



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 14 April 2022; 9:30am
Meeting Number: MOJDAP/165
Meeting Venue: Electronic Means

To connect to the meeting via your computer - <https://zoom.us/j/92260909857>

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

Insert Meeting ID followed by the hash (#) key when prompted - 922 6090 9857

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)
Mr Tony Arias (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Tom McLean (Local Government Member, City of Joondalup)
Cr Nige Jones (Local Government Member, City of Joondalup)

Officers in attendance

Mr Chris Leigh (City of Joondalup)

Item 8.1

Mr Tim Thornton (City of Joondalup)

Item 8.2

Mr Jeremy Thompson (City of Joondalup)

Minute Secretary

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

Applicants and Submitters

Item 8.1

Mr Trent Will (Taylor Burrell Barnett)
Mr Michael Willcock (Taylor Burrell Barnett)
Mr George Watts (Herring Storer Acoustics)
Mr Gianni Da Rui (Meyer Shircore & Associates)

Item 9.2

Mr Reagan Cake (Dynamic Planning and Developments)
Mr Ben Graham (AGEM Property Group)
Mr Chris Harman (AGEM Property Group)
Mr Scott Lambie (Cardno/Santec)

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.

In response to the COVID-19 situation, 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

Ms Sheryl Chaffer (Deputy Presiding Member)



3. Members on Leave of Absence

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 23 March 2022 to 15 April 2022 inclusive.

4. Noting of Minutes

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

5. Declarations of Due Consideration

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** Mr Gianni Da Rui (Meyer Shircore & Associates) presenting in support of the recommendation for the application at Item 8.1. The presentation will address concerns regarding privacy in regards to the rear stair and concerns regarding the bulk and scale in regards to the development.

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

8.1 1 Lyell Grove (Lot 2), Woodvale

Development Description:	Proposed Child Care Premises
Applicant:	Taylor Burrell Barnett
Owner:	Edward Gebert, Gillian Cameron, Mignon Smith and Stennes Pty Ltd
Responsible Authority:	City of Joondalup
DAP File No:	DAP/22/02166



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

9.1 Lot 649 (98) O'Mara Boulevard, Iluka

Development Description: Mixed Commercial Centre (Iluka Plaza)

Proposed Amendments:

- Modification to condition relating to hours of operation of the tavern use.
- Modification to condition relating to the use of the first floor car park between 11.00pm and 5.30am.
- Modifications to the approved development to allow removal of the barrier above the car parking access from Calis Avenue.
- Modification of advice note regarding the playing of live music at the tavern use.

Applicant:

Dynamic Planning and Developments

Owner:

ADEM PG33 Pty Ltd

Responsible Authority:

City of Wanneroo

DAP File No:

DAP/18/01543

10. State Administrative Tribunal Applications and Supreme Court Appeals

11. Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/2047 DR257/2021	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



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

Presenter Details

Name	Gianni Da Rui
Company (if applicable)	Meyer Shircore & Associates
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel
Meeting Date	14 April 2022
DAP Application Number	DAP/22/02166
Property Location	Lot 2 (No. 1) Lyell Grove, Woodvale
Agenda Item Number	8.1

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:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



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> Concerns in regards to privacy from the rear escape stair. Concerns in regards to bulk and scale of the proposed development.
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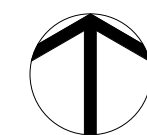
In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

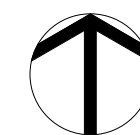
Please attach detailed content of presentation or provide below:

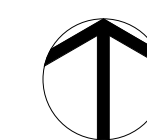
There were concerns raised during the consultation period in regards to the escape stair at the rear of the building. In response to these concerns the stair has been mirrored to move it as far away from the residential boundary as possible along with addition of a 1.6m high visually impermeable screen to ensure privacy to the adjoining residence. The use of the stair will be for escape only in the event of an emergency. There will be an internal management plan in place for control over the door and escape via this exit. The lower portion of the stair is fully secured with a 2.1m high screen and exit only gate to prevent unwanted persons utilising the stair. I think it is important to remember security is a massive priority for the childcare use so the control of this stair will be of utmost importance to the operator as opposed to an office tenant or general resident in a shared complex.

There were concerns raised during the consultation period in regards to the bulk and scale of the proposed development. Generally, the design is based on a two storey residence with the upper portion set back to reduce the bulk from the street. The roof form has been broken up and articulated to further reduce the bulk, as opposed to a parapet wall design. In considering bulk and scale I think it is important to compare the proposed development against the permitted development envelope as this highlights the underdevelopment of the lot and affirms the proposed design is well within the bulk and scale envisioned on this site.

It is worth noting that the general development received good commentary from the Design Review panel who are an independent panel of experts in the design field. Where comments were received from the DRP we have incorporated these in the design which has lead to a well thought out and tested design outcome for the site.







1 LYELL GROVE (LOT 2) WOODVALE – CHILD CARE PREMISES

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro-Outer JDAP	
Local Government Area:	City of Joondalup	
Applicant:	Taylor Burrell Barnett	
Owner:	Mignon Smith and Stennes Pty Ltd Edward Gebert	
Value of Development:	\$2.1 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Joondalup	
Authorising Officer:	Chris Leigh Director of Planning and Community Development	
LG Reference:	DA21/1292	
DAP File No:	DAP/22/02166	
Application Received Date:	22 December 2021	
Report Due Date:	5 April 2022	
Application Statutory Process Timeframe:	90 days with an additional 16 days	
Attachment(s):	1. Location plan 2. Development plans and elevations 3. Landscaping plans 4. Building perspectives 5. Applicant response to submissions 6. Applicant's planning assessment 7. Design Review Panel Report (extract only) 8. Environmental Acoustic Assessment 9. Transport Impact Statement 10. Operations Management Plan 11. Waste Management Plan 12. Environmentally sustainable design checklist	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input checked="" type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro-Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02166 and accompanying plans (Attachment 2 refers) 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, subject to the following conditions:

Conditions

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.
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.
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.
4. A maximum of 71 children and 13 staff on the premises at any one time.
5. The hours of operation for the centre shall be between 7:00am to 6:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays. Staff are permitted on site up to 30 minutes before and after these operating hours.
6. An Operations Management Plan, addressing the impact of noise on surrounding properties, including the timing of waste pickup, is to be submitted to and approved by the City prior to occupation of the development. The operation of the Child Care Premises shall then be carried out in accordance with the approved Operations Management Plan.
7. A Noise Management Plan, addressing the impact of noise on surrounding properties and incorporating the recommendations of the Environmental Acoustic Assessment shall be submitted to, and approved by the City prior to commencement of development. The Noise Management Plan is to ensure that the Child Care Premises' operations meet the requirements of the Environmental Protection (Noise) Regulations 1997. The operation of the Child Care Premises shall then be carried out in accordance with the approved plan.
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 *Environmental Protection (Noise) Regulations 1997*. The operation of the Child Care Premises shall then be carried out in accordance with the approved Noise and Operations Management Plan.

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.
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.
11. A full schedule of colours and materials for all exterior parts to the development (including fencing) 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.
12. Any proposed building plant and equipment, including the 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.
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:
 - a. Provide landscaping that discourages the parking of vehicles within the verge;
 - b. Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
 - c. Provide all details relating to paving and treatment of verges;
 - d. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - e. Show spot levels and/or contours of the site;
 - f. Be based on water sensitive urban design principles to the satisfaction of the City;
 - g. Be based on Designing out Crime principles to the satisfaction of the City;
 - h. Show all irrigation design details.
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.
15. 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. The car bay markings shall also address the parking allocation to staff and visitors as required under the *Child Care Premises Local Planning Policy*, to the satisfaction of the City. These bays are to be thereafter maintained to the satisfaction of the City.

16. 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.
17. All street fencing shall be visually permeable (as defined in the Residential Design Codes) above 1.2 metres from natural ground level.
18. 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.
19. The signage shall:
 - a. not be illuminated;
 - b. not include fluorescent, reflective or retro reflective colours;
 - c. be established and thereafter maintained of a high standardto the satisfaction of the City.
20. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

Advice Notes

1. The City of Joondalup *Local Planning Scheme No. 3* defines 'Child Care Premises' as:

"premises where:

 - a. an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
 - b. a child care service as defined in the Child Services Act 2007 section 4 is provided."*
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.
3. 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.
4. The Construction Management Plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.

5. The Residential Design Codes define visually permeable as:

In reference to a wall, gate, door or fence that the vertical surface when viewed directly from the street or other public space has:

- a. continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
 - b. continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
 - c. a surface offering equal or lesser obstruction to view.*
6. 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.
7. 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.
8. 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.
9. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
10. Development to be set up and run in compliance with the *Food Act 2008* and the *Australia New Zealand Food Standards Code*. 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 & Environmental Services on 9400 4933.
11. There is an obligation to design and construct the development to meet compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Joondalup <i>Local Planning Scheme No. 3</i> (LPS3)
Local Planning Scheme - Zone/Reserve	Mixed Use
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Child Care Premises – Discretionary ‘D’
Lot Size:	1,047m ²
Existing Land Use:	Medical Centre
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	Two
Proposed No. Dwellings	N/A

The proposed development comprises:

- A two storey building on the corner of Lyell Grove and Timberlane Drive, replacing an existing medical centre building.
- A capacity of 71 children and 13 staff.
- A ground floor outdoor play space facing Lyell Grove, and upper floor outdoor play space facing onto both Lyell Grove and Timberlane Drive.
- Operating hours between 7.00am and 6.00pm Monday to Friday.
- Vehicular access via the existing crossover on Timberlane Drive, to a car parking area totalling 22 car parking bays on strata lot 2.
- Pedestrian access and entry from Timberlane Drive.

The development plans are provided in Attachment 2, with the supporting plans and documentation provided in Attachments 3 – 12.

Background:

The applicant seeks development approval for a Child Care Premises at Strata Lot 2 (1) Lyell Grove, corner Timberlane Drive, Woodvale.

Site context

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

The subject site currently accommodates a dental practice on the western side of the site (strata lot 1), a medical centre building on the eastern side of the site (proposed to be replaced with the child care premises) and a central vehicle access. The site is adjacent to 'Residential' zoned properties to the north and across Lyell Grove to the east and is located opposite the Woodvale Shopping Centre to the south which is zoned 'Commercial' (Attachment 1 refers).

Amendments to the *Child Care Premises Local Planning Policy*

As a result of community concern in regard to the scale of child care developments within and adjoining residential areas, Council requested that the City's *Child Care Premises Local Planning Policy* (CCPLPP) be reviewed with a view to prevent child care premises from being built in residential areas.

A review of the policy was undertaken and, at its meeting held on 16 November 2021 (CJ154-11/21 refers), Council resolved to prepare and advertise amendments to the CCPLPP which principally aimed to ensure that the scale of child care premises within the 'Residential' zone would be of an appropriate scale. Amendments included a requirement that child care premises in the 'Residential' zone directly adjoin a non-residential land use and be subject to a 50 place limit. The proposed amendments also reaffirmed that child care premises are most appropriately located within the 'Mixed Use', 'Commercial', 'Service Commercial' or 'Private Community Purposes' zones.

Following community consultation on the proposed amendments, at its meeting held on 15 February 2022, Council resolved to adopt the amendments to the CCPLPP (CJ007-2/22 refers).

The amended policy provides greater clarity on the locational criteria applicable to child care premises, especially in residential areas. As the subject site is zoned 'Mixed Use' under LPS3, the implications of the policy on the development relate to ensuring the development will not have undue impact on the amenity of the adjoining residential properties in terms of noise, location of car parking, access and building scale. These items are discussed in the body of the report.

The amended CCPLPP is now in effect, which is the relevant document for consideration under clause 67(2)(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015* in the determination 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).*
- *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy.*
- *Advertisements Local Planning Policy.*
- *Planning Consultation Local Planning Policy.*

Consultation:

Public Consultation

The proposal was advertised for 14 days, commencing on 22 February 2022 and concluding on 8 March 2022. Consultation was undertaken in the following manner:

- letters were sent directly to surrounding landowners and occupiers
- two signs were erected on-site, one on Lyell Grove and the other on Timberlane Drive
- development plans and information provided by the applicant were made available for public viewing on the City's website.

Twenty three (23) submissions were received, with 16 of these opposing the development and seven in support. The concerns raised in the submissions and the City's response are included in the table below.

Issue Raised	Officer comments
<u>Location:</u> <ul style="list-style-type: none">• This location is a quiet and peaceful residential area, suited to single storey development. The proposal will be an absolute eyesore and this area is not the CBD of City of Joondalup. The current premises is single storey in keeping with the residential nature of the area.• Please consider a quieter area and a one story development.	<p>As the site is zoned 'Mixed Use', this allows consideration of a range of residential and non-residential uses.</p> <p>The proposed 'Child Care Premises' is a discretionary land use in the 'Mixed Use' zone, and therefore can be considered, subject to the requirements of the CCPLPP and the City's <i>Commercial, Mixed Use and Service Commercial Local Planning Policy</i>.</p>

	Two storey development is permitted within the 'Mixed Use' zone and also within the adjoining 'Residential' zone. The proposed building height is discussed further in the assessment section below.
<u>Bulk and scale:</u> <ul style="list-style-type: none"> • I think this is a great spot for a child care centre but the developers should be following policy and keep this development to one storey, similar to existing child care business already on Timberlane Drive. • Our amenity will be imposed upon by the approval of this overwhelming double storey addition to my end of Lyell Grove. I do not consider it matches the streetscape of Lyell Grove at all. 	The built form and scale were reviewed by the Joondalup Design Review Panel (JDRP) and recommended that the roof form and choice of materials be reviewed. As a result the design has been amended, including a reduction in the overall height of the building, and is discussed further in the assessment section below.
<u>Design:</u> <ul style="list-style-type: none"> • There is not a single tree on that block to provide shade and they will take years to grow if planted now. The children playing on the balconies will be in the sun a lot of the day. The south balcony will have shade from noon. The west balcony will have sun from 2pm. The upstairs indoor area is too small for the older children. • How many children can fit into the lift in one ride? A lot of up and down to get a class of children transferred from A to B. 	<p>The proposal achieves the shade tree requirements of the City's CCPLPP.</p> <p>Should the application be approved, it is recommended that a condition of approval be applied to ensure that the required tree planting as well as shade structures within the play areas are installed prior to operation of the business.</p> <p>It is noted that the design incorporates stairs next to the lift to ensure that movement between the ground and first floor is not reliant solely on the lift.</p>
<u>Noise:</u> <ul style="list-style-type: none"> • The hours from 7am until 6pm with staff being allowed on site 30 minutes either side of this time, so there will be vehicles coming and going from 6.30am until 6.30pm. Retirees living peacefully do not want to listen to squealing children for up to 10 hours per day, 5-6 day per week. • The acoustic report: <ul style="list-style-type: none"> ○ States that (p. 6) '...children playing does not contain any annoying characteristics' - the absurdity of this statement does not require explanation to anyone who has children. If it were to be accurate this statement avoids possible adjustments / penalties in 	<p>The predicted noise generated from the development has been assessed in the Environmental Acoustic Assessment provided by the applicant (refer to Attachment 8).</p> <p>The City has reviewed the assessment and conclusions made in the Environmental Acoustic Assessment and considers those to be appropriate having regard to the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>Noise is discussed in further detail in the assessment section below.</p>

