipment and procedures that will be adopted to manage waste (refuse and recyclables) at the Proposal. Specifically, the WMP demonstrates that the Proposal is designed to:

- Adequately cater for the anticipated volume of waste to be generated;
- Provide adequately sized Bin Storage Area, including appropriate bins; and
- Allow for efficient collection of bins by appropriate waste collection vehicles.

To achieve the objective, the scope of the WMP comprises:

- Section 2: Waste Generation;
- Section 3: Waste Storage;
- Section 4: Waste Collection;
- Section 5: Waste Management; and
- Section 6: Conclusion.



## 2 Waste Generation

The following section shows the waste generation rate used and the estimated waste volumes to be generated at the Proposal.

### 2.1 Proposed Tenancies

The anticipated volume of refuse and recyclables has been calculated based on the total internal floor area (m<sup>2</sup>) of the childcare facility, 467m<sup>2</sup>.

### 2.2 Waste Generation Rates

The estimated amount of refuse and recyclables to be generated by the Proposal is based on the City of Melbourne's *Guidelines for Preparing a Waste Management Plan* (2017).

Table 2-1 shows the waste generation rates which have been applied to the Proposal.

**Table 2-1: Waste Generation Rates**

Tenancy Use Type	City of Melbourne Guidelines	Refuse Generation Rate	Recycling Generation Rate
Childcare Centre	Childcare	350L/week	350L/week

### 2.3 Waste Generation Volumes

Waste generation is estimated by volume in litres (L) as this is generally the influencing factor when considering bin size, numbers and storage space required.

Waste generation volumes in litres per week (L/week) adopted for this waste assessment are shown in Table 2-2. It is estimated that the Proposal will generate 1,635L of refuse and 1,635L of recyclables each week.

**Table 2-2: Estimated Waste Generation**

Childcare Centre	Floor Area (m <sup>2</sup> )	Waste Generation Rate (L/week)	Waste Generation (L/week)
Refuse	467	350	1,635
Recycling	467	350	1,635
Total			3,332

### 3 Waste Storage

To ensure that waste is managed appropriately at the Proposal, it is important to allow for sufficient space to accommodate the required quantity of bins within the Bin Storage Area. The quantity, size and design of the Bin Storage Area is described in the following sections.

#### 3.1 Internal Bins

To promote positive recycling behaviour and maximise diversion from landfill, the Proposal will make provision for internal refuse and recycling bins for their separate disposal.

Waste from these internal bins will be transferred by staff/cleaners to the Bin Storage Area and deposited into the appropriate bins.

All bins will be colour coded and labelled in accordance with Australian Standards (AS 4123.7) to assist staff and cleaners to dispose of waste materials in the correct bins.

#### 3.2 Bin Sizes

Table 3-1 gives the typical dimensions of standard bins sizes that may be utilised at the Proposal. It should be noted that these bin dimensions are approximate and can vary slightly between suppliers.

**Table 3-1: Typical Bin Dimensions**

Dimensions	Bin Sizes			
	240L	360L	660L	1,100L
Depth (mm)	730	848	780	1,070
Width (mm)	585	680	1,260	1,240
Height (mm)	1,060	1,100	1,200	1,300
Area (mm <sup>2</sup> )	427	577	983	1,327

Reference: SULO Bin Specification Data Sheets

#### 3.3 Bin Storage Area Size

To ensure sufficient area is available for storage of the bins, the amount of bins required for the Bin Storage Area was modelled utilising the estimated waste generation in Table 2-2, bin sizes in Table 3-1 and based on collection of refuse and recyclables once each week.

Based on the results shown in Table 3-2 the Bin Storage Area has been sized to accommodate:

- Two 1,100L refuse bins; and
- Two 1,100L recycling bins.

**Table 3-2: Bin Requirements for Bin Storage Area**

Waste Stream	Waste Generation (L/week)	Number of Bins Required			
		240L	360L	660L	1,100L
Refuse	1,635	7	5	3	2
Recycling	1,635	7	5	3	2

The configuration of these bins within the Bin Storage Area is shown in Figure 2. It is worth noting that the number of bins and corresponding placement of bins shown in Figure 2 represents the maximum requirements assuming two collections each week of refuse and recyclables.

Note: the waste generation volumes are best practice estimates and the number of bins to be utilised represents the maximum requirements once the Proposal is fully operational. Bin requirements may be impacted as the development becomes operational and the nature of the tenants and waste management requirements are known.

### 3.4 Bin Storage Area Design

The design of the Bin Storage Area will take into consideration:

- Smooth impervious floor sloped to a drain connected to the sewer system;
- Taps for washing of bins and Bin Storage Area;
- Adequate aisle width for easy manoeuvring of bins;
- No double stacking of bins;
- Doors to the Bin Storage Area self-closing and vermin proof;
- Doors to the Bin Storage Area wide enough to fit bins through;
- Ventilated to a suitable standard;
- Appropriate signage;
- Undercover where possible and be designed to not permit stormwater to enter into the drain;
- Located behind the building setback line;
- Bins not to be visible from the property boundary or areas trafficable by the public; and
- Bins are reasonably secured from theft and vandalism.

Bin numbers and storage space within the Bin Storage Area will be monitored by the building manager and cleaners during the operation of the Proposal to ensure that the number of bins and collection frequency is sufficient.



## **4 Waste Collection**

A private contractor will service the Proposal and provide two 1,100L bins for refuse and two 1,100L bins for recyclables.

The private contractor will collect refuse and recyclables once each week utilising a low entry rear loader waste collection vehicle.

The private contractor's waste collection vehicle will service the bins onsite, directly from the Bin Storage Area. The private contractor's waste collection vehicle will travel with left hand lane traffic flow on Stanford Road, turn into the Proposal in forward gear and pull up adjacent to the Bin Storage Area for servicing.

It is proposed that servicing will be conducted outside of normal operating hours to allow the waste collection vehicle to utilise the empty carpark for manoeuvring and mitigate impacts on local traffic movements during peak traffic hours.

The private contractor waste collection staff will ferry bins to and from the waste collection vehicle and the Bin Storage Area during servicing. The private contractor will be provided with key/PIN code access to the Bin Storage Area and security access gates to facilitate servicing, if required.

Once servicing is complete the private contractor's waste collection vehicle will exit in a forward motion, turning onto Stanford Road moving with traffic flow.

The above servicing method will preserve the amenity of the area by removing the requirement for bins to be presented to the street on collection days. In addition, servicing of bins onsite will reduce the noise generated in the area during collection. Noise from waste vehicles must comply with the Environmental Protection (Noise) Regulations and such vehicles should not service the site before 7.00am or after 7.00pm Monday to Saturday, or before 9.00am or after 7.00pm on Sundays and Public Holidays.

The ability for an 8.0m rear loader waste collection vehicle to access the Proposal in a safe manner has been assessed by Transcore.

### **4.1 Bulk and Speciality Waste**

Bulk and speciality waste materials will be removed from the Proposal as they are generated. Removal of these wastes will be monitored by the building manager, who will liaise with staff and cleaners to assist with the removal of these wastes, as required.

Sanitary wastes will be collected in situ. A suitably qualified sanitary waste collection and disposal provider will be engaged to determine storage and collection requirements.

## 5 Waste Management

The building manager/cleaners will be engaged to complete the following tasks:

- Monitoring and maintenance of bins and the Bin Storage Area;
- Cleaning of bins and Bin Storage Area, when required;
- Ensure all staff/cleaners at the Proposal are made aware of this WMP and their responsibilities thereunder;
- Monitor staff behaviour and identify requirements for further education and/or signage;
- Monitor bulk and speciality waste accumulation and assist with its removal, as required;
- Regularly engage with staff to develop opportunities to reduce waste volumes and increase resource recovery; and
- Regularly engage with the private contractors to ensure efficient and effective waste service is maintained.

## 6 Conclusion

As demonstrated within this WMP, the Proposal provides a sufficiently sized Bin Storage Area for storage of refuse and recyclables, based on the estimated waste generation volumes and suitable configuration of bins. This indicates that an adequately designed Bin Storage Area has been provided, and collection of refuse and recyclables can be completed from the Proposal.

The above is achieved using:

- Two 1,100L refuse bins, collected once times each week; and
- Two 1,100L recycling bins, collected once times each week.

A private contractor will service the Proposal onsite utilising a low entry rear loader waste collection vehicle, directly from the Bin Storage Area. The private contractor's waste collection vehicle will enter and exit the Proposal in forward gear via Stanford Road.

The building manager/cleaners will oversee the relevant aspects of waste management at the Proposal.

## Figures

Figure 1: Locality Plan

Figure 2: Bin Storage Area

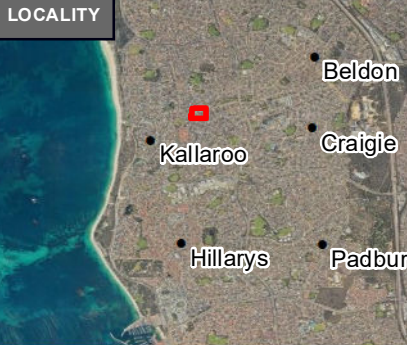




LEGEND

- Site Layout
- Cadastre

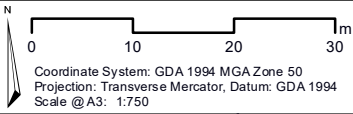
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LOCALITY PLAN

104 Mullaloo Drive  
& 20 Stanford Road,  
Kallaroo, WA 6025

Keiki Early Learning



Prepared: W Robertson	Date: 19/07/2021
Reviewed: D Patel	Revision: A
Project: TW21085	