<p>Table 2 of the Reg's for tonality (+5dB), impulsiveness (+5dB) and/or modulation (+10dB), which would make the proposal non-compliant.</p> <ul style="list-style-type: none"> ○ Applies an influencing factor of 4dB. Why, given the adjoining residential properties, and potential for impulsive noise (car doors slamming, talking/crying in the car park) has the influencing factor of 10dB not been applied as shown in table 3.2 of the Acoustic Report? ○ Only includes noise regarded by the EPA, however, does not consider other aspects that need to be considered (movement of cars in the car park, car door closing/opening in peak periods, general noise increase from the movement of people during peak hours, continual use of lift etc). ○ Doesn't consider the noise impact if the ground floor area is used by other age groups. The area provided for the 0-24 is a vast area per child compared to the upper area and there is an option to reconfigure the layout thus seeing the ground floor used by older children, who are considered to make a greater noise impact. ○ Seems convenient that the calculated noise levels for outdoor play is 48dB in lieu of 49dB (for LA10). It should be noted that a screaming baby is 120dB at the emission source (Attachment 1), that the 0-2 year-old play area is closest to the closest residences, and open-style fencing is proposed in this location. ● Sizeable air conditioners to fit this building would have an impact on noise levels for neighbours. ● The rooms of the upper floor are arranged in a 'T' shape, which will reflect and focus noise directionally to the east (and south). Whilst the proposed 1.8m glass fences act as noise barriers, the majority of this space is unroofed and noise travels in waves, not line of sight. It is therefore 	
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concerning that noise will be focused and directed over the barriers towards the eastern neighbours.	
<p><u>Planning policy:</u></p> <ul style="list-style-type: none"> • Current planning policy restricts developments like this in residential areas. • 72 children are proposed, but apparently only 50 are acceptable for that size premises. • It is difficult to understand from a statutory perspective why there is a limit of 50 children only in the Residential zone. Obviously, neighbours are equally impacted by amenity, noise, traffic and verge parking due to a large number of 'places', regardless of the zoning of the childcare facility. The focus of this policy in relation to noise should be upon the presence of residential properties in the focus area, not the zoning of the development site. It is therefore suggested that this is a legitimate reason to depart from the policy which only has guidance status (<i>Baker v. City of Vincent 2016</i>), and seriously consider limiting the number of children where a development site directly adjoins a residential property. 	<p>The subject site is zoned 'Mixed Use'. The proposal meets the locational criteria outlined in the CCPLPP.</p> <p>The restrictions on number of children do not apply to a child care premises in the 'Mixed Use' zone. Notwithstanding, the CCPLPP still requires consideration of the potential impact on the adjoining residential areas, which is discussed in further detail in the planning assessment section below.</p>
<p><u>Waste management:</u></p> <ul style="list-style-type: none"> • The rubbish bins are too close to 3 Lyell Grove, people can use them to climb over the fence and into adjoining backyards. • As well as food disposal twice a week, and the build-up of disposable nappies the bins will be odorous on pick up and they are to be located on the rear fence line of adjoining entertainment areas. 	<p>The bin store is enclosed on all sides and includes a roof and door which will mitigate against odour.</p> <p>In the event the proposal is approved, a condition is recommended that requires a Waste Management Plan to be prepared and approved prior to the child care premises commencing operation.</p> <p>It is expected that the Waste Management Plan includes relevant details to ensure that waste collection and management of the bin store area is undertaken in an acceptable manner.</p>
<p><u>Demand:</u></p> <ul style="list-style-type: none"> • There is already a child care on Timberlane Drive. • Within less than 2 kilometres there are already three child care centres. 	<p>The existence of other similar centres in the vicinity and the commercial demand of a new centre is not a valid planning matter that should be taken into account as part of decision-making.</p>

<p><u>Parking:</u></p> <ul style="list-style-type: none"> • Under s. 81 of the <i>Child Care Services Regulations 2006</i> (State law), minimum staff and supervisor numbers are required depending on the age of the children and based upon the development plans 15 staff members are mandatory for this centre. • There isn't sufficient parking on-site so the alternative is to have kids and parents walking across the road (where there isn't a crossing) and therefore taking up spots in the shopping centre. • Use of Tandem parking to fulfill parking provisions, is impractical, as these bays are for staff, who are on a roster. i.e. cars parked in the AM, will need to be moved before the cars that are parked behind them leave; a staff member would not be in a position to leave their place of work to move their car, this is a child care centre, children / babies cannot be left unattended. • The sheer volume of concentrated early morning and late afternoon traffic will overwhelm the proposed parking bays and spill into surrounding areas. • Concerns that the overflow of traffic will spill into Everard Close, when the carpark and verges are full and parents are looking for other areas close to the Lyell Grove centre, to park their vehicles when dropping off / picking up their children. • The Planning Report and Transport Report do not state how many staff / employees are present in the childcare facility and dentist, noting that some bays are shared in common property. 	<p>For the number of staff and children proposed by the applicant, the car parking provided on-site meets the requirements of the City's CCPLPP in terms of both numbers and access points, and is therefore considered to be appropriate.</p> <p>The City has reviewed the transport report and considers the findings of the report and potential impact on the road network to be acceptable. This is discussed further in the planning assessment below.</p> <p>The required car parking for the development is provided entirely within the subject site (strata lot 2), and does not rely on any car parking bays within common property or located on the dental practice (strata lot 1). Accordingly, the parking available to the existing uses on the site remains unchanged.</p>
<p><u>Traffic:</u></p> <ul style="list-style-type: none"> • 71 children will result in 71 vehicles dropping off and collecting children in mornings and afternoons. The already congested and busy roundabout on the corner of Trappers Drive and Timberlane Drive does not need another 142 vehicles daily to add to the busy intersection. • Late afternoons every day see vehicles exiting the car park from the Woodvale Tavern, and very often drivers race towards the roundabout at speed and 	<p>A Transport Impact Statement (TIS) is provided with the application demonstrating that the existing road network can adequately cater for the additional traffic generated by the development.</p> <p>The City has reviewed the submitted TIS and considers the findings on the matters assessed to be acceptable. This is discussed further in the assessment section below.</p>

<p>continue the speed along Trappers Drive.</p> <ul style="list-style-type: none"> • That particular area and entrance (which is also shared with the dentist to access their parking area) is less than 50m from a busy roundabout and a T junction of Timberlane Drive and Lyell Grove, add to this the proximity of two bus stops (opposite each other) and a shopping centre entrance/exit we have a major catastrophe waiting to happen. • Regarding the bus stops, kids have been stuck trying to cross the roads in that area, waiting a long time for a break in the traffic or some of them darting across the road in front of cars trying to get to school. A lot of kids travelling to school on foot, bikes and scooters could do without an increase of traffic on an already busy road. • Cars do not use the 50km zone as it is and are constantly doing 60 and 70 if not more down that road with not many cars slowing at the 40km school zones. People dropping kids at day care and rushing to work will be putting the high school kids at an even higher risk. • The crossovers in and out of the shopping centre on Timberlane Drive have a steep slope. This in combination with restricted visibility already pose a safety issue which will be exacerbated by verge parking. • The bulk and location of the building would cause a blind spot when turning right from Lyell Grove onto Timberlane Drive. 	
<p><u>Privacy:</u></p> <ul style="list-style-type: none"> • The position of the fire escape presents a safety and security issue, numerous back gardens can be viewed from the fire escape stairs. By the purpose of a fire escape it must be free to access at all times, any one way barrier device can be overcome. • There are many windows on the northern elevation that overlook the neighbouring property, along with the above-mentioned fire escape. 	<p>The applicant has confirmed that the stairs are for use in emergency situations only. The stairs will be kept secure with a non-scalable gate that de-energises and unlocks during an emergency situation only.</p> <p>The windows on the northern elevation have a sill height of 1.8 metres above the floor level. Under the R-Codes, a sill height of 1.6 metres above floor level is considered acceptable to maintain visual privacy from an upper floor. The proposed sill height of 1.8 metres exceeds these privacy</p>

	<p>requirements of the R-Codes and is therefore considered to be sufficient to maintain privacy between properties. The fire escape stairs have been modified to include aluminium privacy screening to address concerns relating to privacy when the stairs are in use in an emergency.</p>
<p><u>Safety:</u></p> <ul style="list-style-type: none"> • The parking area under the first floor is very hidden from everyone. A good place for attracting anti-social behaviour. • Lyell Grove does not have any footpaths so any pedestrians are already forced to walk on the road and verges which will result in a conflict of pedestrians and cars. 	<p>The design of the car park is such that it is generally open allowing surveillance of that space from the street. The applicant's response to submissions (Attachment 5 refers) suggests that motion-activated lighting and CCTV could be installed to further alleviate concerns regarding antisocial behaviour. The detail of security and safety management could be captured in the Operations Management Plan recommended to be included as condition 6 of any approval.</p> <p>Should the application be approved, a condition is recommended requiring the landscaping of verges in a manner that discourages verge parking. The installation of a footpath along Lyell Grove is outside the scope of this development proposal.</p>
<p><u>Property values:</u></p> <ul style="list-style-type: none"> • The financial losses to neighbours will be enormous and some, who live alongside the building unable to sell their property because of the constant noise and lack of privacy. 	<p>The impact of the development on property values is not a valid planning matter that should be taken into account as part of decision-making.</p>

The comments received in support of the proposal are:

- Childcare is a much needed service and to have an up-to-date purpose-built facility in Woodvale will be great for the surrounding community and will enhance facilities on offer to prospective buyers and existing young families.
- The area is zoned mixed use which we were aware of when we bought the property.
- Great, well thought out design. Little to no additional disruption to what the current business has.
- Working families gravitate to Woodvale because of its educational facilities, being two public primary schools and two high schools. The thing that is missing is more child care centres. The only existing centre is a small one on Chichester Drive.
- The location of the proposed new Child Care Centre on the corner of Timberlane Drive and Lyell Grove is perfect. I cannot fault the architectural drawings of the Lyell Grove Child Care Centre. It will be a beautiful looking building. The building will be better than the old run down building that currently occupies the site.

- As long as the building is built to a standard which enables space for the children, we are happy with the development. Although we are retired, we understand the need for a new childcare centre in Woodvale for the young families.

Referrals/consultation with Government/Service Agencies

Not applicable.

Design Review Panel Advice

The proposal was referred pre-lodgement to the Joondalup Design Review Panel (JDRP) on 15 December 2021. The extract from the JDRP minutes and full comments are provided as 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.

JDRP recommendation	Summary of applicant's response
<p><u>Principle 1 – Context and character</u></p> <p>The proposed development requires further attention to meet the design principle objectives.</p> <p>The JDRP acknowledges that the while the conceptual design work is promising, the proposal appears unfinished at the ground level around the carpark.</p> <p>The JDRP encourages the proponents to screen the carpark in a way that ties in with the upper floor design intent to provide a building that is more characteristic of its locality. A suggestion is “hit and miss” brickwork that also would allow filtered daylight and ventilation of the carpark.</p>	<p>Recommendation adopted with the ‘hit and miss brickwork’ being extended down to ground floor to resolve the ‘unfinished’ appearance and also provide screening to the car park.</p>
<p><u>Principle 2 – Landscape quality</u></p> <p>The proposed development requires further attention to meet the design principle objectives.</p> <p>The JDRP considers that:</p> <ul style="list-style-type: none"> • The landscaping provides thoughtful amenity for the users. • It is doubtful the perimeter trees would be viable as they compete for space and light with the building overhang. Further consideration should be given to increasing the area available for trees to grow on the site. 	<p>JDRP recommendations noted:</p> <ul style="list-style-type: none"> • Tree screening added along the northern boundary. • Outdoor landscape areas cannot be increased in size, as this would impact the floorplate and subsequently would reduce the indoor area and therefore the number of places. • Extent of the proposed shade structures have been added to the landscaping plans. • The City's development application checklist for commercial development requires a site plan, floor plans and elevations. Sections are typically

<p>JDRP recommendation</p> <ul style="list-style-type: none"> • Additional screening to the neighbouring residence on the northern boundary should be explored. • The type and location of shade structures on the upper floor is not yet indicated. • Building sectional drawings should be provided. 	<p>Summary of applicant's response</p> <p>provided for a building permit so these have not been provided.</p>
<p><u>Principle 3 – Built form and scale</u></p> <p>The proposed development does not meet the design principle objectives.</p> <p>The JDRP considers that:</p> <ul style="list-style-type: none"> • The building height is appropriate for its location, however it is a large building immediately adjoining single storey residential buildings. • The building mass is bulky and overwhelming. • The hipped roofs are appropriate for the setting, but the current large roof spans contribute to the apparent bulk of the proposal. • The visual impact of the lift overrun is unclear at this stage of the design. <p>The JDRP recommends:</p> <ul style="list-style-type: none"> • Reduction in building mass, for example the hipped roofs could be broken to form a separate verandah roof on the upper floor and differing materials could be introduced to improve building articulation. • The visual impact of the lift overrun should be carefully considered. 	<p>Recommendations adopted:</p> <ul style="list-style-type: none"> • Hipped roof and verandah adjusted to create two roof forms above the entry and the overall roof height reduced by one metre. • Removal of the block design from the slab edge to reduce bulk. • Alternate materials incorporated into the design. Material change added to entry area to assist with legibility. • Position of the lift has been shifted back to have stairs facing the street which in turn has resulted in glazing facing both elevations.
<p><u>Principle 4 – Functionality and build quality</u></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"> • Consideration be given to the location of air conditioning units. 	<p>Recommendations adopted:</p> <ul style="list-style-type: none"> • Air conditioning units have been located in the undercover carpark in the least visually obtrusive position possible. • The position of the lift shaft and stairs were swapped. • Signage has been integrated above the stairs and on the hit/miss brickwork of the carpark which will shield services on the carpark soffit.

<p>JDRP recommendation</p> <ul style="list-style-type: none"> • Swapping the lift and stairs locations • Indication of signage locations. • Design of the soffit of the carpark so that services are not visually obtrusive. • Inclusion of undercover pram and bicycle parking. <p><u>Principle 5 – Sustainability</u></p> <p>The proposed development meets the design principle objectives.</p> <p>Further consideration should be given to sustainability initiatives as the design progresses.</p>	<p>Summary of applicant's response</p> <ul style="list-style-type: none"> • Soffit added to the carpark area. • Pram and bicycle parking has been added to the plans. <p>Further consideration will be given to sustainability initiatives as the design advances.</p>
<p><u>Principle 6 – Amenity</u></p> <p>The proposed development meets the design principle objectives.</p> <p>The level of amenity provided for the staff and children appears to be well-considered.</p> <p><u>Principle 7 – Legibility</u></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"> • That further consideration be given to providing a clear and legible entry to the building from the street frontage. • A designated location for pram parking. 	<p>Noted.</p> <ul style="list-style-type: none"> • Entry still faces into the site (towards the carpark), however this is unable to be altered as direct access to street is contradictory to child safety principles. Operator has asked this be accessed from the car park for child safety reasons. • Material change added to entry area to assist with legibility. • Pram parking has been added to the entry.
<p><u>Principle 8 – Safety</u></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"> • A clear separation between the pedestrian path and door entry into the Child Care Centre and the car park pathway to the entry. 	<p>Recommendations adopted:</p> <ul style="list-style-type: none"> • Material change added to entry area to assist with legibility.

JDRP recommendation	Summary of applicant's response
<p><u>Principle 9 – Community</u></p> <p>The proposed development meets the design principle objectives.</p> <p>The proposal responds to the community need for childcare centres in a location that is opposite a neighbourhood centre, that is easily accessible and limits impact on residential amenity.</p>	<p>Noted.</p>
<p><u>Principle 10 – Aesthetics</u></p> <p>The proposed development does not meet the design principle objectives.</p> <p>The JDRP considers that:</p> <ul style="list-style-type: none"> • The carpark appears unfinished with the brick design proposed. • Legibility of the entry needs improvement • North elevation windows are annotated as high level on the floor plans but are large windows on the elevation. This inconsistency should be addressed. 	<p>Recommendations adopted:</p> <ul style="list-style-type: none"> • Block design removed from slab edge and slab edge design minimised to reduce bulk. The walls to the perimeter of the car park has been updated through the design review process. • Additional materials assist to mitigate bulk and improve legibility to the entry. • The elevations display high level windows being 1.8 metres above the finished floor level of the upper floor.

It is considered that the feedback and recommendations of the JDRP have been suitably incorporated into the proposed design, with modifications made to reduce the perceived scale of the development, improve the legibility of the entry, improve the landscape quality and improve the architectural concept. Further discussion on the modifications made to the design to address the JDRP recommendations are included in the planning assessment below.

Planning Assessment:

The proposal has been assessed against the relevant legislative requirements of the City's *Local Planning Scheme No. 3* and State and local planning policies outlined in the Legislation and Policy Section of this report. The following matters have been identified as key considerations for the determination of this application:

Land use and location

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

The relevant objectives of the 'Mixed Use' zone under LPS3 are:

- To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels;
- To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents; and,
- To encourage high quality, pedestrian friendly, street orientated development that integrates with surrounding areas.

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 a) Most appropriately located within the 'Mixed Use', 'Commercial', 'Service Commercial' or 'Private Community Purpose' zone.	The subject site is zoned 'Mixed Use'.	The application is in accordance with the locational requirements of the CCLPP.
	5.1 b) Must be located adjacent to a non-residential use, limited to a maximum of 50 children and a maximum site coverage of 50% within the 'Residential' zone.	Does not apply as the proposal is not within the 'Residential' zone.	Not applicable.
	5.1 c) Where next to a residential property, the proposal must demonstrate there is no adverse impact on amenity.	<p>The application has been accompanied by noise and traffic reports.</p> <p>These, in addition to the scale of the development and location of car parking are discussed further in the planning assessment below.</p>	The noise and traffic reports have been reviewed by the City and are considered to be acceptable. These are discussed in the planning assessment below.

Provision	Requirement	Proposal	Assessment
	5.2 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.	<p>Timberlane Drive is a Local Distributor Road and Lyell Grove is an Access Road.</p> <p>Vehicle access to the site is from Timberlane Drive, therefore the development does not rely on an Access Road.</p>	The existing access point on Timberlane Drive meets the requirements of the CCPLPP.

Building Design

Building height

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	<p>Top of external wall with roof above: 6 metres</p> <p>Top of pitched roof: 9 metres</p>	<p>7 metre wall height</p> <p>9 metres to top of pitched roof</p>	It is considered that the building height will not have an adverse impact on the amenity of the adjoining residential properties or streetscape as discussed below.

The CCPLPP permits a maximum wall height of six metres and maximum height of nine metres to the top of a pitched roof, which aligns with the 'deemed to comply' provisions of Category B of the previous version of *State Planning Policy 7.3: Residential Design Codes Volume 1* (R-Codes), noting that the current version of the R-Codes has increased the 'deemed to comply' maximum height provisions by 1 metre (ie. maximum seven metre wall height and roof pitch height of 10 metres).

The intent of the height provision in the CPPLPP is to ensure that the building height of a proposed child care premises would be not greater than that permitted for a residential dwelling.

In addition to the above, the JDRP reviewed the height of the development in relation to the design principles of SPP7 and recommended the introduction of differing materials to improve building articulation and that the hipped roofs be broken up to reduce bulk and scale.

In response to the JDRP recommendations, the following modifications were made which have resulted in a reduction in the perceived bulk and scale of the development:

- The introduction of an additional verandah roof element to the upper floor above the play deck and entry.
- Wooden-look cladding added to the design around the building entry and carpark.
- A window added to the portion of development set back 3 metres from Lyell Grove.
- A reduction to the roof pitch height by one metre.

In view of the above, while the wall height does not meet the standards specified in the CCPLPP, the overall height of the proposed building meets the maximum height provision. The proposed wall height of seven metres is consistent with what could be approved for a residential dwelling in the adjoining 'Residential' zone and the modifications made to the design following JDRP review have resulted in better articulation to the building facades and roof form, in turn reducing the perceived scale of the development.

Therefore, the proposed massing and height of the development is considered appropriate for its context.

Building setbacks

Provision	Requirement	Proposal	Assessment
Commercial, Mixed Use and Service Commercial LPP – Building Setbacks	Street setbacks: 3.5 metres to building 1.5 metres to awning Side/Rear setbacks: 3 metres	Timberlane Drive: Minimum 2 metre ground floor setback 1 metre upper floor setback Lyell Grove: 3 metre setback (2 metres to eaves) Ground floor: 1.3 -1.5 metres Fire escape stairs: 0.5 metres Upper floor: 3 metres	The setbacks to the primary street, secondary street and northern boundary are considered to be appropriate in the context of the adjoining uses. Refer to comments below.

The *Commercial, Mixed Use and Service Commercial Local Planning Policy* requires a minimum setback of 3.5 metres to a street and 3 metres to all other lot boundaries. The development proposes setbacks of:

- 1 metre from the upper floor play space to the Timberlane Drive boundary
- 3 metres from the upper floor play space and activity room to Lyell Grove boundary
- 0.5 metres from the fire escape stairs to the northern lot boundary
- 1.3 metres from the ground floor to the northern lot boundary.

Setback to Timberlane Drive

In considering the proposed setback to Timberlane Drive, the roof of the building exceeds the required setback by 1.1 metres, being located 4.6 metres from the street boundary, with the outdoor play area and balustrading being less than the required 3.5 metre setback, with a street setback of 1 metre. This portion of the development will directly face the Woodvale Shopping Centre which is zoned 'Commercial', and given the bulkier roofed part of the building exceeds the required 3.5 metre setback, the reduced setback which relates to the unroofed outdoor play area and associated balustrading is considered to have minimal impact on the adjoining commercial development, and is therefore appropriate.

Setback to Lyell Grove

The proposed outdoor play space and upper floor activity room located fronting Lyell Grove achieves a 3 metre setback in lieu of the required setback of 3.5 metres, with a setback of 2 metres to the eaves. Given the outdoor play space is unenclosed and mostly unroofed, the proposed setback to the play space and associated balustrading is considered to have minimal visual impact on the streetscape, and is therefore considered appropriate. The portion of the roofed upper floor part of the building (Activity 2) occupies a relatively short length of 4.8 metres of the Lyell Grove frontage and has been modified to incorporate a window to improve the visual aesthetic as viewed from the street. Therefore, the proposed setbacks to Lyell Grove are not considered to have a detrimental visual impact on the streetscape or adjoining property and are therefore considered to be appropriate.

Setbacks to the northern lot boundary

The required building setback to the northern boundary, which adjoins residential properties, is 3 metres. The development has been designed to locate the internal spaces of the building on this northern elevation, with the outdoor play areas located away from the residential properties, as a measure to reduce the impact of noise on residences. This results in proposed setbacks of 0.5 metres to the fire escape staircase, 1.3 metres to the ground floor and 3 metres to the upper floor. In comparison to the ground floor of a residential dwelling of the same length, the required setback under the R-Codes would be 1.5 metres. It is noted that the majority of the ground floor achieves a setback of 1.5 metres to the northern boundary with exception to the laundry, which is set back 1.3 metres. As the proposed ground floor setback is generally consistent with what could be approved for a residential dwelling, it is considered that the reduced setback to the ground floor laundry is appropriate. It is noted that the upper floor meets the 3 metre setback requirement.

In relation to the fire escape stairs, a small 'turn' in direction near the top of the stairs results in a landing and as a consequence, a small section of the stairs are setback 0.5 metres from the residential property to the north. Due to the angle of the common boundary, the 0.5 metre setback to the northern boundary is only for a short section and the setback increases along the length of the stairs. The applicant has added aluminium screening to the stairs to address privacy concerns which will also provide some visual relief to the appearance of the stairs. The applicant has clarified that the fire escape will only be used in emergency situations and would otherwise remain locked electronically via the building's fire system.

Given the infrequent use, and the privacy screening provided, the concerns raised during consultation in relation to privacy impacts are considered to have been addressed.

Pedestrian access

The JDRP made recommendations on the design in relation to the legibility of the development. These focused on a clear and legible entry to the building from the street being provided (given the proposed entry faces the carpark) as well as a designated area for pram parking. Modifications were made to the design to address the recommendations of the JDRP including:

- Wooden cladding being added to the external walls of the foyer to improve the legibility of the entry.
- Inclusion of pram parking inside the entry door to the building.

It is considered that the modifications made to the design have improved the legibility of the building entry, distinguishing it from the rest of the development through the wood panelling and verandah feature added to the southern elevation. Additionally, the proposed pedestrian path linking the entry door to the public footpath also assists with the legibility of the access to the entry door. While the entry door remains oriented to the carpark, the applicant has clarified that due to requirements for childcare centres which focus on child safety principles (which sit outside of the planning framework), the recommendation that the entry door be reoriented to face the street was unable to be accommodated in this instance.

Nonetheless, following modifications to the plans, and for the reasons above, it is considered that the legibility of the entry meets the design principles of SPP7 providing a clear connection between public footpath and the building which includes an easily identifiable entry point.

Noise

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	Clause 5.5.2 – Noise Attenuation: vehicle accessways and car parking areas to be located away from noise-sensitive land uses (such as residences)	Existing car parking and vehicle access is located adjacent to residential properties to the north.	The Environmental Acoustic Assessment (EAA) demonstrates that the proposal meets the <i>Environmental Protection (Noise) Regulations 1997</i> .

The applicant has submitted an EAA as part of the application (refer to Attachment 8), demonstrating that the development can meet the requirements of the *Environmental Protection (Noise) Regulations 1997*. In addition to the EAA submitted, an Operations Management Plan (OMP) has also been provided (Attachment 10 refers) which includes the following noise mitigation measures to further reduce acoustic impacts:

- Use of the outdoor play areas will not be permitted until after 7:00am.
- Balustrading on the first floor play area to be a minimum height of 1.8 metres for noise attenuation.
- Soft finishes will be favoured to minimise impact noise (e.g. soft grass, sand pits, rubber mats) over timber or plastic.
- External doors and windows will be closed during indoor activity/play.
- No amplified music being played outside.
- A minimum of three staff members assigned to a maximum of 30 children.

In accordance with Clause 5.5.2 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).

The outdoor play areas have been located facing Timberlane Drive and Lyell Grove, which are considered to be the best locations for these spaces given that they are located away from the residential properties to the north. It is noted that, while car parking for the proposed child care premises is adjacent to the adjoining residential property to the north, this location already consists of existing car parking and vehicle access and is therefore not considered to have a significant additional impact on these properties.

It is recommended that a Noise Management Plan be imposed as a condition of any approval. The Noise Management Plan will need to include the recommendations of the EAA and other management strategies identified that are necessary for the child care premises to remain within the requirements of the *Environmental Protection (Noise) Regulations 1997*. The condition will also serve as the basis for any compliance investigation and action that the City may need to undertake in the event concerns regarding noise are raised after the child care premises commences operating.

In light of the above it is considered that the application has sufficiently addressed issues relating to noise through the EEA, design response and requirement for a Noise Management Plan.

Hours of operation

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	Clause 5.7 – Monday to Friday: 7.00am to 6.00pm Saturday 8.00am to 1.00pm Staff are permitted on site 30 minutes prior to and after the stipulated hours of operation.	Monday to Friday 7.00am to 6.00pm Occasional openings on Saturdays for open days or marketing purposes.	The proposal is in accordance with the permitted hours of operation. Should the application be approved, a condition is recommended to restrict the hours of operation to be in accordance with the CCPLPP.

The hours of operation are in accordance with those permitted under the CCPLPP from Monday to Friday. The policy permits opening on Saturdays from 8.00am to 1.00pm only, however the centre is not proposed to open on Saturdays at this stage, except for open days or marketing purposes. With regard to operation on Saturdays, the applicant has requested that for flexibility, the standard hours permitted under the policy form a condition of approval. Given the request is for operational hours which are in accordance with the policy requirements, the City considers this to be a reasonable request and should the application be approved, a condition to this effect is recommended.

Traffic

A transport impact statement (TIS) was included as part of the application submission. 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 of 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 TIS also indicates that the existing six metre wide access driveway into the site from Timberlane Drive will be retained. An assessment of the existing access point and its adequacy in relation to traffic sightlines was included in the TIS, confirming it meets the relevant Australian Standards for Parking Facilities factoring in the 50km per hour speed limit on Timberlane Drive, and the distance to the nearby roundabout on Trappers Drive. The City has reviewed the TIS and agrees with the findings. It is therefore considered that the additional traffic generated by the development will not have a material impact on the existing road network which will continue to operate within capacity, and is therefore considered appropriate.

Waste

The applicant has provided a revised Waste Management Plan (Attachment 11 refers), which has provided further detail around waste storage and pickup.

Concerns were raised during consultation regarding potential odour associated with the bin store location and the potential for the structure to be used to gain access to the adjoining properties due to proximity to the dividing fence on the northern boundary. With regard to storage and collection, the applicant has provided the following justification in relation to the bin store location:

- The proposed bin store is located 1.3m from a 2.1m high fence to the adjoining residential properties' backyards. The bin store is not located on the rear fence line.
- The bin store is proposed to be a permanent structure with a roof to optimally prevent odour transmission.
- The bin store will have all internal walls cement rendered and impermeable concrete floors, including a charged 'water-trap' connected to sewer to enable easy cleaning and the enclosure to be washed out.
- Bins are collected twice a week.
- Alternate positioning of the bin store was considered, however was not viable given the existence of a sewer easement through the centre of the car park. A permanent, roofed bin store proposed would not be permitted across this easement.

The City has reviewed the Waste Management Plan and finds it to be acceptable with regard to both waste storage and collection, and is satisfied the concerns relating to odour have been addressed through a combination of enclosing the bin store, bin store materials allowing for easy cleaning and the bi-weekly waste collection proposed.

While the location of the bin store is considered to be acceptable with regard to the ability for trucks to manoeuvre within the site and conduct bin pickup, currently neither the Waste Management Plan or the Operations Management Plan specify the waste pickup times. Should the application be approved, it is recommended that a condition be included to ensure that waste collection is timed in a manner that is consistent with the permitted operating hours of the premises, and at a time that does not conflict with peak drop off and pick up times for children.

Parking

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	Clause 5.3.1 – 22 bays total: 1 bay per employee – 13 bays 65 – 72 children – 9 bays	22 bays total: 8 bays allocated exclusively to staff The 14 bays remaining, inclusive of 1 ACROD bay have not been allocated specifically to staff or visitors.	The number of parking bays provided meets the requirements of the CCPLPP.

The CCPLPP requires a total of 22 car parking bays to be provided on site, and that the car parking location must be clearly visible from the street to minimise the potential for verge parking.

The proposal provides the required 22 car parking bays, including an accessible bay and associated shared space. All visitor parking meets the minimum width requirements for manoeuvrability. A turnaround bay has also been incorporated into the parking layout in the event the carpark is full. The parking arrangement and layout has been reviewed by the City, and is considered to be appropriate.

The site and ground floor plan provided in Attachment 2 indicates 8 bays as staff parking. Given that the CCPLPP requires a minimum 13 bays to be provided as staff parking, it is recommended that should the application be approved, a condition ensuring the required allocation of 13 bays to staff and 9 bays to visitors, be included.

Servicing

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	Bin store areas screened from view and accessible to waste collection vehicles.	The bin store is located towards the rear of the car park but will be visible to the street.	<p>The servicing does not meet the requirements of the CCPLPP:</p> <ul style="list-style-type: none"> • The visibility of the bin store from the street will be minimal given its distance from the street, and concealment by car parking and existing vegetation on-site. • The air conditioning units are located within the undercover car park however will generally be concealed from view.
	Plant and equipment must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.	The air conditioner units are located within the undercover car park.	

The CCPLPP requires that services, including air conditioning units be located on the rooftop, within the basement or at the rear of the building to ensure there is not a visual impact on the street. The proposed development includes the enclosed bin store at the rear of the site, which will not be noticeable from the street and the air conditioning units mounted to the eastern wall within the undercover car park.