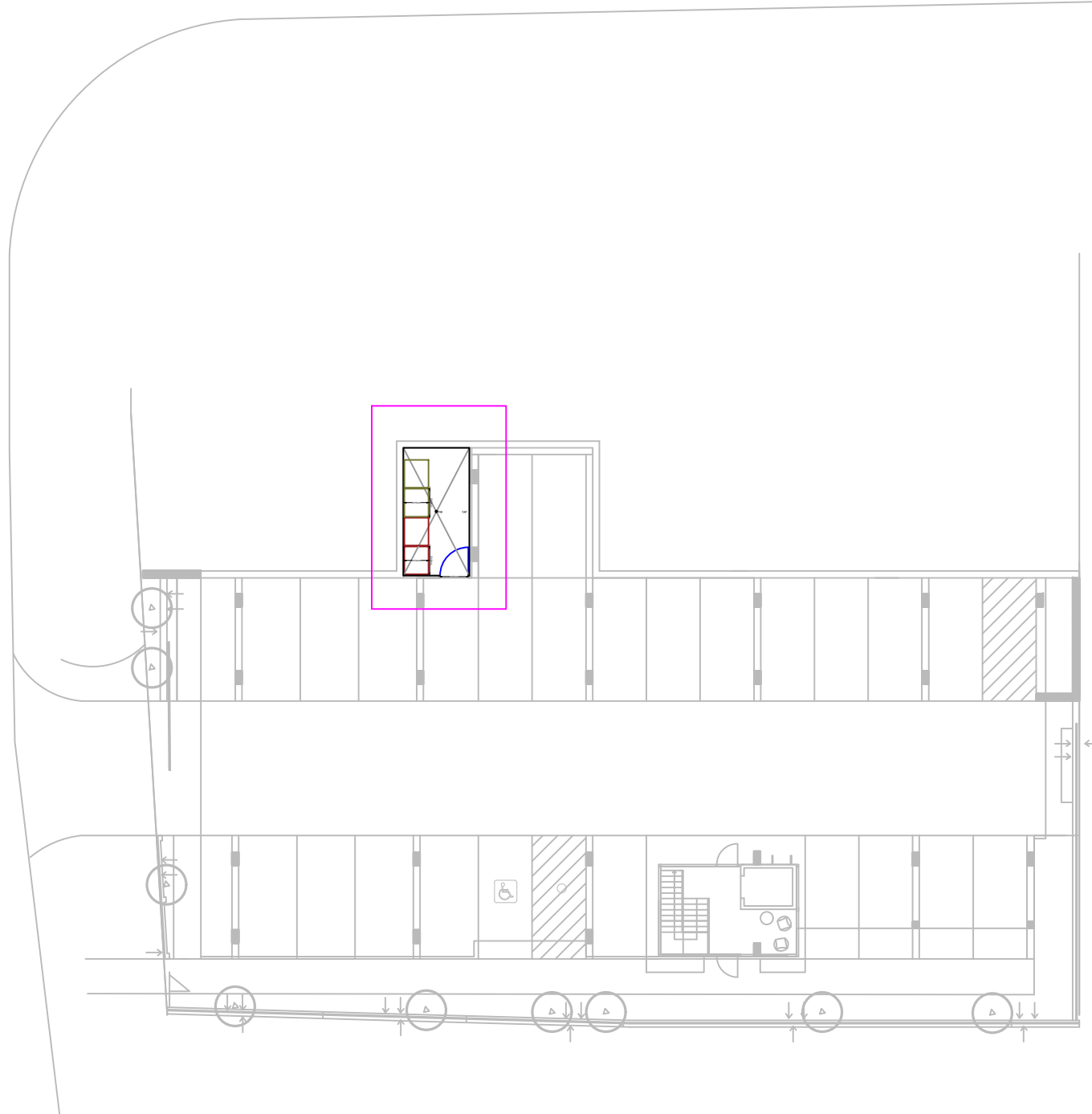
Figure 01

Data source: Roads - MRWA, 2020. Imagery: Landgate, 2020.



MULLALOO DRIVE

STANFORD ROAD

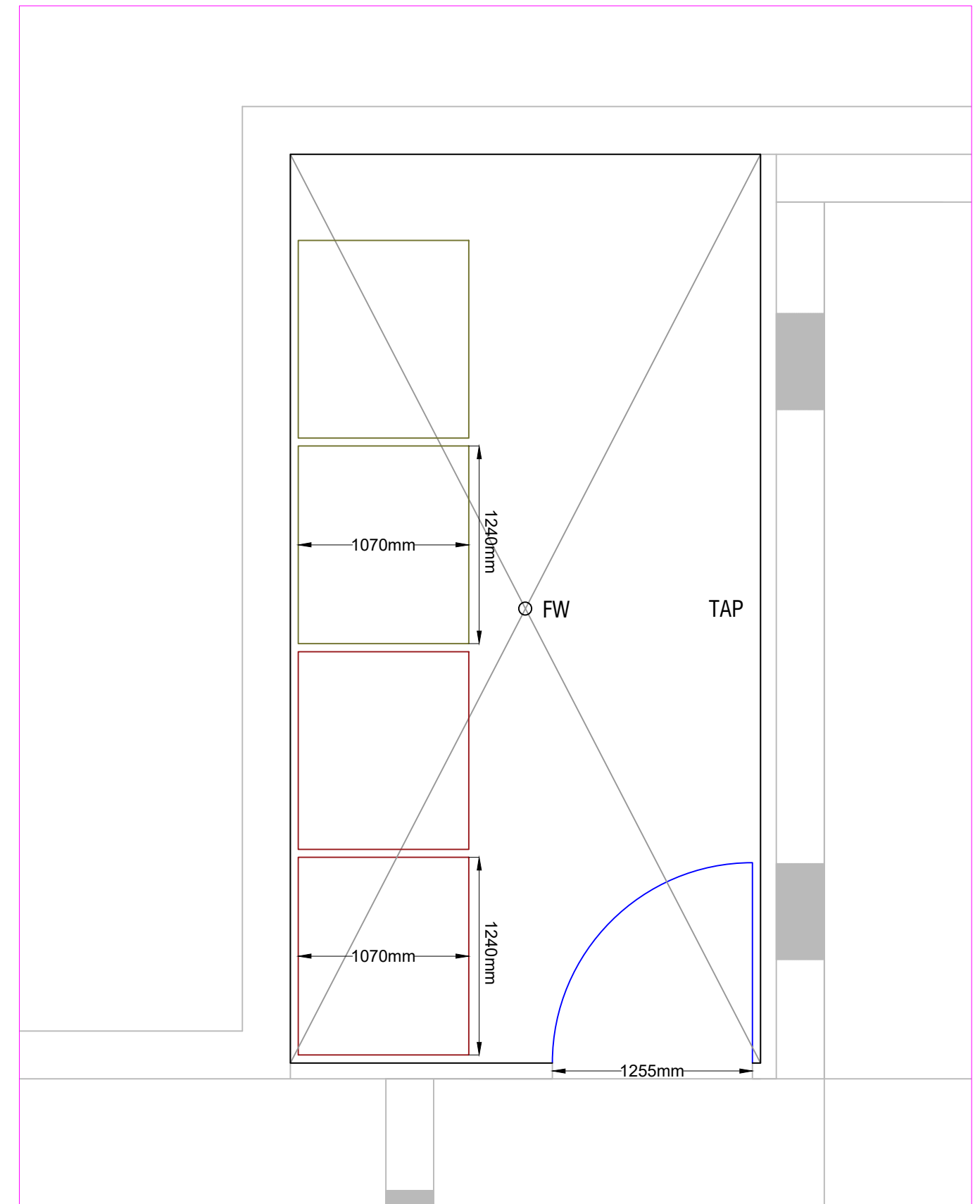


### Legend:

#### Bin Storage Area

- 2 x 1,100L refuse (1,070mm x 1,240mm)
- 2 x 1,100L recycling (1,070mm x 1,240mm)

### Bin Storage Area





**Assets | Engineering | Environment | Noise | Spatial | Waste**

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## SUBMISSIONS AGAINST THE PROPOSAL

Design element	Issue raised	Applicant response
<b>Traffic</b>	<ul style="list-style-type: none"> <li>There is inadequate road infrastructure to accommodate the increase in traffic volumes. The Traffic Impact Statement states there will be an extra 263 vehicles doing daily trips which increases the safety risk, particularly for children.</li> <li>Increase in flow through traffic along Coorong, Alycon and Sulina Place.</li> <li>Vehicle access point will cause congestion near the intersection.</li> <li>Right turn likely difficult during peak traffic times due to congestion along Stanford Road. Visitors may be forced to turn at the end of the Alycon Place or Coorong Place cul-de-sac's due to unsafe turning areas along Stanford Road – proposal does not comply with 5.1.2 of the CCPLPP.</li> <li>The Traffic Impact Statement uses outdated statistics. The WA Main Roads traffic data count is over two years old 2018/2019.</li> <li>The 3 hour windows to drop off and pick up seem too wide and unrealistic. The drop off time will most likely be from 7.00am-8:30am instead of 7.00am-10.00am as the report states.</li> </ul>	<p>The traffic and access matters associated with this proposal have been subject to an assessment which was prepared entirely in accordance with the relevant WAPC guidelines.</p> <p>The traffic assessment has demonstrated the development is entirely acceptable from a traffic and access point of view.</p> <p>The City's traffic experts have also reviewed the traffic assessment and it is understood they consider the findings on the matters assessed to be acceptable.</p>
<b>Parking and access</b>	<ul style="list-style-type: none"> <li>Notes 3.5 of Planning Bulletin 72/2009 (PB 72/2009) &amp; 5.2.2a of the CCPLPP – parking areas should be located in the front of the building or clearly visible and easily accessible. Empty car bays within the undercroft are not easily visible from the street.</li> </ul>	<p>The proposed car park is accessed via a 6m wide crossover to Stanford Road and is visible from the street.</p> <p>The proposed parking supply exceeds the requirements of the local planning framework. No</p>



	<ul style="list-style-type: none"> <li>• 10 visitor bays is not adequate for 75 children, especially during peak operation times. Inadequate parking will result in customers parking along the street and verges which will reduce streetscape amenity and safety</li> <li>• Application does not consider that drop offs/pickups can take up to 10 minutes, the parking available is insufficient for this type of drop off.</li> <li>• It is unlikely that staff will commute via public transport or bicycle, therefore more parking will be required.</li> <li>• Access is from an access road, not a local distributor road as per the CCPLPP.</li> <li>• CCPLPP states that only under 'exceptional circumstances' may vehicle access be considered from an access road – applicants' justification is not considered a 'exceptional circumstance'.</li> <li>• The reason that Stanford Road is used for access, is the development cannot be designed to allow vehicle access from Mullaloo Drive, this suggests that the site/location is not suitable for the intended commercial purpose.</li> <li>• Footpath along Stanford Road is the main pedestrian access to Stanford Park which is used by many members of the community, a commercial building with high vehicular movements crossing this footpath is a hazard.</li> <li>• Mullaloo Drive and Stanford Road intersection is already dangerous and a reduced setback to Mullaloo Drive and increased planting of trees along the verges will further restrict views.</li> <li>• The turn around bay will be used as a car space because there is inadequate parking at the facility, and it will not stop people from parking on the verge.</li> </ul>	<p>parking congestion issues are expected to occur as a result of the development proposal. The objectors have not supplied any evidence to suggest a compliant parking supply is inadequate to service the needs of the centre.</p> <p>Refer to 'applicant response to submissions' provided for previous RAR regarding the merits of the Stanford Road access.</p>
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	<ul style="list-style-type: none"> <li>• If approved by JDAP, consideration should be given to signage in the verge stating – No parking in street or verge.</li> <li>• If approved by JDAP, the City of Joondalup would need to consider significant road, footpath and traffic signage upgrades to the area to ensure that the safety of local residents is not put at risk.</li> <li>• Some cars will certainly remain parked for longer than drop off and pick up as some care givers will bring dogs and use Stanford Park.</li> </ul>	
<b>Land Use</b>	<ul style="list-style-type: none"> <li>• Residentially dominated area. This use should only be considered in a commercial zone.</li> <li>• Will set a precedent for more commercial land uses in this quiet residential area which will change the suburban feel.</li> <li>• The proposed land use will have significant amenity impacts on adjoining residential properties, therefore not meeting the objectives of the CCPLPP.</li> <li>• The applicant has not demonstrated that the residents will not be unduly impacted in relation to their amenity, noted the perception of the applicant is not valid, the undue impact can only be reasonably determined by the residents concerned due to their lived experience of the location and their current enjoyment level of the residential amenity.</li> </ul>	<p>Child Care Premises is a discretionary use in the Residential zone and can be considered on any site zoned Residential.</p> <p>The development is designed in a sensitive manner, employing a number of mitigation measures to reduce impacts to neighbouring properties. The application is also supported by a <b>comprehensive</b> extent of information demonstrating minimal impacts to the neighbouring properties, including an operational management plan.</p> <p>The materials produced demonstrate that the proposed development will not create unacceptable impacts to the neighbouring properties.</p>
<b>Hours of Operation</b>	<ul style="list-style-type: none"> <li>• Operating hours are from 6.30am to 7pm, i.e. when staff are on-site, these are different from opening hours which are stated as compliant.</li> <li>• Even if the operating hours are considered compliant – this is still a long time for a commercial business to be open next to a residential property.</li> </ul>	<p>The hours of operation are entirely consistent with that prescribed by the City's current and draft child care policy.</p>

<b>Service Vehicles</b>	<ul style="list-style-type: none"> <li>• Waste Management Plan does not describe how waste will be managed.</li> <li>• Waste being picked up on the weekend anytime from 7am means residents won't ever get a break from the noise generated from this proposal.</li> <li>• Bins being emptied on the weekend is not a good option for residents.</li> <li>• The waste management plan states that only refuse/recycling will be collected on a Saturday, this does not seem realistic. Due to the size of the commercial centre the provided bin storage would not provide sufficient space for a whole week of operations.</li> </ul>	<p>The waste management plan confirms compliant and acceptable methods for the storage and collection of waste from the site.</p> <p>The calculations presented in the WMP demonstrate the bin store is suitably sized to facilitate one collection per week.</p>
<b>Design</b>	<ul style="list-style-type: none"> <li>• The building is over height which significantly impacts the amenity (visual and shadow impact) of the adjoining properties.</li> <li>• The primary street setback variation will impact the streetscape amenity along Mullaloo Drive and is out of character.</li> <li>• It is an unattractive commercial looking building in a residential area. It is not in keeping with the predominately single storey residential properties.</li> <li>• The windows are 1.6m sill height which may be compliant, but the average Australian is 172cm. Most people will be able to see into the adjoining southern properties back yard and pool area.</li> <li>• The proposal does not meet setback requirements to the south which further exacerbates the overlooking and overshadowing impact.</li> </ul>	<p>The proposed building heights are compliant with the requirements of the planning framework.</p> <p>The minor Mullaloo Drive setback variation is not considered to be 'out of character', and in fact, the architecturally designed building with landscaped playscape areas fronting the street will enhance local streetscape amenity.</p> <p>The Joondalup Design Review Panel has considered the proposal and generally supported the building aesthetic and design approach taken for the facility.</p> <p>The proposed southern setbacks either comply or substantially exceed the prescribed requirements.</p> <p>Refer to comments within the section 31 submission with respect to access to sunlight and overshadowing.</p>

	<ul style="list-style-type: none"> <li>• Proposal does not meet open space requirements of the Draft CCPLPP – which is a seriously entertained proposal.</li> <li>• The increase setback to the southern boundary (only 40cm) is not sufficient. The parking area (which will cause the most noise for residents to the south) is in the same place.</li> <li>• The justification provided does not consider the reduced sunlight into the southern properties primary living spaces and pool area that will occur as a result of this proposal.</li> <li>• The modifications have not addressed the overall size and bulk of the buildings.</li> <li>• The use of plants hanging over the balustrades is impractical given its to a southern facing wall of a commercial building.</li> <li>• The overshadowing is still not compliant, and this development must reach a higher standard of compliance to be acceptable as this is not a preferred location.</li> <li>• The reduction of offsets to the footprint of the centre are minor and will not reduce the impact of having a child care premises in what is a wholly residential area.</li> </ul>	
<b>Location</b>	<ul style="list-style-type: none"> <li>• Large commercial child care development should not be permissible adjoining any residential properties. The site is not adjacent to non-residential uses therefore does not meet the location criteria in the CCPLPP.</li> <li>• The proposal does not meet the objectives of the CCPLPP since its location has an adverse impact on the southern adjoining residential property by way of overshadowing, loss of privacy, increase in noise (commercial development adjoining a residential property's primary outdoor living area) and light pollution from the undercroft parking area.</li> </ul>	<p>Refer to 'applicant response to submissions' provided in the previous Responsible Authority Report with regard to site location.</p> <p>It is worthy of noting that various modifications have been made to the proposal through the reconsideration process which have further reduced impacts to the adjoining properties.</p>



	<ul style="list-style-type: none"> <li>• Notes Planning Bulletin 72/2009 – location is not appropriate due to the following: <ul style="list-style-type: none"> <li>○ The site is not strategically located as there is a new child care premises being constructed within 500 metres of this proposal on Koorana Road.</li> <li>○ Site is not serviced by public transport.</li> <li>○ Not appropriate from a safety point of view since its sole access is from an access road which is not permitted under the CCPLPP.</li> <li>○ Site is not a sufficient size and dimension to accommodate a development of this scale without affecting the amenity of the surrounding residential properties – development does not meet primary street, lot boundary setbacks, building height and overshadowing requirements.</li> </ul> </li> <li>• Alternative unoccupied spaces exist in the local area that offer better alternatives to Stanford Road.</li> <li>• The ‘preferred location’ has not been met and as such a higher standard and scrutiny needs to be applied.</li> <li>• A reduction of 5 children and 1 staff member does not fundamentally change the impact on having such a development in this location.</li> <li>• Modifications made are insignificant and will still have an undue impact on residential amenity.</li> </ul>	
<b>Demand</b>	<ul style="list-style-type: none"> <li>• Already a child care premise on Bridgewater Drive and an approved child care premises within 500 metres of this proposal on Koorana Road.</li> <li>• Surrounding child care centres are not at capacity.</li> <li>• Notes 3.8 of PB 72/2009 – applicant is required to prove the commercial need for the premise since it has an obvious</li> </ul>	<p>The perceived oversupply of a land use is not a relevant planning consideration.</p> <p>Notwithstanding the above, the assertion that there is insufficient demand for childcare services simply because other childcare facilities exist in a local area is subjective.</p>

	<p>impact on the amenity of adjoining residential properties. Applicant has not justified the social need for this development.</p> <ul style="list-style-type: none"> <li>• The realestate.com website shows that over 86% of the demographic in Kallaroo and Mullaloo consist of mature and/or older couples and families and older residences.</li> <li>• Stating that there are waiting lists for other Keiki facilities located in the northern coastal corridor doesn't mean that this centre is a community need. This is a business move based on a business model.</li> </ul>	
<b>Noise, smell and pollution</b>	<ul style="list-style-type: none"> <li>• Increased noise from undercroft parking, air conditioning, extractor fans, waste collection, increase traffic noise, daily operational noise and loud children.</li> <li>• The service compound, bin store and car parking areas will generate significant noise.</li> <li>• Fumes from vehicles in undercroft carpark will have an undue health impact.</li> <li>• The noise levels may not exceed permitted noise levels, but further consideration and mitigation methods should be provided since this is a commercial development adjoining residential properties.</li> <li>• Recommendations within the Environmental Noise Assessment are not realistic, and the language is not enforceable i.e., crying children 'should' be taken inside the building.</li> <li>• The smell from nappies and waste products will impact direct neighbours and will attract rodents to the area.</li> <li>• Impact of alarms if they were activated on the weekends or evenings.</li> </ul>	<p>The proposal has been subject of an acoustic assessment produced by Lloyd George Acoustics, which demonstrates compliance with statutory requirements at all times.</p> <p>The recommendations of the acoustic assessment have been reflected in an operation and noise management plan which confirms the facility will operate in a sensitive manner.</p> <p>The bin store is fully enclosed and positioned to be as far as possible from neighbouring properties. The bin store will be serviced once a week and cleaned on a regular basis, as per standard practice.</p> <p>The use of tandem bays is a common and usual approach for early learning facilities. The operational management plan outlines how the car park will be managed on an ongoing basis.</p> <p>The use of air condition units is addressed in the operational management plan.</p>

	<ul style="list-style-type: none"> <li>• There has been a change to minimise the impact of waste management on the eastern and southern properties – but it essentially just moves it to another location, so it becomes an issue for others in the surrounding area.</li> <li>• Reducing the number of children from 80 to 75 will not reduce noise impact.</li> <li>• The acoustic report provided (which states is not conclusive) does not consider items that are not covered under the EPA, but are still evident in everyday noise creating activities, such as the internal lift, opening/closing of secure car park gate, and main entrance gate (located adjacent to residential properties) plus the agreed vehicle movements within the car park, these must be taken into account and considered.</li> <li>• The doors to the lift well/stairs are standard size, not pram friendly or small child friendly, as such there is a risk that these will be left or propped open, increasing the disbursement of noise from the activity.</li> <li>• The use of providing tandem parking bays to allow staff to park away from the residential sites and to commence the operating of the centre before 7am to allow for compliance under the noise testing, is not realistic. Staff will not use the tandem bays, being the first to arrive, they will be the first to leave, making these bays obsolete.</li> <li>• It should be considered that staff on arrival will turn on the air conditioning units, so to ensure ambient temperature for when children and parents arrive, especially during the warmer and cooler months and also to effectively and economical use the cooling and heating functions.</li> </ul>	
<b>Draft Child Care Premises Local Planning Policy</b>	<ul style="list-style-type: none"> <li>• There is a strong level of certainty that this policy will be implemented, and Council have stated their position particularly regarding location.</li> </ul>	Child Care Premises is, and will remain, a discretionary land use in the Residential zone of LPS3

	<ul style="list-style-type: none"> <li>• The proposal is not in the spirit of the current policy and would not be able to proceed under the Draft policy. It is disappointing that the SAT allowed/negotiated a new consultation period knowing that policy changes were afoot.</li> <li>• By fast tracking this consultation process, the developer is exploiting a loophole in the current policy, which would not be entertained under the Draft CCPLPP.</li> <li>• This development should not be allowed to be approved before the policy changes which effectively restricts development of this scale in this location.</li> <li>• If the premise is approved the number of children should be reduced to 50, in line with the Draft CCPLPP.</li> </ul>	<p>irrespective of any reactive changes undertaken to the City's Child Care Premises Policy.</p> <p>The applicant and proponent reject any assertion of 'exploited loopholes'. An application for planning approval has been made for a discretionary land use, which is capable of approval. The application for review process was initiated within 28 days of the decision and the Respondent has been invited to reconsider its decision.</p>
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• The residential tenancy vacancy rate is already below 1% in Kallaroo, meaning there's two less family homes available in the area.</li> <li>• The presence of a commercial property in a residential area will increase the risk of crime.</li> <li>• Decreased property value.</li> <li>• Nido early school in Craigie often has cars parking all over the verge from 4-4.30pm– photo evidence provided.</li> <li>• They are exploiting the planning system by costing the centres over \$2M so they can bypass the Council of the City of Joondalup and go before the DAP system in the hope that they get a vote in their favour. They are effectively "gaming" the system.</li> <li>• The owners of this commercial business have not consulted directly with local residents.</li> </ul>	<p>The residential tenancy vacancy rate of the local area is not a matter relevant to considering whether the proposed land use warrants planning approval.</p> <p>The assertion that this development will increase the risk of crime is unsubstantiated and is not relevant to considering whether the proposed land use warrants approval.</p> <p>Perceived impacts to property values are not a relevant planning consideration.</p> <p>As noted earlier, the applicant and proponent reject any assertion that the planning system is being 'exploited'. A lawful application for planning approval has been made for a discretionary land use capable of approval on the site.</p> <p>The assertion that Keiki Early Learning have not consulted directly with local residents is incorrect. In July/August 2021, the owner of Keiki Early Learning</p>



	<ul style="list-style-type: none"> <li>The developer deliberately proposed an oversized building, then has slowly scaled it back knowing that a scaled back version (a concession) may get approval.</li> </ul>	personally delivered letters to adjoining properties with no response.
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SUBMISSIONS IN SUPPORT OF THE PROPOSAL		
Design element	Comment	Applicant response
<b>Demand</b>	<ul style="list-style-type: none"> <li>Will attract young families into the area.</li> <li>Great opportunity for the local area to grow, bring in new construction, ongoing jobs and also provide an essential service which is in high demand.</li> <li>High number of new families moving into the area – mothers and fathers are often seen walking newborns and toddlers in strollers in the morning.</li> <li>Current wait times for child care centres are rather extensive.</li> <li>The demographic is changing and the needs of the residents are changing, therefore the services provided within our area need to grow as well.</li> <li>Kallaroo needs additional child care centres given the increase in population due to subdivision. The current facility on Bridgewater Drive is over capacity and is causing traffic issues.</li> </ul>	Noted and agreed.
<b>Design</b>	<ul style="list-style-type: none"> <li>Development's design is aesthetic and complimentary to the overall fabric of the area.</li> <li>A significant proportion of Mullaloo drive is relatively tired and dilapidated, and this is a fantastic uplift in the presentation of the area, particularly on such a prominent corner that sees</li> </ul>	Noted and agreed.