The City raised concerns with the applicant in regard to the potential visibility of the air conditioning units within the undercroft car park. Clarification has been provided that the air conditioning units will be attached high on the wall within the car park, with the potential streetscape impact demonstrated in the building perspectives provided in Attachment 4. While the air conditioning units may have some visibility from the street, it is considered that, provided some screening is provided to the outside of the units, their proposed location is considered acceptable.

Landscaping

Provision	Requirement	Proposal	Assessment
Child Care Premises LPP	The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries	1 - 1.4 metre wide landscaping strips along the Timberlane Drive street boundary.	The landscaping strips abutting the Timberlane Drive Street boundary are considered to be appropriate as discussed below.
	8% of lot area to be landscaped	23.25% when outdoor play spaces included.	
	1 tree per four uncovered car parking bays plus one additional small shade tree per lot.	3 shade trees proposed to the 4 uncovered car bays on the northern boundary, plus an additional 12 shade trees around the perimeter of the building.	The landscape area and provision for small trees exceeds the requirements of the CCPLPP.

The development proposal satisfies the minimum landscaping requirement of the CCPLPP which requires 8% of the total site area being provided as landscaping, however the landscape buffer strips between the car park and the Timberlane Drive boundary are less than the required 1.5 metres, measuring between 1 metre and 1.4 metres in width.

The JDRP reviewed the proposed landscape design and recommended further consideration be given to additional area for tree growth on-site, additional landscape screening along the northern boundary and a clear indication of the proposed shade structures to be used within the upper floor outdoor play spaces.

In response to the JDRP feedback, the applicant has modified the landscaping plans to include three trees to assist with screening the carpark and stairs along the northern boundary, and indicated that the upper floor outdoor play areas will be shaded through the use of trees and shade sails. Additionally, the landscaping plan has been modified to increase the tree canopy with 16 trees accommodated around the perimeter of the building at ground floor and 10 trees within the outdoor play space on the upper floor.

In regard to the landscaping buffer between the car park and the street, a mix of trees and ground covers are proposed, which integrates with the proposed verge planting, which includes the provision of six street trees. The combination of the on-site and verge landscaping proposed will ensure that screening of the carparking area is achieved, while also providing a dual purpose of softening the appearance of the development and providing shade to the public footpath on Timberlane Drive. Overall, the landscaping proposed is considered to integrate well with both the proposed development and the adjoining verge, providing an attractive, shaded environment to the users of the building as well as increasing the amenity of, and providing a shaded canopy, to the streetscape.

Given the above, it is considered that the proposed landscaping is acceptable.

Signage

Provision	Requirement	Proposal	Assessment
Advertisements Local Planning Policy	Wall signs are permitted to a maximum of 25% of the façade.	Two wall signs are proposed across the Timberlane Drive elevation which comprise less than 25% of the overall street façade.	The application satisfies the requirements of Clause 5.3.1 of the City's <i>Advertisements Local Planning Policy</i> .

The development proposal satisfies the signage requirements of the City's *Advertisements Local Planning Policy* which permits wall signage in the 'Mixed Use' zone to a maximum of 25% of a building façade and is therefore considered to achieve the objectives of the policy.

Conclusion:

The proposed development is considered to adequately address the relevant provisions under the City's *Local Planning Scheme No. 3*, the *Child Care Premises Local Planning Policy*, the *Commercial, Mixed Use and Service Commercial Local Planning Policy* and *State Planning Policy 7.0: Design of the Built Environment*.

The proposed development is compliant with the locational requirements, permitted hours of operation and parking requirements of the CCPLPP, as well as considering and addressing the potential impacts on the adjoining residential properties.

While discretion is sought in relation to the proposed building setbacks, building wall height and landscaping requirements, these elements are considered appropriate having regard to the context of the development being situated on a 'Mixed Use' zoned lot and located opposite a shopping centre in the 'Commercial' zone. While the site does directly adjoin residential properties, it is considered that the building height and setbacks to the northern boundary are consistent with what could be approved under the R-Codes, and therefore are considered appropriate. The provision of landscaped area exceeds that required under the CCPLPP, with the proposed landscaping plan demonstrating that the development will improve the landscape amenity on the adjoining streets.

In addition, the development proposal was reviewed by the JDRP, with recommendations provided on how the proposal could be modified to meet the intent of design principles of SPP7. As discussed in the planning assessment, it is considered that the comments raised by the JDRP relating to landscape quality, built form and scale and legibility have been addressed.

In light of the above, the proposed child care premises is considered an appropriate use for the site, providing a transition between the adjoining 'Commercial' and 'Residential' zones and is therefore considered to meet the objectives of the 'Mixed Use' zone.

It is therefore recommended that the application be approved subject to conditions.

Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the JDAP resolve to refuse 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*.

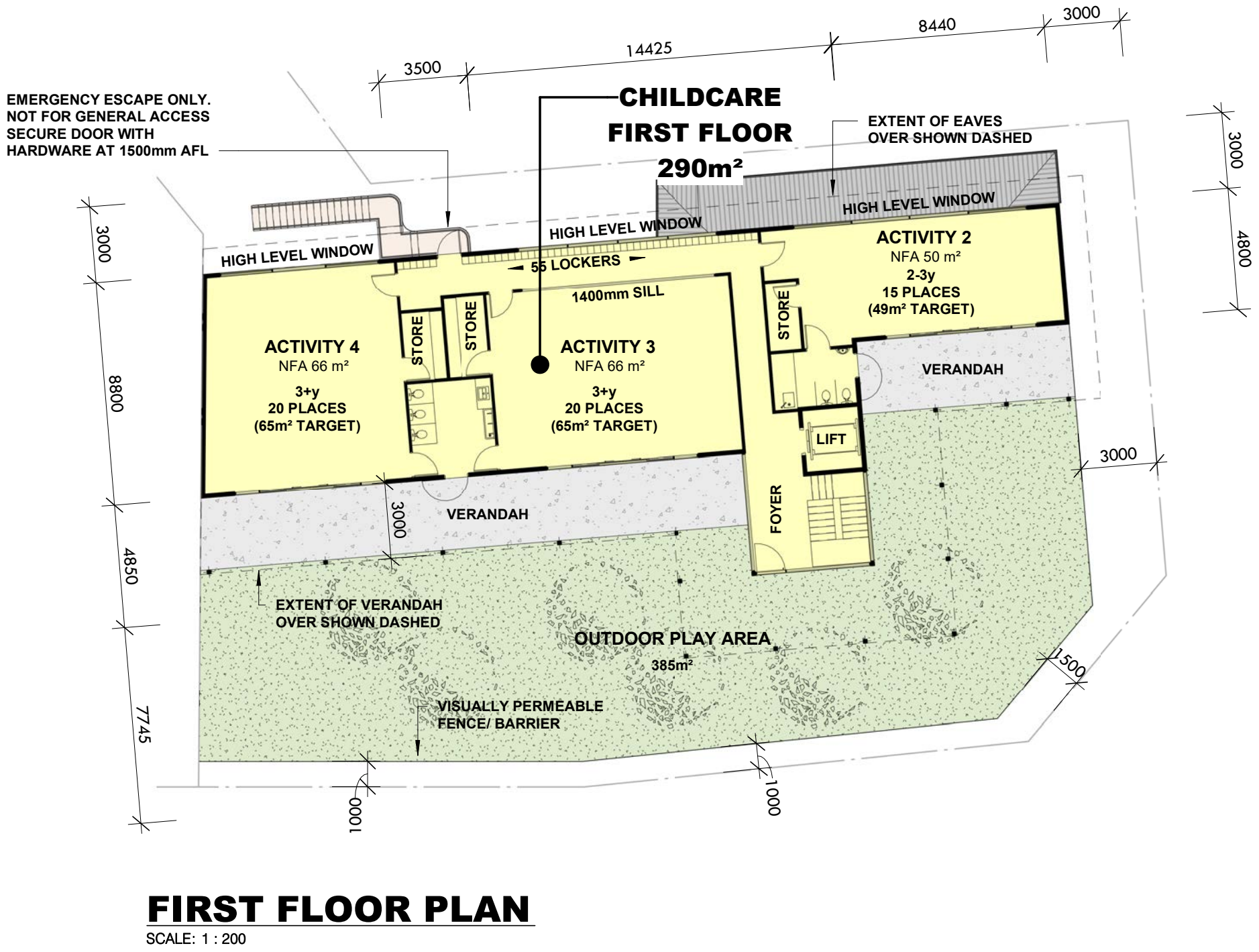
However, as outlined in the planning assessment above, the City considers that the development meets the relevant provisions and/or objectives of the applicable planning framework and it is therefore recommended that the application be approved, subject to conditions.

If the applicant is aggrieved by the decision or any aspect of the decision, the applicant has a right of review in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.



CHILDCARE CENTRE
TOTAL PLACES 71
TOTAL STAFF 13
CHILDCARE
GROUND FLOOR
286m²

SITE & GROUND FLOOR PLAN
SCALE: 1 : 200



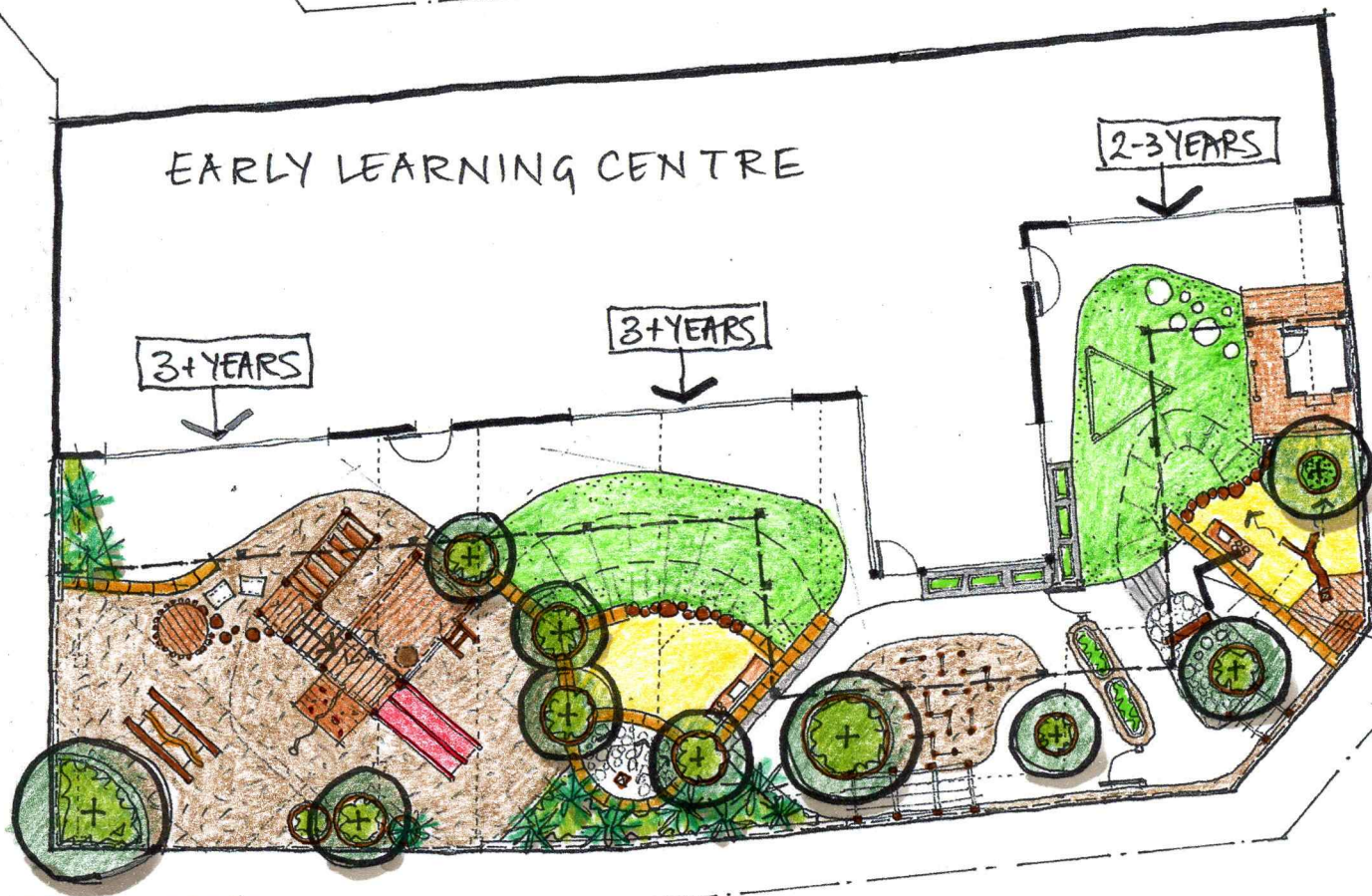
SITE CRITERIA

SITE AREA	965m²
LANDSCAPING	497m² (51% OF SITE)
FLOOR AREA	
a. GROUND FLOOR	286m²
b. FIRST FLOOR	290m²
TOTAL	576m²
REQUIRED PARKING	
a. CHILDREN 71 PLACES	9 BAYS
b. STAFF 13 (1/STAFF)	13 BAYS
TOTAL	22 BAYS REQUIRED
PROVIDED PARKING	
TOTAL	22 BAYS PROVIDED



NOTES

1. ALL PLANTED AREAS TO BE MULCHED WITH ORGANIC MULCH TO AS 4454
2. ALL PLANTING TO BE IRRIGATED VIA SCHEME WATER AUTOMATIC IRRIGATION SYSTEM
3. REFER TO ARCHITECT'S DRAWINGS FOR DETAILS OF FENCING, CAR PARK ETC.