	<p>relatively significant traffic as a local distributor road for both Kallaroo and Mullaloo.</p> <ul style="list-style-type: none"> <li>• It is evident that the developer/operator has gone above and beyond with their design, which is sensitive and the operational management measures look appropriate to manage and mitigate any foreseen impact.</li> </ul>	
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• It is nice to see a local operator get a chance over a national brand to provide a boutique offering that addresses the actual needs of the area.</li> <li>• Supports the modified proposal.</li> <li>• Proposed development is aligned with the intent of the planning framework.</li> <li>• The proposal provides a fabulous opportunity for young children to develop strong relationships with their peers, which will continue as they feed the local schools. Building strong community connections is one of Keiki's core values.</li> <li>• The suburb is currently with limited childcare amenity and this property looks to be a logical positive outcome for the local residents and young families in the area.</li> </ul>	Noted and agreed.

# Environmentally Sustainable Design – Checklist

Under the City's planning policy, *Environmentally Sustainable Design in the City of Joondalup*, the City encourages the integration of environmentally sustainable design principles into the construction of all new residential, commercial and mixed-use buildings and redevelopments (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup.

Environmentally sustainable design is an approach that considers each building project from a 'whole-of-life' perspective, from the initial planning to eventual decommissioning. There are five fundamental principles of environmentally sustainable design, including: siting and structure design efficiency; energy efficiency; water efficiency; materials efficiency; and indoor air quality enhancement.

For detailed information on each of the items below, please refer to the *Your Home Technical Manual* at: [www.yourhome.gov.au](http://www.yourhome.gov.au), and *Energy Smart Homes* at: [www.clean.energy.wa.gov.au](http://www.clean.energy.wa.gov.au).

This checklist must be submitted with the planning application for all new residential, commercial and mixed-use buildings and redevelopments (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup.

The City will seek to prioritise the assessment of your planning application and the associated building application if you can demonstrate that the development has been designed and assessed against a national recognised rating tool.

Please tick the boxes below that are applicable to your development.

## Siting and structure design efficiency

Environmentally sustainable design seeks to affect siting and structure design efficiency through site selection, and passive solar design.

Does your development retain:

- ☒ existing vegetation; and/or
- ☒ natural landforms and topography

Does your development include:

- ☒ northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
- ☒ passive shading of glass
- ☒ sufficient thermal mass in building materials for storing heat
- ☒ insulation and draught sealing
- ☒ floor plan zoning based on water and heating needs and the supply of hot water; and/or
- ☒ advanced glazing solutions

## Energy efficiency

Environmentally sustainable design aims to reduce energy use through energy efficiency measures that can include the use of renewable energy and low energy technologies.

Do you intend to incorporate into your development:

- ☐ renewable energy technologies (e.g. photo-voltaic cells, wind generator system, etc); and/or
- ☒ low energy technologies (e.g. energy efficient lighting, energy efficient heating and cooling, etc); and/or
- ☒ natural and/or fan forced ventilation

## Water efficiency

Environmentally sustainable design aims to reduce water use through effective water conservation measures and water recycling. This can include stormwater management, water reuse, rainwater tanks, and water efficient technologies.

Does your development include:

- ☐ water reuse system(s) (e.g. greywater reuse system); and/or
- ☐ rainwater tank(s)

Do you intend to incorporate into your development:

- ☒ water efficient technologies (e.g. dual-flush toilets, water efficient showerheads, etc)

## Materials efficiency

Environmentally sustainable design aims to use materials efficiently in the construction of a building. Consideration is given to the lifecycle of materials and the processes adopted to extract, process and transport them to the site. Wherever possible, materials should be locally sourced and reused on-site.

Does your development make use of:

- ☐ recycled materials (e.g. recycled timber, recycled metal, etc)
- ☒ rapidly renewable materials (e.g. bamboo, cork, linoleum, etc); and/or
- ☒ recyclable materials (e.g. timber, glass, cork, etc)
- ☒ natural/living materials such as roof gardens and “green” or planted walls

## Indoor air quality enhancement

Environmentally sustainable design aims to enhance the quality of air in buildings, by reducing volatile organic compounds (VOCs) and other air impurities such as microbial contaminants.

Do you intend to incorporate into your development:

- ☒ low-VOC products (e.g. paints, adhesives, carpet, etc)

## ‘Green’ Rating

Has your proposed development been designed and assessed against a nationally recognised “green” rating tool?

- ☐ Yes
- ☒ No

If yes, please indicate which tool was used and what rating your building will achieve:

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If yes, please attach appropriate documentation to demonstrate this assessment.



If you have not incorporated or do not intend to incorporate any of the principles of environmentally sustainable design into your development, can you tell us why:

Further ESD elements will be determined and incorporated into the development at detailed design phase.

Is there anything else you wish to tell us about how you will be incorporating the principles of environmentally sustainable design into your development:

Further ESD elements will be determined and incorporated into the development at detailed design phase.

When you have checked off your checklist, sign below to verify you have included all the information necessary to determine your application.

Thank you for completing this checklist to ensure your application is processed as quickly as possible.


Applicant's Full Name: Alessandro Stagno Contact Number: 0416 672 501

Applicant's Signature:  Date Submitted: 11/5/21

Accepting Officer's Signature: \_\_\_\_\_





Checklist Issued: March 2011

<b>Item No. 3</b>	<b>RECONSIDERATION OF CHILD CARE PREMISES AT LOT 642 (104) MULLALOO DRIVE AND LOT 643 (20) STANFORD ROAD, KALLAROO</b>	
<b>Panel Members</b>	Nerida Moredoundt (Chairperson) Munira Mackay (Deputy Chairperson) Jane Bennett Robin Burnage	
<b>Proponent/s</b>	Alessandro Stagno Orielle Pearce	Apex Planning SPH Architects

<b>Design Review</b>	
<b>Proposal</b>	<p>The proposed childcare centre is located on the corner of Mullaloo Drive and Stanford Road across two lots. It has residential neighbours on its southern and western boundaries.</p> <p>The proposal comprises:</p> <ul style="list-style-type: none"> <li>• A split-level building incorporating two pitched roof pavilion style buildings in natural look materials on one level, with an under croft car park and pedestrian entry accessed from Stanford Road</li> <li>• Outdoor play spaces front Mullaloo Drive and Stanford Road enclosed by an external boundary fence which contains some visually permeable sections.</li> </ul>
<b>Background</b>	The proposal is presented to the DRP as part of the reconsideration by the City.
<b>Key Design Review issues/recommendations</b>	<p><b>The proposal is a well-considered design response to the needs of its users and to its coastal setting that will enhance the community's sense of place.</b></p> <p><b>Further consideration needs to be given to the legibility of its front entry, the details of the landscaping of the play spaces and ensuring that the design quality intent is evident throughout the landscaping and the building including the under croft carpark.</b></p>
<b>Chairperson's signature:</b> <b>Date:</b> 31.12.21	

## Design Quality Evaluation

### Legend

	<b>Supported</b> – meets the Design Principle objectives
	<b>Requires further attention</b> to meet the Design Principle objectives
	<b>Not supported</b> – does not meet the Design Principle objectives
	<b>Insufficient information</b> to evaluate the Design Principle objective

<b>Strengths of the Proposal</b>	<p>The proposal has the following design strengths:</p> <ul style="list-style-type: none"> <li>• The pavilion typology is an elegant design solution</li> <li>• It is responsive to its coastal setting through its form and materials</li> <li>• It has a well-designed layout which is sensitive to the neighbouring residences</li> <li>• It provided northern aspects to the outdoor play areas.</li> </ul>
<p>Principle 1 – Context and character</p>	<p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• The design response is sensitive and responsive to its coastal context and will enhance the local sense of place.</li> <li>• The layout of the site functions locates the noisiest areas away from the adjoining residences.</li> <li>• The Panel noted that the easternmost pavilion has a setback from the northern street boundary of only 1.5m to the verandah and 3m to the wall. This reduced setback appears to be inconsistent with the streetscape character of a greater front setback for a front garden.</li> </ul> <p><b>Recommendation 1:</b> The Panel commends the design response to the local character, but recommends that further consideration be given to the front setback of the easternmost pavilion through an analysis of the local streetscape setbacks.</p>
<p>Principle 2 – Landscape quality</p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• The integration of built form shade structures is a welcome design attribute.</li> <li>• The use of some visually permeable external fencing is good but needs to be more extensive.</li> <li>• The landscape plan has insufficient detail and does not clearly set out the landscape design intent in terms of planting proposals and play space activities.</li> </ul> <p><b>Recommendation 2:</b> The Panel recommends that a separate landscape plan be prepared that includes the detailed landscape intent of the play spaces and verges in the street reserve.</p>

		<b>The Panel recommends that further consideration be given to the boundary fencing to increase its landscape qualities and visual permeability.</b>
<i>Principle 3 – Built form and scale</i>		<p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The pavilion typology has successfully reduced the bulk and scale of the built form.</li> </ul> <p><b>Recommendation 3:</b> N/A</p>
<i>Principle 4 – Functionality and build quality</i>		<p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The proposal demonstrates a good level of functionality and build quality.</li> </ul> <p><b>Recommendation 4:</b> N/A</p>
<i>Principle 5 – Sustainability</i>		<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The retention of existing mature trees is welcomed, as is the provision of natural light and ventilation, however further sustainability initiatives are not clearly evident.</li> </ul> <p><b>Recommendation 5:</b> <b>The Panel recommends that sustainability initiatives form an integral part of the design as it progresses.</b></p>
<i>Principle 6 – Amenity</i>		<p><i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The design provides a high level of amenity for its users.</li> <li>The design provides an adequate interface to protect the amenity of its western neighbour.</li> </ul> <p><b>Recommendation 6:</b> N/A</p>
<i>Principle 7 – Legibility</i>		<p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The pavilion typology logically indicates the main entrance is between the two pavilions from the streetfront, however this is an emergency exit only resulting in a confused response.</li> <li>The pedestrian entry is illegible, underwhelming and inadequate from a streetscape perspective running as it does along the southern rear of the site and through the undercroft carpark.</li> <li>There is no clear pram or bicycle parking areas.</li> </ul>



		<p><b>Recommendation 6:</b> The Panel recommends reconsideration of the pedestrian entry with a clearly legible built form response that indicates the primary pedestrian entrance from the streetscape.</p> <p>The Panel also recommends inclusion of undercover pram and bicycle parking.</p>
Principle 8 – Safety		<p><i>Good design optimises safety and security, minimising the risk of personal harm and easily identifiable elements to help people find their way around.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The safety of users appears well considered.</li> </ul> <p><b>Recommendation 8:</b> N/A</p>
Principle 9 – Community		<p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interactions.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The proposal not only fulfills a need for child care in the community, it also provides an enhanced sense of place through its design quality.</li> </ul> <p><b>Recommendation 9:</b> N/A</p>
Principle 10 – Aesthetics		<p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>The proposal shows evidence of a skilled and considered design process that has resulted in an attractive childcare centre that could be an exemplar of its type.</li> <li>The undercroft carpark is intended to be screened by planting, however if this fails in any way it will present poorly to the street.</li> <li>The soffit of the carpark is not yet shown in the design, but has the potential to minimise the design quality if not carefully designed with integrated services.</li> <li></li> </ul> <p><b>Recommendation 10:</b> The Panel commends the proponent on the high quality of its design outcome with the following recommended improvements:</p> <ul style="list-style-type: none"> <li>the introduction of some built form screening to the undercroft carpark to ensure the design intent is realised.</li> <li>attention to the aesthetics of the soffit of the carpark including careful placement of services.</li> </ul>



LG Ref: DA21/0499  
DAP Ref: DAP/21/02000  
Enquiries: (08) 6551 9919

Mr Alessandro Stagno  
Apex Planning  
3/128 Main Street, Osborne Park, WA 6017

Dear Mr Stagno

**METRO OUTER JDAP - CITY OF JOONDALUP - DAP APPLICATION - DA21/0499  
- DETERMINATION**

Property Location:	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo
Application Details:	Child Care Premises

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Joondalup on 14 May 2021 for the above-mentioned development.

This application was considered by the Metro Outer JDAP at its meeting held on 8 September 2021, where in accordance with the provisions of the City of Joondalup Local Planning Scheme No.3, it was resolved to **refuse** the application as per the attached notice of determination.

Please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the reasons for refusal, please contact Ms Ashleigh Bryce on behalf of the City of Joondalup on 9400 4296.

Yours sincerely,

**DAP Secretariat**

15 September 2021

Encl. DAP Determination Notice  
Refused Plans

Cc: Ms Ashleigh Bryce - City of Joondalup



## ***Planning and Development Act 2005***

### **City of Joondalup Local Planning Scheme No.3**

#### **Metro Outer Joint Development Assessment Panel**

### **Determination on Development Assessment Panel Application for Planning Approval**

**Property Location:** Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo

**Application Details:** Child Care Premises

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **refused** on 8 September 2021, subject to the following:

1. **Refuse** DAP Application reference DAP/21/02000 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, for the following reasons:

#### **Reasons**

1. In accordance with Schedule 2, Clause 67(g) of the *Planning and Development (Local Planning Scheme) Regulations 2015* the proposed development does not comply with the provisions of the City's *Child Care Premises Local Planning Policy* as:
  - a. the proposed development is not located adjacent to non-residential uses;
  - b. the access for the proposed development is not located from a Local Distributor Road and in such a manner that discourages the use of nearby Access Roads, in this instance being Stanford Road, for turning movements; and
  - c. there do not appear to be any exceptional circumstances which would warrant the use of the Access Road, in this instance being Stanford Road, for vehicle access.
2. The proposed development does not satisfy the matters to be considered under clause 67(g), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the development does not comply with the City's *Child Care Premises Local Planning Policy* as the proposed development is not located adjacent to non-residential uses and will have an undue impact on residential amenity.
3. The proposed development does not satisfy the matters to be considered under clause 67(m), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the scale of the development is not compatible with the adjoining residential land.



4. The proposed development does not satisfy the matters to be considered under clause 67(zc), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposed development does not adequately consider the advice of the Joondalup Design Reference Panel in relation to height, bulk, scale, orientation and appearance of the development.



DEVELOPMENT  
ASSESSMENT PANEL

REFUSED  
08-Sep-2021

LEGEND

22.43 DENOTES EXISTING RL  
RL 24.86 DENOTES PROPOSED RL  
TOW DENOTES PROPOSED TOP OF WALL  
BOW DENOTES PROPOSED BOTTOM OF WALL

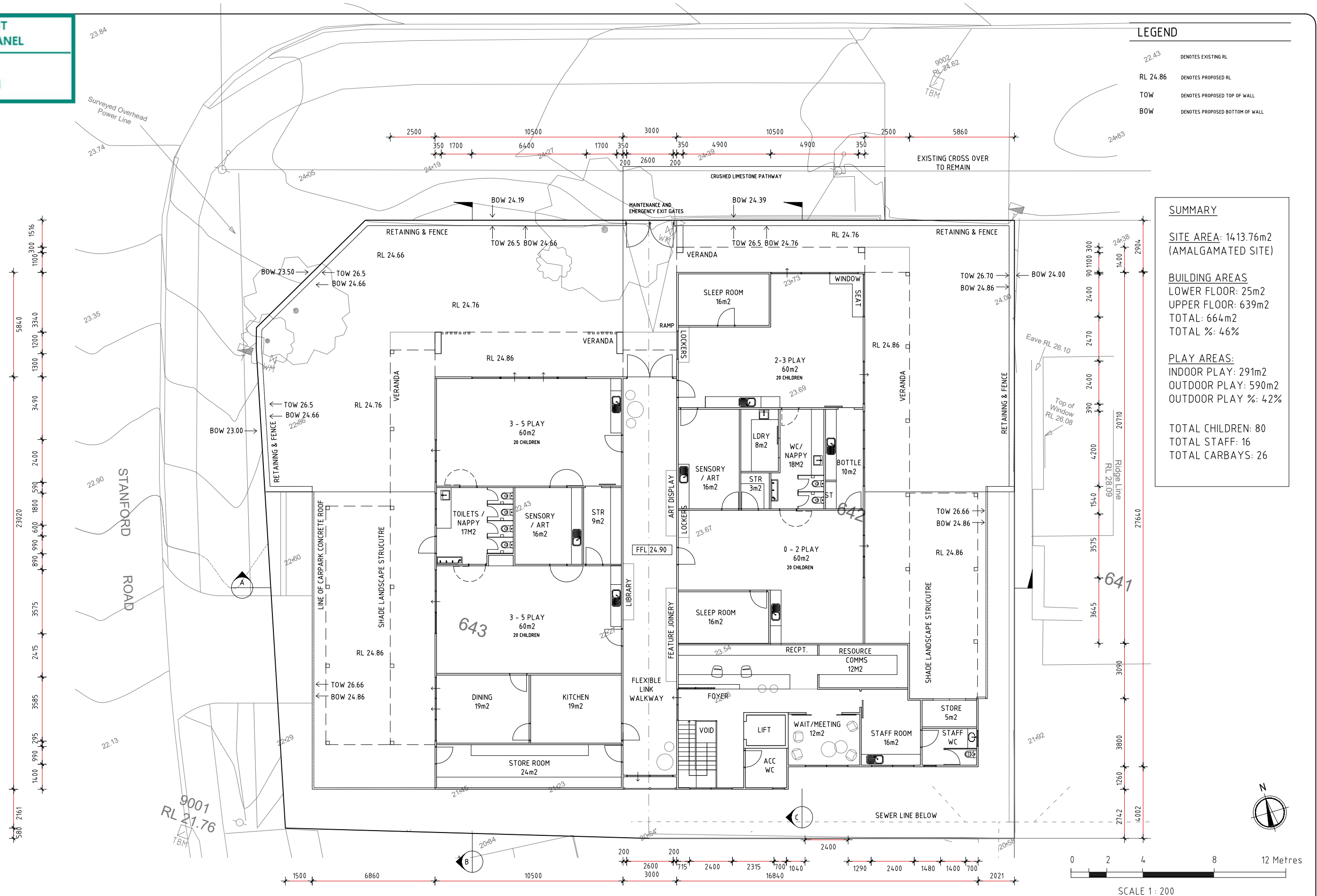
SUMMARY

SITE AREA: 1413.76m<sup>2</sup>  
(AMALGAMATED SITE)

BUILDING AREAS  
LOWER FLOOR: 25m<sup>2</sup>  
UPPER FLOOR: 639m<sup>2</sup>  
TOTAL: 664m<sup>2</sup>  
TOTAL %: 46%

PLAY AREAS:  
INDOOR PLAY: 291m<sup>2</sup>  
OUTDOOR PLAY: 590m<sup>2</sup>  
OUTDOOR PLAY %: 42%