INDICATIVE PLAYGROUND LAYOUT (SUBJECT TO STRUCTURAL DESIGN) COMPRISING ELEMENTS AS PER GROUND FLOOR PLUS TIMBER FORTS, CUBBIES, SWING ETC. (SHADE SAILS NOT SHOWN FOR CLARITY)

FIRST FLOOR PLAN (Scale 1:200 @ A3)



SITE & GROUND FLOOR PLAN (Scale 1:200 @ A3)

PROPOSED COMMERCIAL DEVELOPMENT - 1 LYELL GROVE, WOODVALE
EARLY LEARNING CENTRE - LANDSCAPE CONCEPT PLAN

GM Property Group

Dwg No: 2173 - SK-L01 Rev C

30 March 2022



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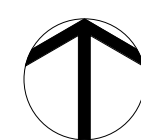
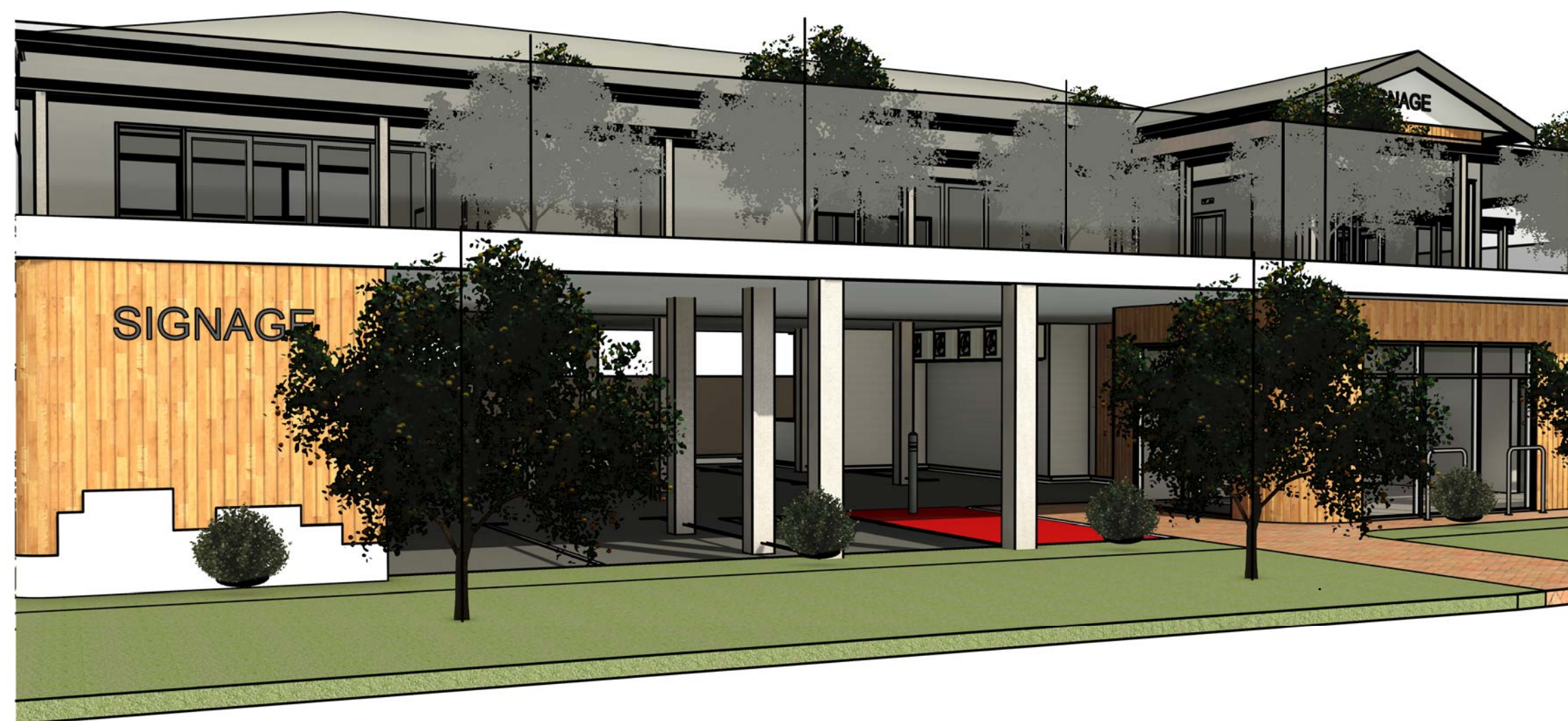
PRELIMINARY PLANT SCHEDULES

Species	Common Name	Pot Size	Planting Density	Notes
VERGE PLANTING				
Trees				
Agonis flexuosa	WA Peppermint	30-45L	As shown	
Low (<600mm) Native Shrub & Strappy Planting				
Acacia lasiocarpa prostrate	Dune Moses	140mm	1.5/m2	
Anigozanthos (dwarf/bush varieties)	Kangaroo Paw	140mm	3/m2	
Leucophyta brownii dwarf		140mm	2/m2	
Lomandra 'Tanika'		140mm	2/m2	
Prostrate Native Groundcovers				
Eremophila glabra prostrate		140mm	1.5/m2	
Grevillea obtusifolia 'Gingin Gem'		140mm	1.5/m2	
Myoporum insulare 'Coastal Carpet'		140mm	1.5/m2	
Westrigia dampieri dwarf or 'Mundi'	Coastal Rosemary	140mm	1.5/m2	
CAR PARK AND STREET FRONTAGE				
Trees				
Callistemon viminalis	Bottlebrush	30-45L	As shown	Small tree
Lagerstroemia indica	Crepe Myrtle	30-45L	As shown	Small tree - good in confined spaces
Fraxinus griffithii (inside lot boundary)	Evergreen Ash	30-45L	As shown	Small tree - good in confined spaces
Low (<600mm) Native Shrub & Strappy Planting				
Acacia lasiocarpa prostrate	Dune Moses	140mm	1.5/m2	1.5/m2
Anigozanthos (dwarf/bush varieties)	Kangaroo Paw	140mm	3/m2	3/m2
Leucophyta brownii dwarf		140mm	2/m2	2/m2
Lomandra 'Tanika'		140mm	2/m2	2/m2
Prostrate Native Groundcovers				
Eremophila glabra prostrate		140mm	1.5/m2	1.5/m2
Grevillea obtusifolia 'Gingin Gem'		140mm	1.5/m2	1.5/m2
Myoporum insulare 'Coastal Carpet'		140mm	1.5/m2	1.5/m2
Westrigia dampieri dwarf or 'Mundi'		140mm	1.5/m2	1.5/m2
Climbers				
Hibbertia scandens	Snake Vine	140mm	As shown	As shown
Trachelospermum jasminoides	Star Jasmine	140mm	As shown	As shown
ELC OUTDOOR PLAY AREAS				
Trees				
Corymbia ficifolia	Red Flowering gum	30-45L		Small to medium size varieties available - quite slow growing
Eucalyptus platypus var heterophylla	Coastal Moort	30-45L		Small to medium size
Eucalyptus victrix 'Snow Queen'	Little Ghost Gum	30-45L		Medium size - use at extremities of play areas (as far as possible from building)
Eucalyptus torquata	Coral Gum	30-45L		Medium size - use at extremities of play areas (as far as possible from building)
Fraxinus griffithii	Evergreen Ash	30-45L		Small tree - good in confined spaces - suitable to grow in container
Lagerstroemia indica	Crepe Myrtle	30-45L		Small tree - good in confined spaces
Laurus nobilis	Bay Tree	30-45L		Small tree - easily pruned - suitable to grow in container
Magnolia 'Little Gem'	Dwarf Magnolia	30-45L		Small tree - good in confined spaces - suitable to grow in container
Pyrus nivalis	Snow Pear	30-45L		Medium size - use at extremities of play areas (as far as possible from building) or substitute columnar variety depending on space available
Feature/Shade plants				
Bambusa textilis 'Gracilis'	Clumping bamboo	5L		
Dypsis lutescens	Golden Cane Palm	5 - 30L		
Liriope 'Evergreen Giant'		140mm		
Shrubs, Groundcovers & Climbers				
Adenanthos sericea	Woolly Bush	5 Litre		
Agonis flexuosa 'Nana'		140mm		
Coleonema compactum	Diosma	140mm		
Dianella 'Cassa Blue'		140mm		
Dietes bicolor		140mm		
Gazania 'Buccaneer'		140mm		
Hibbertia scandens	Snake Vine	140mm		
Lavendula dentata	Lavender	140mm		
Lomandra longifolia 'Verday'		140mm		
Lomandra 'Tanika'		140mm		
Radermachia 'Summerscent'		5 Litre		
Rosmarinus officinalis	Rosemary	140mm		
Sansevieria trifasciata laurentii		140mm		
Syzigium 'Big Red'		5 Litre		
Trachelospermum jasminoides	Star Jasmine	140mm		
Westringia fruticosa	Coastal Rosemary	140mm		









SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

Issue Raised	Applicant Response
<p><u>Location:</u></p> <ul style="list-style-type: none"> This location is a quiet and peaceful residential area, suited to single storey development. The proposal will be an absolute eyesore and this area is not the CBD of City of Joondalup. The current premises is single storey in keeping with the residential nature of the area. Please consider a quieter area and a one story development. 	<p>Noted. This issue relates to the existing and future character and amenity of the area. The proposal's proximity to the below-mentioned services and uses makes it not only appropriate, but highly desirable and suitable for a childcare centre. This proposal is compatible with the existing and future character and amenity of the locality, outlined in detail below.</p> <p><u>Existing character and amenity:</u> The locality contains a range of land uses described in section 2.3 of the DA report, detailed as follows:</p> <ul style="list-style-type: none"> Woodvale Village Shopping Centre is immediately to the south of the subject site. The shopping centre site contains car parking, a supermarket, café and food takeaway, personal services, real estate office, optometrist, chiropractor, liquor store, tavern, and fitness and training. The broad range of uses (including a liquor store and tavern), results in a variety of opening hours within the shopping centre ranging between 5am and 9pm weekdays and 6am-9pm on weekends. To the east of the site is a physiotherapist, with opening hours 8am-7pm Monday to Friday and 8am-12pm Saturday. On-site is a dentist (opening hours 8am-6pm Monday to Thursday, 8am-5pm Friday, 8am-3pm Saturday). Two local distributor roads carry 8,703 vehicles (Trappers Drive) and 3,139 vehicles (Timberlane Drive) per day. Bus routes operate along the two local distributor roads. <p>Section 2.4 of the DA report outlines key considerations regarding the locational advantages of this site for a child care premises. A child care premises is suitable as it operates within the same hours as other uses in the immediate vicinity. The subject site is in a preferred location having regard to the City's Scheme and its <i>Child Care Premises</i> local planning policy.</p> <p>The proposal is not maximising the four-storey building height limit that is applicable to the site. The proposal is deliberately designed to be more sympathetic with the intended character of the area, whilst respecting the existing character of the locality. The proposed design is entirely consistent with the character of the area.</p> <ul style="list-style-type: none"> The subject site is zoned 'Mixed Use' with a density code of R80: <ul style="list-style-type: none"> The City's <i>Commercial, Mixed Use and Service Commercial Zone</i> Local Planning Policy provides for a building height of 12m, 15m to top of a roof. This is equivalent to four-storeys in height; and If the subject site was proposed for residential development at an R80 code, the site be developed to a height of four-storeys in accordance with the Primary Controls of State Planning Policy 7.3 <i>Residential Design Codes Volume 2 – Apartments</i>. Under the City's Scheme, residential properties to the north are coded R20/R40: <ul style="list-style-type: none"> These sites could be developed at two-storeys "as of right" under the <i>Residential Design Codes</i>; and Two-storey residential development is near to the site at 195 Trappers Drive, Woodvale.


SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

Issue Raised	Applicant Response
	<p><u>Future character and amenity:</u> As detailed in section 4 of the DA report, the locality is planned for transition and change to facilitate urban infill and densification in response to housing infill targets. This would be anticipated to result in two-storey development and potentially greater activity.</p> <ul style="list-style-type: none"> • The residential properties east and north of the site are a Housing Opportunity Area, via the City's <i>Local Planning Strategy</i>; and • The City has an adopted <i>Housing Opportunity Areas</i> Local Planning Policy that considers two-storey built form is consistent with the prevailing character of the area.
<p><u>Bulk and scale:</u></p> <ul style="list-style-type: none"> • I think this is a great spot for a child care centre but the developers should be following policy and keep this development to one storey, similar to existing child care business already on Timberlane Drive. • Our amenity will be imposed upon by the approval of this overwhelming double storey addition to my end of Lyell Grove. I do not consider it matches the streetscape of Lyell Grove at all. 	<p>Noted. This issue relates to the bulk and scale of the development and consideration of its streetscape impacts. The proposal is two-storey and presents as a well-articulated and visually pleasing design, that is of a human-scale and in character with the locality, outlined in detail below.</p> <p><u>Bulk and Scale</u> The design is sensitive to adjoining residential properties, play areas are orientated toward the streets and vehicle access is limited to Timberlane Drive to avoid additional traffic on the local streets. An existing crossover to Lyell Grove will be decommissioned, removed, and reinstated as landscaping. The setback areas are landscaped and the upper floor has a compliant setback to the adjoining residential property boundary to the north.</p> <p>The development was presented to the City of Joondalup Design Review Panel on 15 December 2021, with positive comments made in relation to the site planning and layout, which is optimal to provide quieter areas of use adjacent to the neighbouring residents.</p> <p>The Design Review Panel encouraged further consideration of the building design to break down the building mass, for example the hipped roofs, and differing materials. The Panel's comments were upheld and adopted as follows:</p> <ul style="list-style-type: none"> • The hipped roof was adjusted and the verandah form was broken up into separate forms. This delivered a suitable building scale that has a human scale and is in context to the area; • A 'block design' was removed from the first-floor slab edge, and the edge design was minimised to reduce visual bulk; • The car park area was updated through the design review process to limit its visual appearance and to integrate the air conditioner units and other services to ensure they are not intrusive; • The design and elevations incorporated a mix of materials to improve the building articulation; • Alternate materials were incorporated and additional materials were added to the entry area to assist with legibility; and • The lift location was internally swapped to ensure its overrun was contained within the lowered roof space.

SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

Issue Raised	Applicant Response
	<p>As a result, it is considered that the design has positively considered and adopted the Panel's and submitter's comments regarding built form bulk and massing.</p> <p><u>Streetscape</u> The development was presented to the City of Joondalup Design Review Panel on 15 December 2021, with positive comments made in relation to its streetscape amenity, including:</p> <ul style="list-style-type: none"> • It has the beginnings of well-considered landscape plan providing amenity for the users (the children) and soft landscaped verges for community benefit; • Visually permeable fence design proposed at the ground and upper floors provides an active interface with both streets; • The use of the existing carpark entry to minimise crossovers. <p><u>Compliance with Building Height</u> The submitter comments are incorrect, as the City's scheme and policies do not limit development to one-storey.</p> <p>Dwellings in the locality could be proposed at two-storeys, and a two-storey dwelling exists, located at 195 Trappers Drive, Woodvale.</p> <p>For this site, in a 'Mixed Use' zone, a four-storey height limit applies.</p> <ul style="list-style-type: none"> • The City's <i>Commercial, Mixed Use and Service Commercial Zone</i> Local Planning Policy provides for a building height of 12m, 15m to top of a roof. This is equivalent to four-storeys in height. The proposal is for a two-storey development; • Where a lot abuts a Residential zone, the maximum building height within 6m of the common boundary shall be in accordance with Commercial R40: <ul style="list-style-type: none"> ○ 6m (top of external wall) ○ 7m (top of wall concealed roof) ○ 9m (top of pitched roof); And the proposal is for a two-storey development. • The City's <i>Child Care Premises</i> Local Planning Policy provides for a building height of 6m, 9 metres to top of a pitched roof; and • The City's policies are more stringent on height limits than the R-Codes, which applies a building height of 7m, 10 metres to top of a pitched roof.
<p><u>Design:</u></p> <ul style="list-style-type: none"> • There is not a single tree on that block to provide shade and they will take years to grow if planted now. The children playing on the balconies will be in the sun a lot of the day. The south balcony will have shade from 	<p>Noted. This issue relates to the landscaping quality of the existing site, whereas the proposal will include a high-quality and well-considered landscape outcome that is complementary to the building and the street.</p> <p><u>Landscape and Streetscape</u> The development was presented to the City of Joondalup Design Review Panel on 15 December 2021, with positive comments made in relation to its streetscape amenity, including:</p>

SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

Issue Raised	Applicant Response
<p>noon. The west balcony will have sun from 2pm. The upstairs indoor area is too small for the older children.</p> <ul style="list-style-type: none"> How many children can fit into the lift in one ride? A lot of up and down to get a class of children transferred from A to B. 	<ul style="list-style-type: none"> It has the beginnings of well-considered landscape plan providing amenity for the users (the children) and soft landscaped verges for community benefit; and Visually permeable fence design proposed at the ground and upper floors provides an active interface with both streets. <p>The Panel comments encouraged further consideration to increasing the area available for trees to grow on the site. The Panel's comments were upheld and adopted, with the landscape plan will be reviewed in further detail and submitted for the City and the JDAP's information and consideration.</p> <p>It is considered the design is compliant and well-considered, as follows:</p> <ul style="list-style-type: none"> The outdoor area complies with legislative requirements. The landscaping on-site will over time provide shade. This will be supplemented by the building design, such as the eaves, balcony and verandah. There will be a net increase in canopy cover due to the proposed planting of street trees and trees on-site. There are currently no trees on the property that provide any shade benefit. The adjoining residential properties (3 and 5 Lyell Grove) also have palm trees, which arguably provide little shade for those residents. <p><u>Design</u></p> <p>Noting the submitter's comments of the lift, the operator has reviewed the two-storey design prior to lodgement. JDAP recently approved a two-storey child care premises at the corner of Kingsley Drive and Woodford Wells Way, Kingsley and at the corner of Stanford Road and Mullaloo Drive, Kallaroo. Several two-storey child care premises are approved/operate within the City of Joondalup (shown in the following Figures 1-3), including:</p>  <p>Figure 1: 20-22 Coolibah Drive, Greenwood</p>

SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

Issue Raised	Applicant Response
	<div data-bbox="768 228 1713 861">  <p>A photograph of a two-story commercial building with blue and white siding, a brick chimney, and a parking lot. The building is situated on a corner lot with a low stone wall and landscaping in the foreground.</p> </div> <div data-bbox="768 861 1232 893"> <p>Figure 2: 1-3 Forrest Road; Padbury</p> </div> <div data-bbox="768 922 1713 1385">  <p>An architectural rendering of a single-story commercial building with white and orange siding, a covered entrance, and a parking lot. The building is surrounded by greenery and a white fence.</p> </div> <div data-bbox="768 1385 1400 1417"> <p>Figure 3: 29-31 Acacia Way, Duncraig (approved)</p> </div>

SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

Issue Raised	Applicant Response
<p><u>Noise:</u></p> <ul style="list-style-type: none"> • The hours from 7am until 6pm with staff being allowed on site 30 minutes either side of this time, so there will be vehicles coming and going from 6.30am until 6.30pm. Retirees living peacefully do not want to listen to squealing children for up to 10 hours per day, 5-6 day per week. • The acoustic report: <ul style="list-style-type: none"> ○ States that (p. 6) ‘...children playing does not contain any annoying characteristics’ - the absurdity of this statement does not require explanation to anyone who has children. If it were to be accurate this statement avoids possible adjustments / penalties in Table 2 of the Reg’s for tonality (+5dB), impulsiveness (+5dB) and/or modulation (+10dB), which would make the proposal non-compliant. ○ Applies an influencing factor of 4dB. Why, given the adjoining residential properties, and potential for impulsive noise (car doors slamming, talking/crying in the car park) has the influencing factor of 10dB not been applied as shown in table 3.2 of the Acoustic Report? ○ Only includes noise regarded by the EPA, however, does not consider other aspects that need to be considered (movement of cars in the car park, car door closing/opening in peak periods, general noise increase from the movement of people during peak hours, continual use of lift etc). ○ Doesn’t consider the noise impact if the ground floor area is used by 	<p>Noted. This issue relates to the opening hours and perceived concerns regarding noise. It is recognised that child care premises tend to have operating hours from 7am-6pm on weekdays, and that noise could be an issue.</p> <p>The proposal was submitted with an acoustic assessment prepared by a qualified and experienced acoustic consultant. The proposal is compliant with the City’s policy framework and the <i>Environmental Protection (Noise) Regulations 1997</i>:</p> <ul style="list-style-type: none"> • The hours of operation comply with the City’s <i>Child Care Premises</i> local planning policy; and • The applicant has been advised by the City of Joondalup’s officers that the Acoustic Assessment was reviewed and accepted. <p>The author of the Acoustic Assessment makes the following responses to the specific comments on details within the report:</p> <ol style="list-style-type: none"> 1. Children Playing - It has been well established and accepted for many years, including the SAT, that under the <i>Regulations</i>, noise emissions from children playing is free from annoying characteristics. 2. Influencing Factor – We believe that this comment is a misunderstanding of the use of the Influencing Factor (IF), that is used to establish the assigned noise levels and the adjustments used when applying penalties for annoying characteristics. 3. Other noises - The assessment includes other noises, such as car movements and car ignitions within the car park, which comply. Noise from within the child care centre (including the lift) would be contained by the building structure, thus noise generated within the child care centre would easily comply with the regulation criteria and is not of concern. 4. Ground floor - The assessment for the ground floor (i.e., 0 – 2 outdoor play) uses the same sound power level for the 0 – 2 year old as it does for the older children. Thus, is conservative, and actually allows for any adjustment in the location that children would be playing. 5. Crying baby – The noise level from a crying baby is nowhere near 120 dB. Noise from crying babies outside would be minimal and under the Regulations would need to comply with the assigned LAMax noise level of 68 or 69 dB(A) and noise received from a crying baby at the neighbouring residences would easily comply with the Regulations. With regards to outdoor play, the noise emission from groups of children playing is the critical source with regards to compliance. 6. Air Conditioning – The air conditioning has been located away from the neighbours and complies with the <i>Regulations</i>. 7. First Floor – The first-floor balustrading acts as a significant barrier to the neighbouring residences. Thus, the suggestion of ‘focusing’ is not correct. <p>If the City and JDAP are of a mind to favourably consider the application, conditions of approval could be prepared to address (the following were applied to the child care premises approved in Kingsley):</p> <ul style="list-style-type: none"> • The hours of operation for the centre shall be between 7:00am to 6:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays. Staff are permitted on site up to 30 minutes before and after these operating hours.

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<p>other age groups. The area provided for the 0-24 is a vast area per child compared to the upper area and there is an option to reconfigure the layout thus seeing the ground floor used by older children, who are considered to make a greater noise impact.</p> <ul style="list-style-type: none"> ○ Seems convenient that the calculated noise levels for outdoor play is 48dB in lieu of 49dB (for LA10). It should be noted that a screaming baby is 120dB at the emission source (Attachment 1), that the 0-2 year-old play area is closest to the closest residences, and open-style fencing is proposed in this location. • Sizeable air conditioners to fit this building would have an impact on noise levels for neighbours. • The rooms of the upper floor are arranged in a 'T' shape, which will reflect and focus noise directionally to the east (and south). Whilst the proposed 1.8m glass fences act as noise barriers, the majority of this space is unroofed and noise travels in waves, not line of sight. It is therefore concerning that noise will be focused and directed over the barriers towards the eastern neighbours. 	<ul style="list-style-type: none"> • Any proposed building plant and equipment, including the 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 in accordance with these approved details.
<p><u>Planning policy:</u></p> <ul style="list-style-type: none"> • Current planning policy restricts developments like this in residential areas. • 72 children are proposed, but apparently only 50 are acceptable for that size premises. • It is difficult to understand from a statutory perspective why there is a limit of 50 children only in the Residential zone. Obviously, neighbours are equally impacted by amenity, 	<p>Noted. This issue relates to the City of Joondalup recently adopting an amended <i>Child Care Premises</i> Local Planning Policy at its ordinary council meeting held on 15 February 2022.</p> <p>The <i>City's Child Care Premises</i> Local Planning Policy was amended and a snippet of the relevant provisions are provided (refer Figure 4). It is clear in the wording of the policy that:</p> <ul style="list-style-type: none"> • The proposed child care centre is preferred within the 'Mixed Use' zone, as it is one of the zones considered most appropriate; • In the 'Residential' zone a child care premises can accommodate a maximum of 50 children, therefore that limit does not apply to this zone; and


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<p>noise, traffic and verge parking due to a large number of 'places', regardless of the zoning of the childcare facility. The focus of this policy in relation to noise should be upon the presence of residential properties in the focus area, not the zoning of the development site. It is therefore suggested that this is a legitimate reason to depart from the policy which only has guidance status (<i>Baker v. City of Vincent 2016</i>), and seriously consider limiting the number of children where a development site directly adjoins a residential property.</p>	<ul style="list-style-type: none"> • A child care premises adjoining a residential property is to address noise, car parking, traffic and building scale, which is addressed by the proposal through its: <ul style="list-style-type: none"> ○ Compliance with parking, and the Traffic Impact Statement has been reviewed and accepted by the City of Joondalup; ○ Compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>, and the acoustic assessment has been reviewed and accepted by the City; and ○ The design has appropriately addressed matters regarding its bulk and scale (refer previous Applicant Response comments). <p>The number of placements is markedly similar to a number of other applications that have been approved in the City of Joondalup – several centres have been approved in similar locations with more than 90 places. In terms of the 'intensity' of the development, we contend that the design and its level of compliance demonstrates that the design and development would achieve an outcome that does not cause adverse amenity impacts.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>5.1. Location:</p> <p>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.</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. </div> <p>Figure 4: extract of the <i>Child Care Premises Local Planning Policy</i> (highlighted for emphasis)</p>
<p><u>Waste management:</u></p>	<p>Noted. This issue relates to perceived odour and anti-social behaviour.</p>

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<ul style="list-style-type: none"> The rubbish bins are too close to No 3 Lyell, people can use them to climb over the fence and into adjoining backyards. As well as food disposal twice a week, and the build-up of disposable nappies the bins will be odorous on pick up and they are to be located on the rear fence line of adjoining entertainment areas. 	<p>The City's <i>Child Care Premises</i> Local Planning Policy provisions are provided below in Figure 5.</p> <div data-bbox="772 231 1617 603" style="border: 1px solid black; padding: 5px;"> <p>5.5.4. Servicing</p> <p>a. <u>Services must be screened from view and located away from residential properties. Servicing is to be in accordance with the following requirements:</u></p> <table border="1" data-bbox="795 354 1594 593"> <thead> <tr> <th>Provision</th><th>Development Requirement</th></tr> </thead> <tbody> <tr> <td>(a) <u>Bin storage areas</u></td><td> (i) <u>Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material.</u> (ii) <u>Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.</u> </td></tr> <tr> <td>(b) <u>Plant and equipment</u></td><td>(i) <u>Plant and equipment must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.</u></td></tr> </tbody> </table> </div> <p>Figure 5: extract of the <i>Child Care Premises</i> Local Planning Policy</p> <p>The site is constrained. The current location is requested to be considered on its merits, as follows:</p> <ul style="list-style-type: none"> The proposed bin store is located 1.3 m from a 2.1 m high fence to adjoining residential properties' backyards. The bin store is not located 'on the rear fence line'; The Waste Management Plan demonstrates that this location is suitable for waste collection; The bin store is proposed to be a permanent structure with a roof to optimally prevent odour transmission; All internal walls in bin stores will be cement rendered (solid and impervious) to enable easy cleaning. Ceilings will be finished with a smooth faced, non-absorbent material capable of being easily cleaned. Walls and ceilings will be finished in similar materials to the main building; All doors and corridors are designed for the largest, i.e., 660 L, MGBs and will be self-closing to eliminate access by vermin; Impermeable concrete floors (min 100 mm thick 20 MPa) graded at 1% to an industrial floor waste (including a charged 'water-trap' connected to sewer or an approved septic system), with a hose cock to enable bins and the enclosure to be washed out; and Bins are collected twice a week. <p>The Applicant investigated a number of alternative locations for a bin store, detailed in the Table 1 below.</p>	Provision	Development Requirement	(a) <u>Bin storage areas</u>	(i) <u>Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material.</u> (ii) <u>Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.</u>	(b) <u>Plant and equipment</u>	(i) <u>Plant and equipment must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.</u>
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	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  </div> <div style="width: 50%;"> <p>This location would include a store on the boundary to the residential property. The location was not suitable as it would result in:</p> <ul style="list-style-type: none"> • The structures would be located within a sewer easement, and thus would need to be temporary. This is a disadvantage as a temporary structure would not be as suitable for minimising odour transmission to the neighbouring property. • This location is closer to the residential property. <p>This location would include a bin store replacing two car bays. Whilst the location is away from residential properties, this location was not considered to be suitable as it would:</p> <ul style="list-style-type: none"> • Be visible from the street; and • The location is less ideal for waste collection. </div> </div>
<p><u>Demand:</u></p> <ul style="list-style-type: none"> • There is already a child care on Timberlane Drive. 	<p>Table 1: Alternative Locations that were considered unsuitable</p> <p>Noted. This issue relates to the consideration of child care need. The applicant raised this in pre-lodgement consultation with the City of Joondalup as a query of whether information was to be supplied to address child care need. The City advised the applicant that a childcare needs assessment was not required to be submitted.</p>