TOTAL CHILDREN: 80  
TOTAL STAFF: 16  
TOTAL CARBAYS: 26



LOT 643 (20) STANFORD ROAD  
LOT 642 (104) MULLALOO DRIVE  
KALLAROO

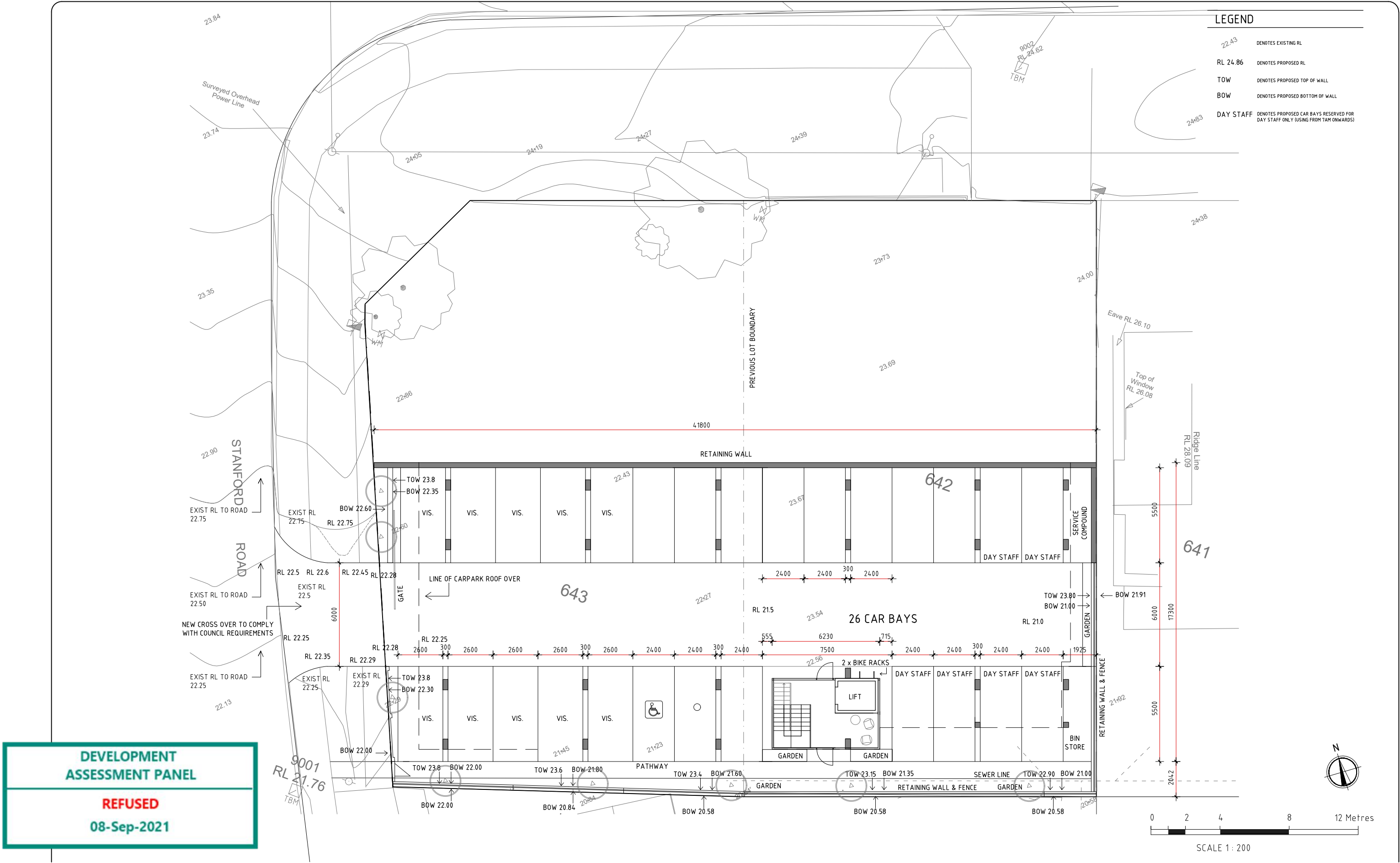
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E: mail@sph.net.au  
Studio: 143 Cambridge Street  
West Leederville WA 6007  
ABN: 88123 655 176 ABWA: 2115

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UPPER FLOOR PLAN

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: OP
PROJECT No: 418039	DRAWING No: A01	REVISION: F		



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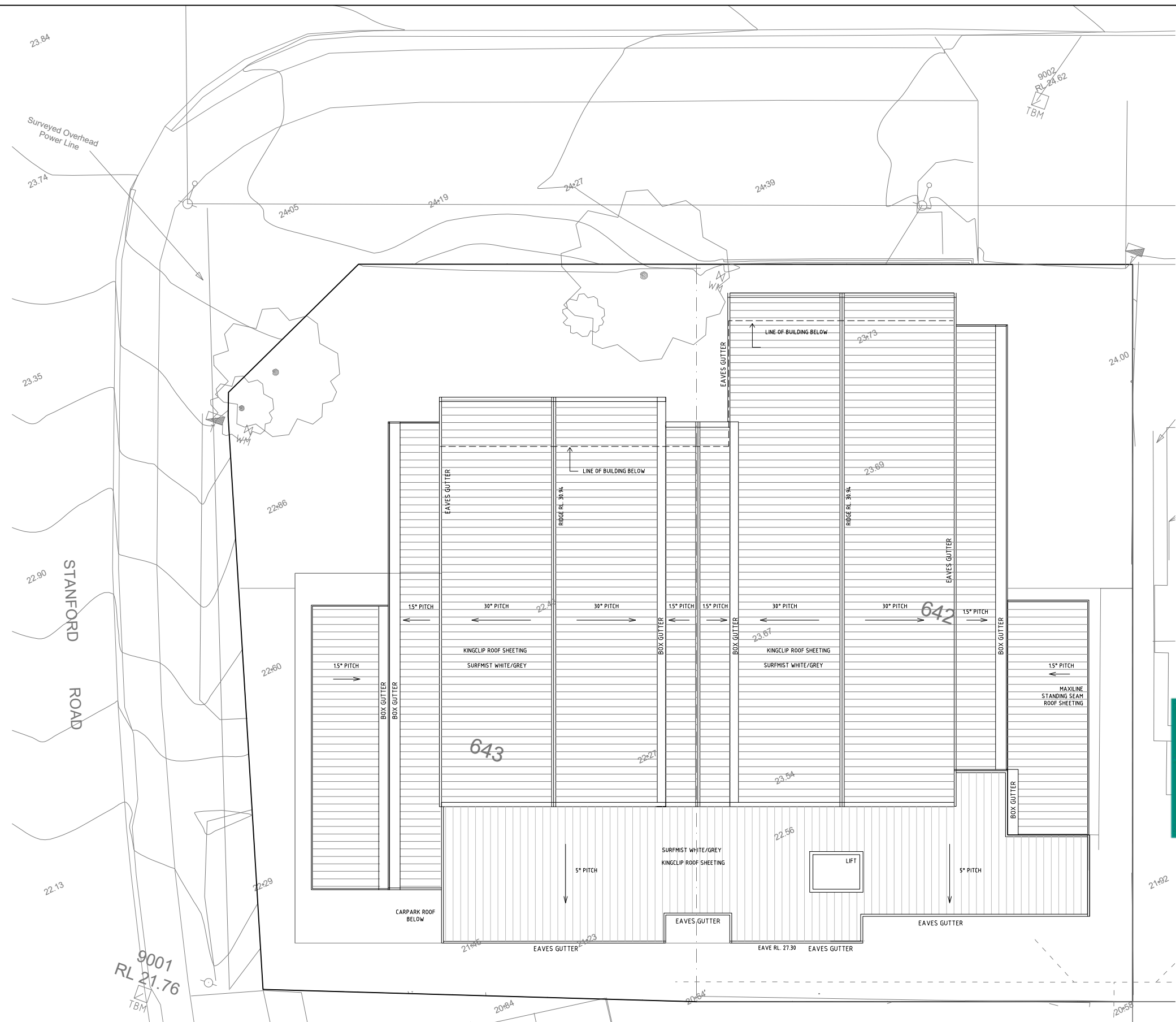
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LOWER FLOOR PLAN

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: OP
PROJECT No: 418039	DRAWING No: A02	REVISION: G		



LEGEND	
22.43	DENOTES EXISTING RL
RL 24.86	DENOTES PROPOSED RL

DEVELOPMENT  
ASSESSMENT PANEL

REFUSED

08-Sep-2021

LOT 643 (20) STANFORD ROAD  
LOT 642 (104) MULLALOO DRIVE  
KALLAROO

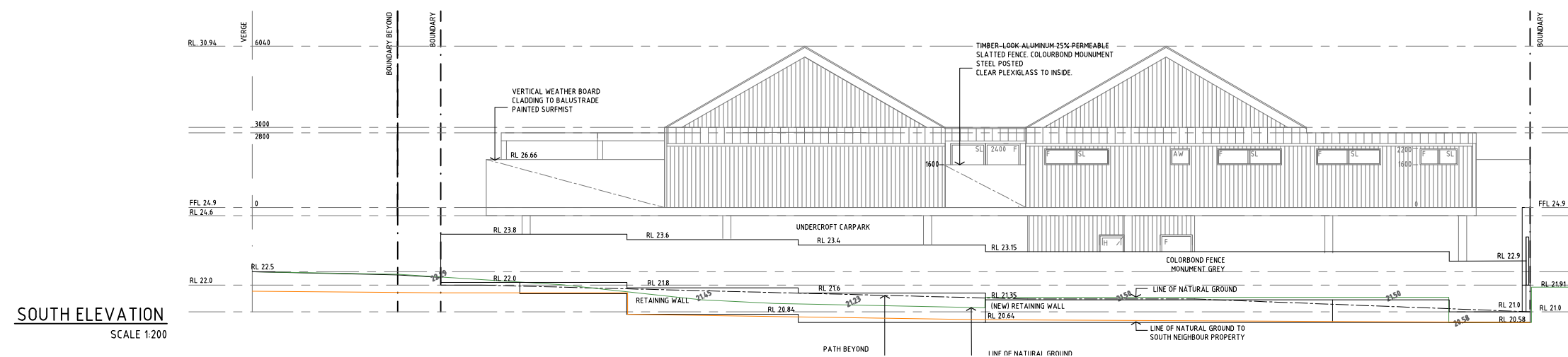
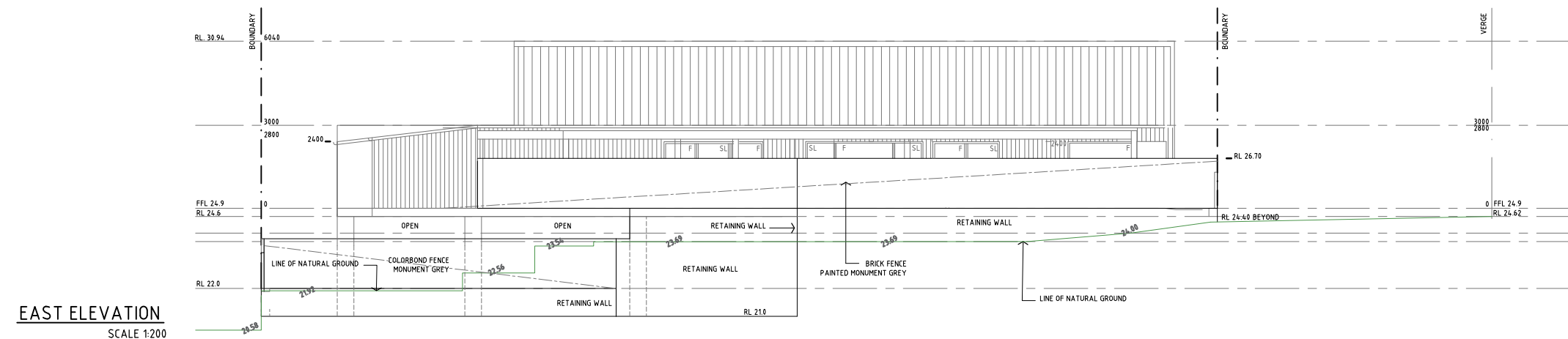
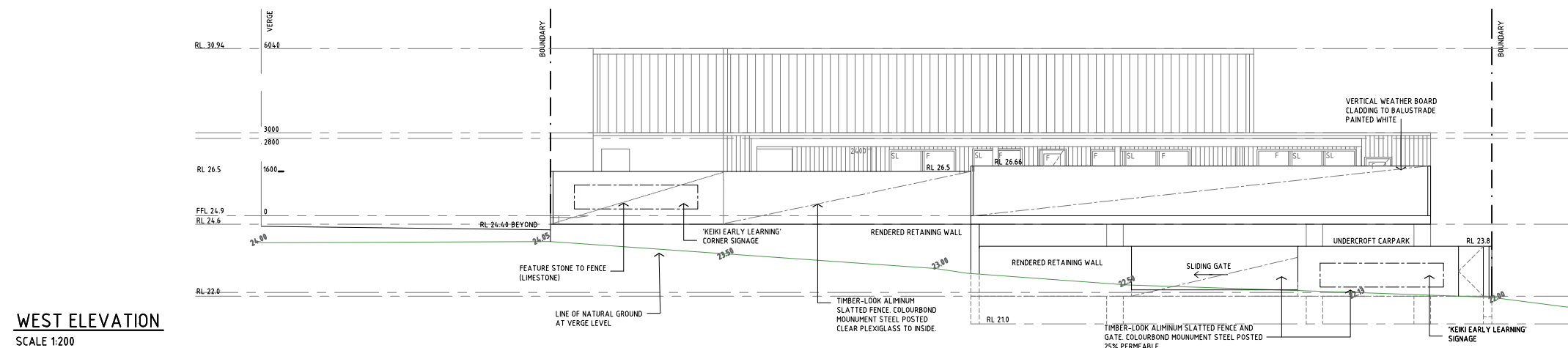
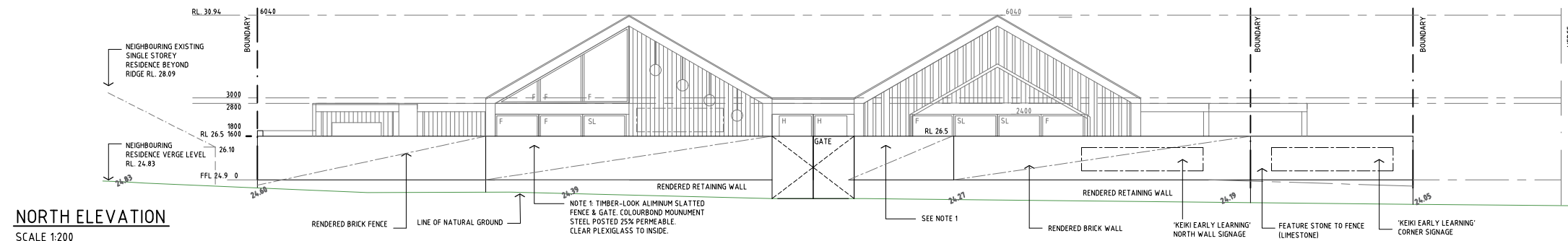
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ROOF PLAN

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: NS
PROJECT No: 418039	DRAWING No: A03	REVISION: D		



## LEGEND

22.43 DENOTES EXISTING RL

RL 24.86 DENOTES PROPOSED RL

DEVELOPMENT  
ASSESSMENT PANEL

**REFUSED**

08-Sep-2021

LOT 643 (20) STANFORD ROAD  
LOT 642 (104) MULLALOO DRIVE  
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## FENCE ELEVATIONS

SCALE AT A3:  
1:200

CAD FILE No:	
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DATE:  
MAY

DRN:	
OP	

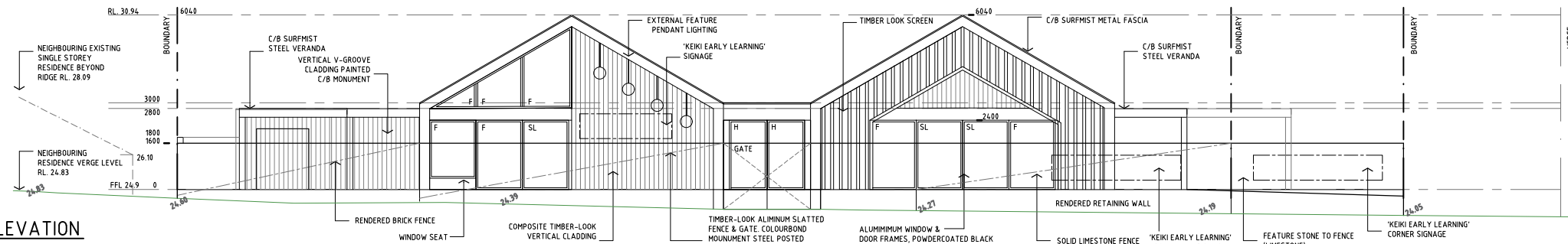
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PROJECT No:  
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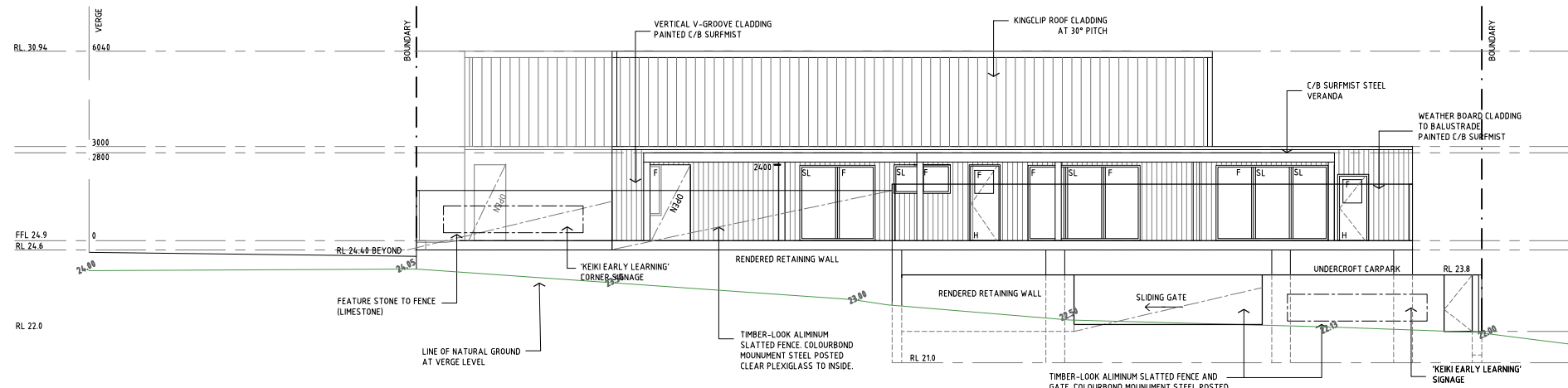
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REVISION:  
G

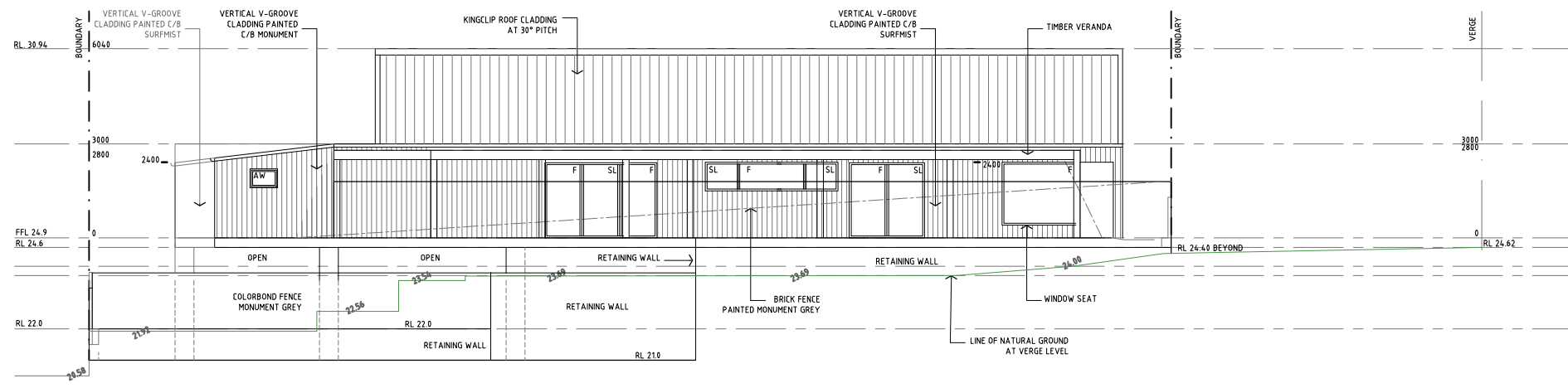




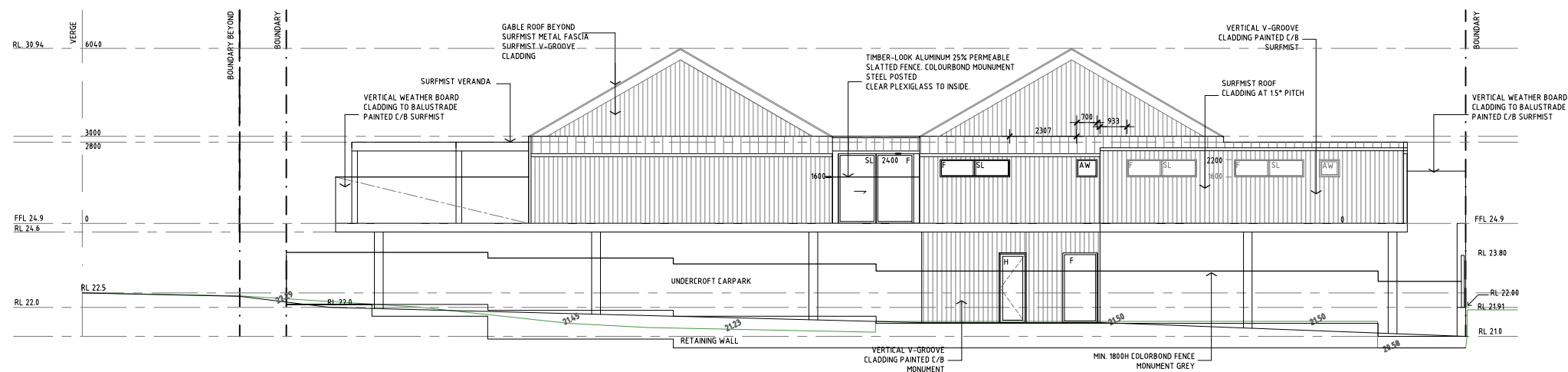
**NORTH ELEVATION**  
SCALE 1:200



**WEST ELEVATION**  
SCALE 1:200



**EAST ELEVATION**  
SCALE 1:200



**SOUTH ELEVATION**  
SCALE 1:200

MATERIAL & FINISHES SCHEDULE	
MATERIAL	FINISH COLOUR
ROOF SHEETING	SURFMIST WHITE/GREY
EXTERNAL WALL GENERAL	VERTICAL V-GROOVE CLADDING, PAINTED C/B SURFMIST WHITE/GREY
EXTERNAL WALL FEATURE, REFER DRAWINGS FOR EXTENT	VERTICAL V-GROOVE CLADDING, PAINTED C/B MONUMENT GREY
EXTERNAL WALL FEATURE, REFER DRAWINGS FOR EXTENT	COMPOSITE TIMBER LOOK VERTICAL CLADDING
TIMBER LOOK SCREEN FEATURE	COMPOSITE TIMBER-LOOK VERTICAL SCREEN BATTENS
FLASHING, CAPPING & GUTTERS	C/B SURFMIST WHITE/GREY
WINDOW FRAMES AND DOORS	ALUMINUM POWDERCOAT BLACK
VERANDA	STEEL PAINTED C/B SURFMIST WHITE/GREY
PAVING	LIMESTONE PAVING
DRIVEWAY AND CARPARK	GREY BITUMEN
FENCING REFER DRAWINGS FOR EXTENT	RENDERED BRICKWORK, PAINTED WARM WHITE
FENCING REFER DRAWINGS FOR EXTENT	LIMESTONE CLADDING
FENCING REFER DRAWINGS FOR EXTENT	ALUMINUM SLATTED FENCE, COLOURBOND MOUNTAIN STEEL POSTED
FENCING REFER DRAWINGS FOR EXTENT	WEATHER BOARD CLADDING TO BALUSTRADE PAINTED WHITE
FENCING REFER DRAWINGS FOR EXTENT	COLORBOND FENCE MONUMENT GREY
GATES REFER DRAWINGS FOR EXTENT	ALUMINUM SLATTED GATES, COLOURBOND MOUNTAIN STEEL POSTED