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<ul style="list-style-type: none">Within less than 2 kilometres there are already three child care centres.	<p>The applicant notes that the City received submissions in support for the proposal. The Applicant has not been provided with those submissions; however, it is our considered opinion that support from the community may be in relation to the recognised need for child care services to be located within their community catchments.</p> <p>Consideration of submissions must be balanced with a range of other considerations under Clause 67 of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. In this regard, consideration must be given to the benefits for the broader community, as outlined in various Government policies and practices, including the Federal Governments Productivity Commission Inquiry Report into Child Care and Early Childhood Learning. In our view and in the context of Clause 67, the provision of community benefit is a positive factor to the exercise of general planning discretion in relation to other relevant planning considerations.</p> <p>The Applicant requests the City and the JDAP consider the proposal in light of the community benefit provided.</p>																												
<p><u>Parking:</u></p> <ul style="list-style-type: none">Under s. 81 of the <i>Child Care Services Regulations 2006</i> (State law), minimum staff and supervisor numbers are required depending on the age of the children and based upon the development plans 15 staff members are mandatory for this centre.There isn't sufficient parking on-site so the alternative is to have kids and parents walking across the road (where there isn't a crossing) and therefore taking up spots in the shopping centre.Use of Tandem parking to fulfill parking provisions, is impractical, as these bays are for staff, who are on a roster. i.e. cars parked in the AM, will need to be moved before the cars that are parked behind them leave; a staff member would not be in a position to leave their place of work to move their car, this is a child care centre, children / babies cannot be left unattended.The sheer volume of concentrated early morning and late afternoon traffic will overwhelm the proposed parking bays and spill into surrounding areas.	<p>Noted. This issue relates to staffing arrangements and the City's parking requirements as per its <i>Child Care Premises</i> local planning policy. The proposal is compliant with the provision of car parking.</p> <p>As part of pre-lodgement consultation with the City, the applicant was advised that parking arrangements of the dentist were not relevant to this proposal. The dentist is located on Strata Lot 1 and does not form part of this application.</p> <p>The City of Joondalup officers advised the Applicant that the TIS, which addresses traffic, road safety and parking, was reviewed and accepted.</p> <p>The author of the Traffic Impact Statement has reviewed the submitter comments and assisted with providing the following responses:</p> <ul style="list-style-type: none">15 staff are not mandatory. Staffing arrangements are calculated based on the Australian Children's Education & Care Quality Authority's (ACECQA) National Quality Framework and the <i>Education and Care Services National Regulations 2012</i> sets out the spatial requirements. Staffing is as per the Table 2 below: <table><tr><th>Age Group</th><th>Places</th><th>Ratio</th><th>Staff</th></tr><tr><td>0-2y</td><td>16</td><td>1:4</td><td>4</td></tr><tr><td>2-3y</td><td>15</td><td>1:5</td><td>3</td></tr><tr><td>3+y</td><td>40</td><td>1:10</td><td>4</td></tr><tr><td></td><td></td><td></td><td>1 (manager)</td></tr><tr><td></td><td></td><td></td><td>1 (cook)</td></tr><tr><td>Total</td><td>71</td><td></td><td>13</td></tr></table> <p>Table 2: Staffing Requirements</p> <ul style="list-style-type: none">The parking provision of 22 bays complies with the parking requirements of the City of Joondalup's <i>Child Care Premises</i> Local Planning Policy. Staff parking is included as part of the 22 bays.	Age Group	Places	Ratio	Staff	0-2y	16	1:4	4	2-3y	15	1:5	3	3+y	40	1:10	4				1 (manager)				1 (cook)	Total	71		13
Age Group	Places	Ratio	Staff																										
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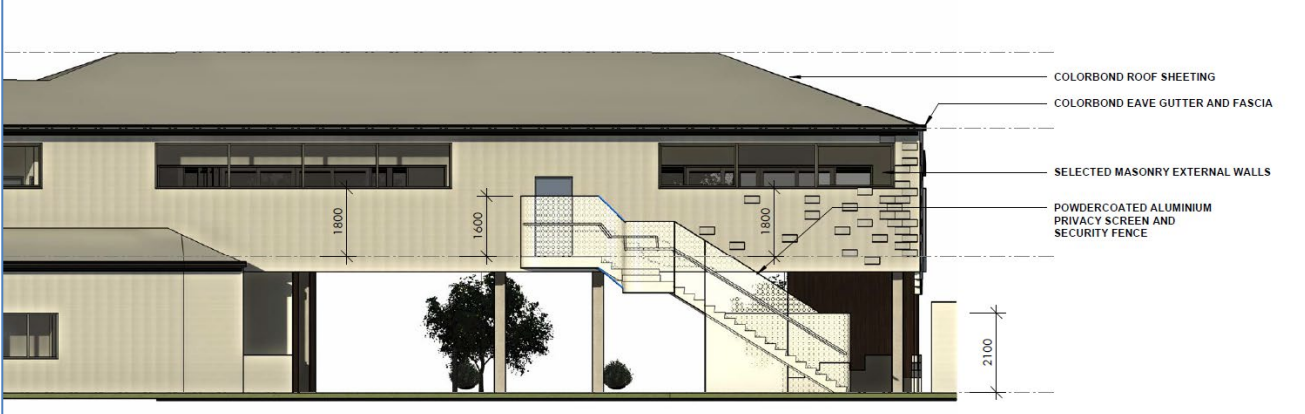
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<ul style="list-style-type: none"> Concerns that the overflow of traffic will spill into Everard Close, when the carpark and verges are full and parents are looking for other areas close to the Lyell Grove centre, to park their vehicles when dropping off / picking up their children. The Planning Report and Transport Report do not state how many staff / employees are present in the childcare facility and dentist, noting that some bays are shared in common property. 	<ul style="list-style-type: none"> Tandem parking with staff at the front (long-term) and visitors'/ carers parking behind these (short-term) is a common and practical arrangement at child care centres. The submission assertion that both the front and rear bay is for staff is incorrect. The parking requirements of the City of Joondalup's <i>Child Care Premises</i> Local Planning Policy are designed to accommodate the peak arrival and departure times, not all-day requirements. This is evident from any inspection of child care centres during the day when there are a lot of empty bays between these peak periods. Bays are not shared with the dentist practice. They are all located within Strata Lot 2, as indicated on the design drawing, and will be line-marked and sign-posted for child care use only.
<p><u>Traffic:</u></p> <ul style="list-style-type: none"> 71 children will result in 71 vehicles dropping off and collecting children in mornings and afternoons. The already congested and busy roundabout on the corner of Trappers Drive and Timberlane Drive does not need another 142 vehicles daily to add to the busy intersection. Late afternoons every day see vehicles exiting the car park from the Woodvale Tavern, and very often drivers race towards the roundabout at speed and continue the speed along Trappers Drive. That particular area and entrance (which is also shared with the dentist to access their parking area) is less than 50m from a busy roundabout and a T junction of Timberlane Drive and Lyell Grove, add to this the proximity of two bus stops (opposite each other) and a shopping centre entrance/exit we have a major catastrophe waiting to happen. Regarding the bus stops, kids have been stuck trying to cross the roads in that area, waiting a long time for a break in the traffic or some of them darting across the road in front of cars trying to get to school. A lot of kids travelling to school on foot, bikes and 	<p>Noted. This issue relates to the detail contained within the Traffic Impact Statement that was submitted with the development application.</p> <p>The City of Joondalup officers advised the Applicant that the TIS, which addresses traffic, road safety and parking, was reviewed and accepted. This occurred prior to advertising.</p> <p>The author of the Traffic Impact Statement has reviewed the submitter comments and assisted with providing the following responses:</p> <ul style="list-style-type: none"> 71 children will not result in 71 vehicles dropping off and collecting children in the morning and afternoons. This is why traffic and parking assessments are undertaken by professional traffic engineers. It is the nature of child care centres that they are, on average, only up to 80% of licenced capacity on any one day due to not all children attending on all days. In addition to this, some parents will have more than one child at the centre (a multiple occupancy trip), some local parents will walk to the centre (non-vehicular mode) and not all parents will drop off, or pick up, their child or children in the same hour as everyone else. It is also very unlikely that all staff will drive and park at the centre as some are young and cannot afford to drive or don't have a licence and use public transport or are dropped off by friends or relatives. All of these factors are considered by using surveys of existing child care centres in WA to determine trip generation and parking demand. In this instance, surveyed data from 3 child care centres in WA was used, along with standard trip generation rates from the eastern states, to determine an appropriate trip generation rate, as described in detail in Section 1.2 of the TIA. The generation rates used (0.8 in the morning and 0.4 in the afternoon) are conservative, are based on local survey data, and higher than generation rates recommended in the RTA Guide to Traffic Generating Developments, which are 0.4 in the morning and 0.15 in the afternoon. This applies additional rigour to the traffic impact statement. This indicates that there is likely to be up to 31 trips IN and 26 OUT during the morning peak hour and up to 16 trips IN and 23 trips OUT during the early afternoon peak hour. This represents less than one trip per minute during the busiest times and is defined as a 'moderate impact' in the WAPC Guidelines, i.e., between 10 and 100 trips per hour., i.e., it is acceptable in traffic engineering terms.

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<p>scooters could do without an increase of traffic on an already busy road.</p> <ul style="list-style-type: none"> • Cars do not use the 50km zone as it is and are constantly doing 60 and 70 if not more down that road with not many cars slowing at the 40km school zones. People dropping kids at day care and rushing to work will be putting the high school kids at an even higher risk. • The bulk and location of the building would cause a blind spot when turning right from Lyell Grove onto Timberlane Drive. 	<ul style="list-style-type: none"> • All road and intersections have been surveyed by the author of the TIA during the child care centre's forecast peak hours and a network traffic model has been prepared using SIDRA Intersection 9 traffic modelling software. This has shown that the assessed roads and intersections currently perform at a very good level with plenty of spare capacity and will continue to do so with the additional forecast traffic. It is important to note that this assessment uses standard performance criteria based on volumes, queue lengths, delays, level of service and degree of situation, also referred to as volume/ capacity ratio. It is acknowledged that local residents will have a different definition of 'congested' and 'busy' when compared to standard traffic engineering definitions. • The building is located within the property boundary which is located 7.6 m from the extension of Timberlane Dr through Lyell Grove intersection. Sight lines at the intersection are assessed from a point 3 m back from the extension of the through road and hence there is no obstruction to the required or desired sight lines at this intersection. <p>The Applicant notes that residents/community members may have a different perspective and expectation of what is defined as congested and busy roads, and traffic delays. The above technical commentary is aimed to provide context in relation to the 'acceptability' of the proposal.</p>
<p><u>Privacy:</u></p> <ul style="list-style-type: none"> • The position of the fire escape presents a safety and security issue, numerous back gardens can be viewed from the fire escape stairs. By the purpose of a fire escape it must be free to access at all times, any one way barrier device can be overcome. • There are many windows on the northern elevation that overlook the neighbouring property, along with the above-mentioned fire escape. 	<p>Noted. This issue is in relation to the northern elevation and what components of the building elevation may be visible from the backyard of the adjoining property. The Applicant has considered the location and position of the fire escape and proposed modifications, as follows:</p> <ul style="list-style-type: none"> • The site is constrained in terms of a suitable alternative location for a fire escape in the event of an emergency. The safety of staff and children is a priority during an emergency. The proposed fire escape location is preferable for moving staff and children to a muster point away from the building and roads. An alternative location of a fire exit, such as the Lyell Grove frontage, would require additional navigation and potential additional risk during an evacuation. It would not be preferable to evacuate children and staff onto Lyell Grove, given the limited verge space and proximity to a road – and this is an issue raised in the following section. • Having regard to the submission, the fire escape is proposed to be modified to incorporate a powdercoated aluminium privacy screen and security gate (refer Figure 6), providing for screening and privacy even if it is used in an emergency evacuation. The fire escape and stair will be kept secure with a non-scaleable gate (that would de-energise or unlock in the case of an emergency only) and will not be used in any other situation. • Windows on the northern elevation have a sill height of 1.8m and this has been clarified on the elevations (refer Figure 6). Under the R-Codes, the privacy provisions would require screening to a height of 1.6m. The 1.8m sill height prevents overlooking and ensures privacy of the neighbouring development is protected. • The screening to the fire escape staircase and clarification of the 1.8m window sill heights confirms there will not be overlooking or views into the neighbouring residential property.

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	 <p>Figure 6: Additional Details on the Elevations confirming 1.8m sill heights to high level windows, and powdercoated aluminium privacy screen and security fence to the emergency exit staircase.</p>
<p><u>Safety:</u></p> <ul style="list-style-type: none"> The parking area under the first floor is very hidden from everyone. A good place for attracting anti-social behaviour. Lyell Grove does not have any footpaths so any pedestrians are already forced to walk on the road and verges - and we can foresee a risk of conflict of pedestrians and cars. This is a huge safety factor. As you exit the shopping centre, there is very restricted visibility due to the steep slope on the driveway that is directly opposite the proposed Childcare Centre. This steep slope and restricted visibility already pose a safety issue for vehicles and pedestrians coming into conflict. Increasing the amount of traffic at the Centre opposite and having cars parking on the verges will just compound the safety factors even more. 	<p>Noted. This issue is in relation to perceived anti-social behaviour whilst the premises is not operating at night.</p> <p>The Design Review Panel encouraged further consideration of the car park. The Panel's comments were upheld and adopted as follows:</p> <ul style="list-style-type: none"> The car park area was updated through the design review process to limit its visual appearance and to integrate the air conditioner units and other services to ensure they are not intrusive. <p>The issues raised by the submitter have been considered and the Applicant advises of the following:</p> <ul style="list-style-type: none"> The existing crossover to Lyell Grove is proposed to be decommissioned, removed, and reinstated as landscaped verge. Lyell Grove is not proposed for parking or access to the site. The design does not include pedestrian access from Lyell Grove. Parking (including bicycle parking) is on-site and accessed from Timberlane Drive. The parking area can incorporate security features for example motion-activated lighting and CCTV. The Traffic Impact Statement, which is supported by the City, does not identify site-specific road safety issues. The community are encouraged to contact WA Policy for antisocial behaviour, and can contact the City for issues with parking: Rangers, Parking and Community Safety – City of Joondalup
<p><u>Property values:</u></p> <ul style="list-style-type: none"> The financial losses to neighbours will be enormous and some, who live alongside the 	<p>Noted. This issue has been considered however:</p> <ul style="list-style-type: none"> Privacy issues have not been identified;

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building unable to sell their property because of the constant noise and lack of privacy.	<ul style="list-style-type: none">• The acoustic report confirms that noise levels comply. The acoustic report was reviewed and accepted by the City of Joondalup; and• Property values are not a material planning consideration.

Woodvale Child Care Premises

Design Statement & Development Application Report

Prepared for GM Property Group
Prepared by Taylor Burrell Barnett
February 2022



Document History & Status

Woodvale Child Care Premises
Design Statement & Explanatory
Report

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Revision	Reviewer	Date Issued
21~095	MW	December 2021
21~095	MW	January 2022
21~095	MW	February 2022

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1.0 Introduction

Taylor Burrell Barnett, acting on behalf of GM Property Group, has prepared this report outlining the proposed development of a 71 place Child Care Premises at Strata Lot 2 (No. 1) Lyell Grove, Woodvale.

The Child Care Premises is proposed in accordance with relevant legislative requirements and the City's planning framework. The well-considered design respects the interface between this commercial development and the adjacent residential areas. The built form is double-storey, consistent with some nearby examples of development within the locality, and is considered to be an appropriate outcome and response for the site. The location of this proposal has been carefully considered as the land is zoned 'Mixed Use', is opposite a neighbourhood activity centre and is clear of vegetation with no environmental constraints. The proposal has been designed in close collaboration with a preferred operator, ensuring a fit-for-purpose layout that delivers shaded outdoor areas located away from residential boundaries, and utilises materials and finishes of a high standard that are consistent with the character of the local area.

This report describes the proposal and provides justification in respect of the statutory planning framework. The following appendices are to be read in conjunction with this report:

- Certificates of Title and Letters of Consent (**Appendix A**);
- Development Plans and Elevations (**Appendix B**);
- Landscape Plan (**Appendix C**);
- Traffic Impact Statement (**Appendix D**);
- Acoustic Assessment (**Appendix E**);
- Waste Management Plan (**Appendix F**); and
- Operations Management Plan (**Appendix G**).

1.1 Project Team

The following consultants are involved in the project:

- GM Property Group – developer;
- Meyer Shircore and Associates – architect;
- Taylor Burrell Barnett – town planning;
- Herring Storer Acoustics – acoustics;
- i3 Consultants WA – traffic impact statement and waste management; and
- Jane Ward Landscape – landscape architect.

1.2 Description of Proposal

The Child Care Premises is proposed on Strata Lot 2, which is located at the intersection of Lyell Grove and Timberlane Drive. The proposal is for a double-storey building with a total floor area of 576m² with sufficient outdoor play areas for 71 places. The development is provided with 22 car parking bays within the area of the Strata Lot 2.

The proposal is summarised in the following Table 1. Additional details on the specifics of the development application are provided further in this report, together with justification against the planning framework.

Table 1 Summary of Proposed Development Application

Proposal	Details
LPS 3 – Land Use Definition	Child Care Premises
Zoning Table – Land Use Permissibility	‘D’ use in the Mixed Use zone (LPS 3)
Land Details	Lot 2 on Strata Plan 18912, No. 1 Lyell Grove, Woodvale
Land Tenure	Strata
Vehicle Access	From existing crossover to Timberlane Drive
Project Entity	GM Property Group
Development Area	Strata Lot 2 gross area: 1,046m ² Total area of Strata Plan: 2,191m ²
Construction timeframe	Approximately 12-18 months

1.3 Pre-Lodgement Consultation

TBB, GM Property Group and Meyer Shircore and Associates Architects met with the City’s officers on 28 October 2021 to discuss the proposal. The meeting considered the layout of the building and setbacks to the street boundaries.

The City’s officers advised that a review of the Local Planning Policy *Child Care Premises* would be presented to the Council Meeting in November 2021, which would be advertised.

At the meeting, information requirements were discussed with the City including the preparation of the operations management plan, acoustic assessment, indicative landscape plan (For verge and site), indicative playscape plan (for the Design Review Panel), and traffic impact statement.

At the meeting, timeframes for presenting the proposal to the City’s Design Review Panel (15 December 2021) were confirmed.

On 1 December 2021, TBB contacted the City in relation to the roundabout at Timberlane Drive and Trappers Drive. The author of the TIS had noticed some line-marking changes/removal, and this was queried. The City advised that some work orders had been completed at the roundabout; however, no other upgrades or works were occurring.

1.4 Design Review Panel Meeting

Meyer Shircore and Associates Architects presented to the Joondalup Design Review Panel on 15 December 2021 with the following Panel members in attendance:

- Nerida Moredount (Chair)
- Munira Mackay (Deputy Chair)
- Jane Bennett
- Robin Burnage

City staff:

- Tim Thornton and Chris Leigh.

The presentation addressed the ten design principles under State Planning Policy 7. The Design Review Panel was presented the material including the plans, elevations, and indicative playscape plan. Overall, the Panel was in support of the proposal and minor design comments were received. These were addressed and incorporated (where necessary) into the design, refer section 4.4.1.

2.0 Site Details

2.1 Subject Site

The subject site is Lot 2 on Strata Plan 18912, No. 1 Lyell Grove, Woodvale (refer Figure 1). Land details are contained in Table 2.



Figure 1 Subject Site (Landgate)

Strata Lot 2 contains an existing brick-and-tile single-storey building used for a tax accountant. Strata Lot 2 is the site for the proposed child care premises.

Strata Lot 1 contains an existing brick-and-tile single-storey building used for a dentist. Strata Lot 1 was registered as joint tenants, both of which are deceased. Accordingly, the JDAP Form 1 and MRS Form 1 required submission of death certificates, with the executor signing for Strata Lot 1 as providing consent to the application being lodged. The proposal does not include works within Strata Lot 1.