**DEVELOPMENT  
ASSESSMENT PANEL**

**REFUSED**  
**08-Sep-2021**

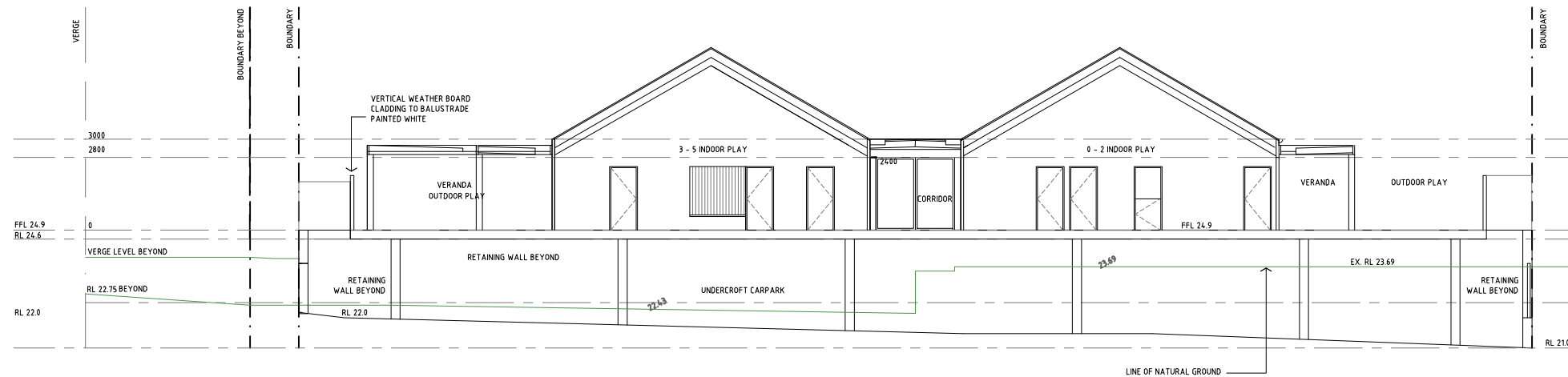
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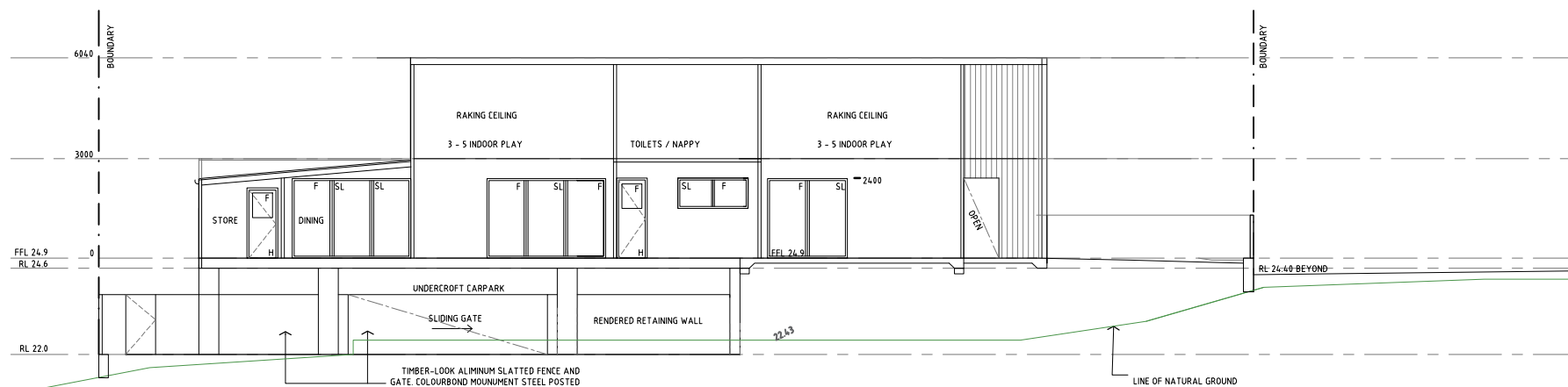
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**ELEVATIONS**

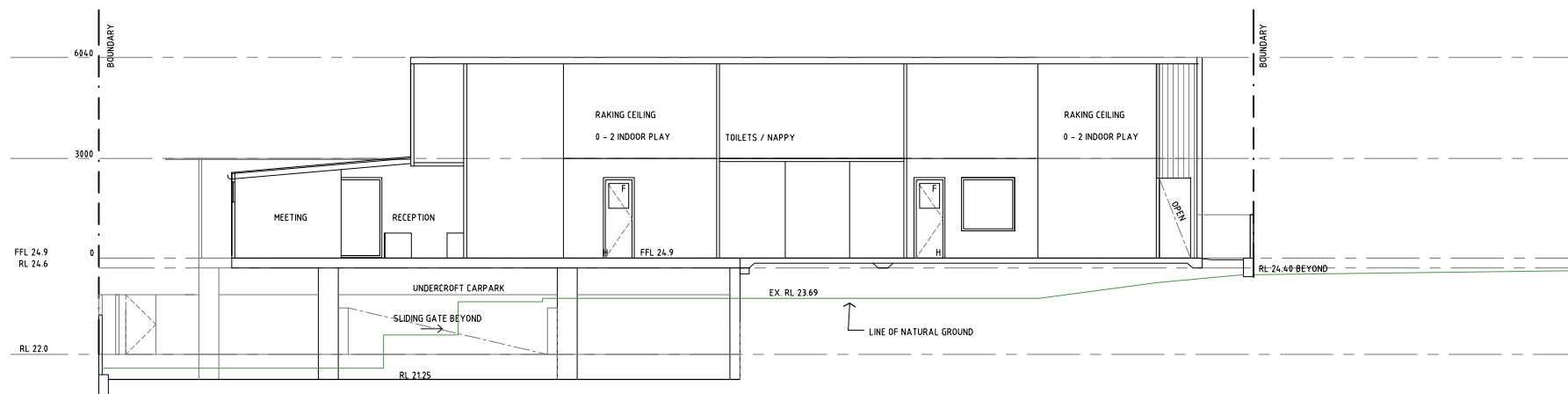
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PROJECT No: <b>418039</b>	DRAWING No: <b>A04</b>	REVISION: <b>H</b>		



SECTION AA  
SCALE 1:200



SECTION BB  
SCALE 1:200



SECTION CC  
SCALE 1:200

DEVELOPMENT  
ASSESSMENT PANEL

**REFUSED**

08-Sep-2021

LOT 643 (20) STANFORD ROAD  
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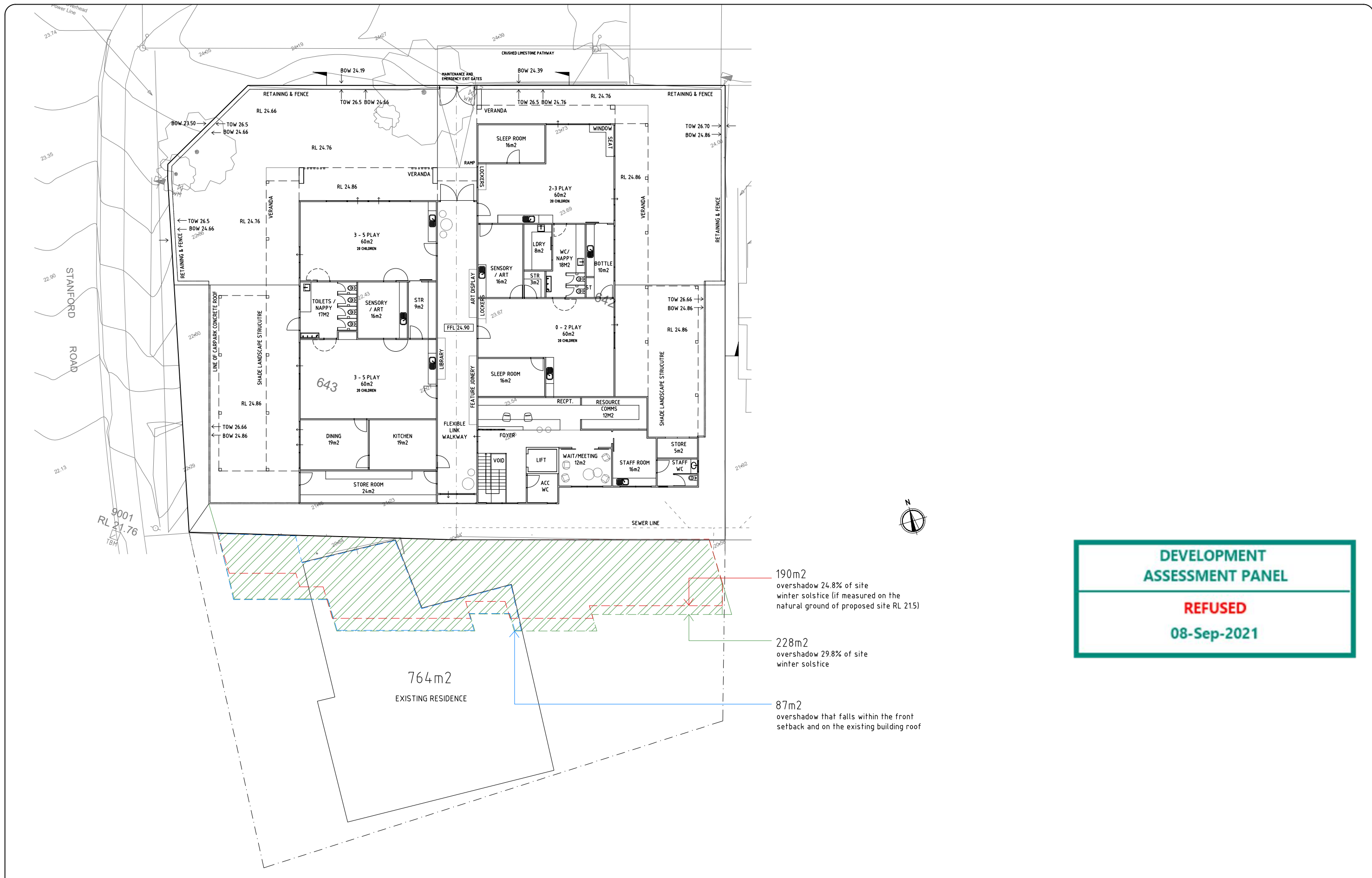
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SECTIONS

SCALE AT A3: 1:200	CAD FILE No:	DATE: MAY	DRN: OP	CKD: NS
PROJECT No: <b>418039</b>	DRAWING No: <b>A05</b>	REVISION: <b>C</b>		



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SHADOW PLAN

SCALE AT A3: 1:300	CAD FILE No:	DATE: MAY	DRN: OP	CKD: OP
PROJECT No: 418039	DRAWING No: A06	REVISION: C		