Table 2 Legal Lot Description

Lot No.	Volume/Folio	Plan	Tenure	Lot Area	Proprietor
Lot 1	1873/721	SP 18912	Strata	2,191m ²	Mignon Smith, Stennes Pty Ltd c/- Gillian Cameron (Executor)
Lot 2	1873/722				Edward Raymond Gebert

2.2 Existing Land Use and Topography

The Strata Lot 2 has a gross area of 1,046m² and the subject site has a land area of 2,191m² and as a strata plan, contains two single-storey buildings with the central access as common property. The site is relatively flat and landscaped with lawn and small garden beds. The site currently has an existing crossover to Timberlane Drive, which will be retained. A second crossover to Lyell Grove will be decommissioned and removed, with the redundant crossover reinstated as landscaping.

The site contains an existing easement for a Water Corporation sewer line. The proposal contains car parking and landscaping within the easement, and the upper floor can span over the easement.

The existing uses on-site include a medical centre (dental surgery) and office (tax accountant), refer Figure 2. The building and landscaping within Strata Lot 2 would be demolished, to facilitate construction of the proposed child care premises.

The Timberlane Drive crossover and internal access within the common property will be retained, as will four existing car parking bays that are within Strata Lot 2, but are located on the western side of the internal access.

2.3 Surrounding Context

The following Table 3 provides a summary of uses and development within the immediate context of the proposal. The location is considered to be activated by a neighbourhood activity centre, supported by complimentary uses adjacent to Lot 2, including a physiotherapist and, within the subject site, the current dental surgery and tax accountant. Trappers Drive and Timberlane Drive are local distributor roads.

Table 3 Surrounding Properties and Land Uses

Compass Direction	Lot Details	Use and Development
North	Lot 176, No. 3 Lyell Grove	Existing single house on 784m ² lot, located adjoining Strata Lot 2.
	Lot 180, No. 193-195 Trappers Drive (Strata Plan 81596)	Redeveloped site for two grouped dwellings, including a double-storey house, located adjoining Strata Lot 1.
East	Lot 102, No. 2 Lyell Grove	Existing building used as a physiotherapist on 719m ² lot.
	Lot 101, No. 4 Lyell Grove	Existing single house on 710m ² lot.
South	Lot 1, No. 153 Trappers Drive	Woodvale Boulevard Shopping Centre on a 1.4983-hectare site. The shopping centre site contains car parking, a supermarket, café and food takeaway, personal services, real estate office, optometrist, chiropractor, and fitness and training.
	Lot 600, 243 Timberlane Drive (Strata Plan 61354)	Nine grouped dwellings on 1,555m ² lot.
	Timberlane Drive	Bus route 466 operates along Timberlane Drive. A bus stop is located in front of Strata Lot 2. Timberlane Drive is a local distributor road that indicates average volumes of 3,139 vehicles per day.
West	Trappers Drive	Bus route 465 operates along Trappers Drive and bus route 466 utilises Trappers Drive and Timberlane Drive, as shown on Figure 3 of the TIS in Appendix D. Trappers Drive is a local distributor road that indicates average weekday volumes of 8,703 vehicles.

2.4 Locational Advantages

The proposal is important for delivering child care services within the premises' operational catchment. The location of this proposal has been carefully considered as follows:

- The land is zoned 'Mixed Use' and has historically been used for non-residential uses, with the dental surgery and tax accountant office existing on-site. The site is across the road from a neighbourhood activity centre and a medical centre (physiotherapist). There is a logic of delivering such a land use in an area that provides retail and commercial services to the neighbourhood.
- The subject land is clear of vegetation and there are no environmental constraints. The proposal will result in a landscaped treatment to the adjoining verge where abutting Strata Lot 2, with opportunities to deliver deep-root planting in specified areas.

- The subject land is adjoining one residential dwelling to the north, with mixed use development on the same site and to the east, and a neighbourhood centre to the immediate south.
- The subject site is within a Housing Opportunity Area identified for infill development. The *Local Planning Strategy* (refer 4.1.2) encourages compact residential development close to activity centres, which by virtue of increased population, is anticipated to increase the demand for child care services both now and in the future.
- Public transport is immediately available and accessible to the subject land. The *Local Planning Strategy* promotes clusters of mixed land use around high quality transport nodes.
- The existing road network operates with a suitable level of service. The Traffic Impact Statement (TIS) in Appendix D confirms that during the morning and early afternoon weekday peak hours all roads and intersections are representative of good operation with plenty of spare capacity. Based on liaison with the City's officers on 1 December 2021, it is understood there are no planned upgrades to Trappers Drive (including the roundabout).
- The development of the child care premises will deliver sufficient car parking and internal circulation, and landscaping that will in turn improve the aesthetics, amenity and character of the site.



Figure 2 Existing office (tax accountant) on Strata Lot 2

3.0 Proposed Development

3.1 Development Details

The application seeks approval to demolish the existing building, and facilitate development of a 71-place child care premises (refer Figure 3 and Figure 4). The proposed development seeks approval to develop a double-storey building, new car parking and landscaping treatments, inclusive of the following features:

GROUND FLOOR

- Reception;
- Kitchen;
- Laundry;
- Meeting, staff and planning rooms;
- Activity room 1 for the 0–2-year-old cohort with ancillary rooms and access to the outdoor play space;
- Bin store capable of storing six 660-litre mobile garbage bins (MGBs); and
- 22 car bays.

FIRST FLOOR

- Activity room 2 for the 2–3-year-old cohort with ancillary conveniences and access to the outdoor play space; and
- Activity rooms 3 and 4 for the 3+ year old cohorts with ancillary conveniences and access to the outdoor play space.

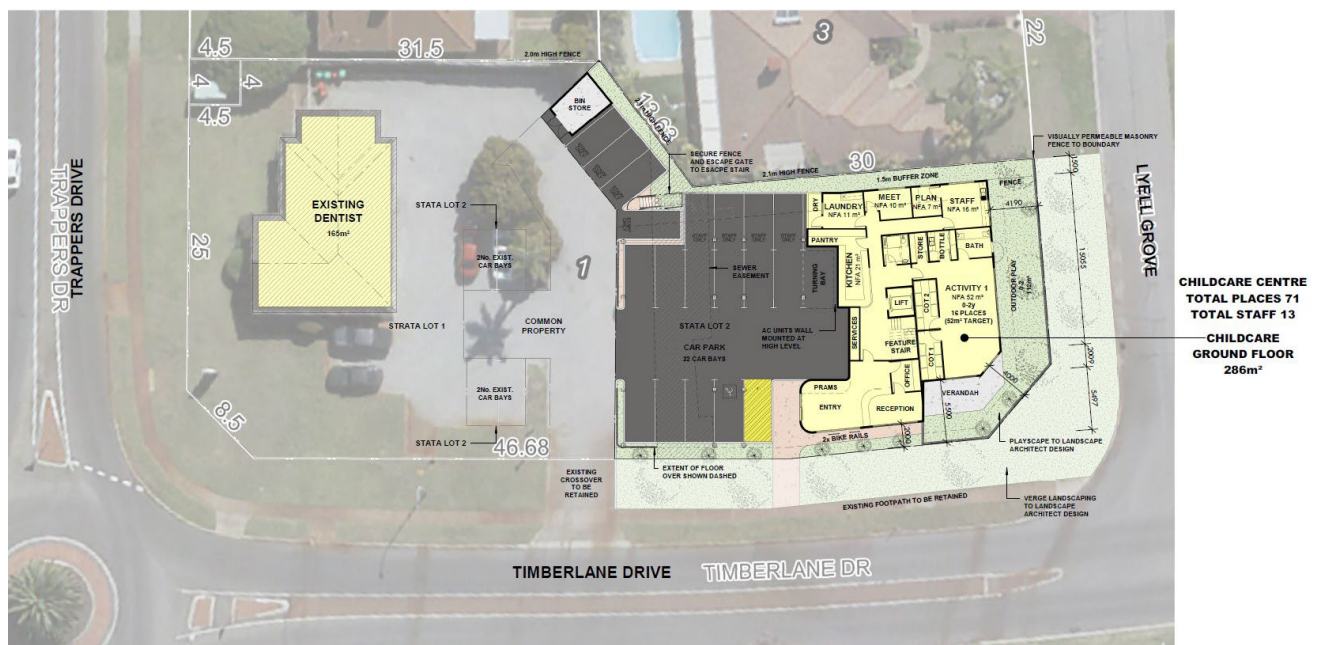
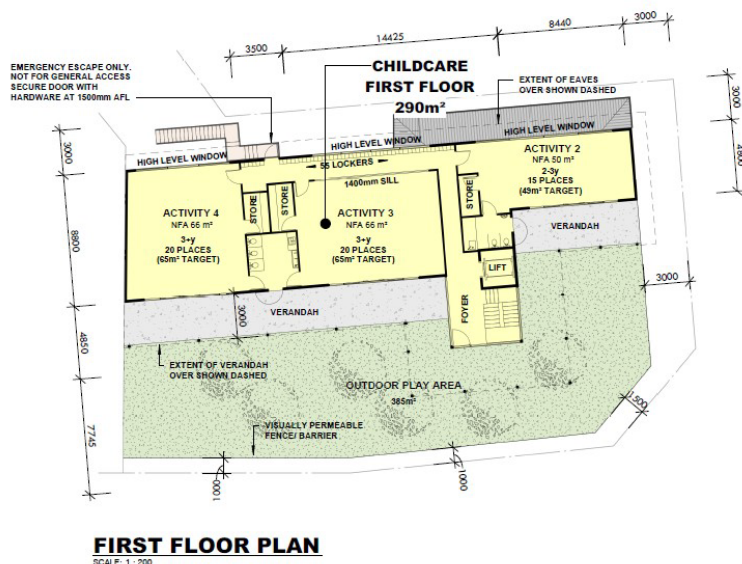


Figure 3 Ground Floor Plan (not to scale)



SITE CRITERIA

SITE AREA	965m²
LANDSCAPING	497m² (51% OF SITE)
FLOOR AREA	
a. GROUND FLOOR	286m²
b. FIRST FLOOR	290m²
TOTAL	576m²
REQUIRED PARKING	
a. CHILDREN 71 PLACES	9 BAYS
b. STAFF 13 (1/STAFF)	13 BAYS
TOTAL	22 BAYS REQUIRED
PROVIDED PARKING	
TOTAL	22 BAYS PROVIDED

Figure 4 First Floor Plan (not to scale)

3.2 Hours of Operation

The hours of operation (for staff) between 6.30am and 6.30pm Monday-Friday are compliant with the City's *Child Care Premises* local planning policy, which specifies operating hours (for the centre) to be 7am-6pm. It is an important distinction that the City's policy states that staff are permitted on-site 30 minutes prior to and after the stipulated hours of operation.

3.3 Landscape

Landscaping is proposed on-site and within the adjacent verges on Lyell Grove and Timberlane Drive. Landscaping includes tree planting, garden beds and soft-fall playspace areas at ground level and on the first floor.

Internal playspace will be designed to deliver a variety of age-appropriate activities for children. Robust non-toxic plants and trees will be incorporated within outdoor play areas, in addition to softfall and play surfaces. Varied tree species will ultimately generate a canopy offering shade on-site to complement structural shading and shade sails. The outdoor playspace areas will be designed having regard to lines-of-sight from inside to outside for operational efficiency. Play areas are indicative only and would be subject to a detailed design. To assist the City, below are landscape images of a comparable centre by the proposed operator, in Dayton, refer Figure 5 and Figure 6.

A copy of the Landscape Plan is enclosed at Appendix C. Playspace species will be selected from a list contained in Appendix C. The density of landscape planting on the indicative landscape plan is representative of what would be implemented.

Verge species will be compliant with City of Joondalup policy.

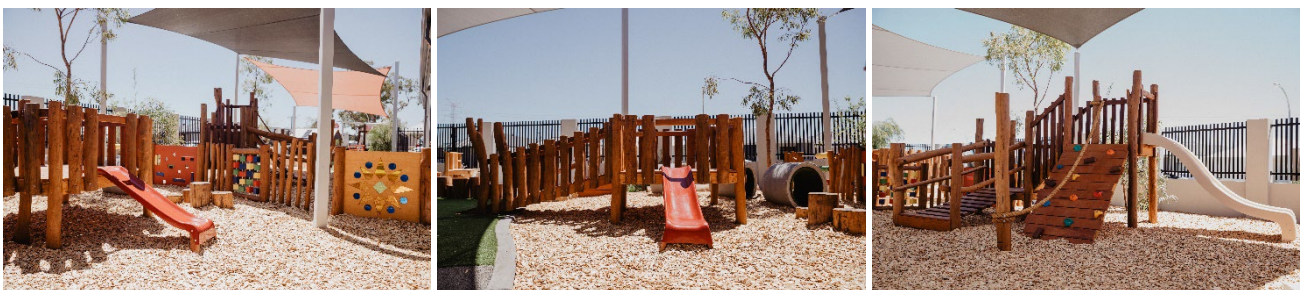


Figure 5 Example imagery of playspace equipment, Dayton



Figure 6 Example imagery of playscape and landscape treatments, Canning Vale

A full list of species is provided in Appendix C. Trees for the site have been selected to suit the space (having regard to various constraints including interaction by children, robustness, allergens and being non-toxic), as outlined below:

- *Corymbia ficifolia* – small to medium sized varieties are available, and are slow growing;
- *Eucalyptus platypus var heterophylla* – small to medium sized;
- *Eucalyptus victrix* ‘Snow Queen’ – medium size, lending towards use at the peripheries of play areas;
- *Eucalyptus torquate* – medium size, lending towards use at the peripheries of play areas;
- *Fraxinus griffithii* – small tree which is a good choice for confined spaces, and suitable to grow in a container;
- *Lagerstroemia indica* – small tree which is a good choice for confined spaces;
- *Laurus nobilis* – small tree that is able to be easily pruned as required, and suitable to grow in a container; and
- *Pyrus nivalis* – medium size, lending towards use at the peripheries of play areas, and suitable to grow in a large container.

3.4 Access & Parking

Site access and car parking is proposed from an existing crossover to Timberlane Drive, which provides for vehicles to enter and exit the site in forward gear.

22 car parking bays are proposed on-site within Strata Lot 2. The number of car parking bays complies with the City’s Local Planning Policy *Child Care Premises*, as demonstrated in the TIS (Appendix D) and section 4.5.1. One of the bays is an ACROD Bay, which can be counted as a bay. Staff only parking is proposed within tandem bays and in reconfigured existing bays along the fenceline at the rear.

The design of the car park provides a slow-speed and pedestrian-friendly environment. The car park is provided with bays of suitable dimensions and the aisle width ensures vehicles can enter and exit in a safe manner.

The building entry is legible and visible from the car park and the street. The entry connects to the car park and Timberlane Drive via a proposed footpath connection.

The site benefits from close proximity to public transport, with 4-5 bus services per hour during peak times. Bus stops servicing bus route 466 are available (both directions) on Timberlane Drive, and bus stops servicing bus routes 465 and 466 are available (both directions) on Trappers Drive. These bus stops can be accessed by footpaths on either side of the roads. These bus routes provide convenient access to Whitfords station and Joondalup station.

The proposed development includes parking for bicycles. The site would be accessible for cyclists using the local road / footpath network.

The design of the building ensures a safe environment for pedestrians, cyclists and motorists. The development is provided with clear sightlines and the driveway is not encumbered by visual projections. As such, there are no safety concerns identified.

Further details on the suitability of the proposed access and parking arrangements are provided in the Traffic Impact Statement contained in Appendix D.

3.5 Acoustic Considerations

The proposal has been submitted with an Acoustic Assessment and has been determined to be compliant with the *Environmental Protection (Noise) Regulations 1997 (Noise Regulations)*, refer Appendix E for further detail. In summary:

- Noise received at the neighbouring residents from the outdoor play areas would comply with day period assigned noise levels, with fencing as shown on the drawings;
- The air-conditioning condensing units have initially been assessed to comply at all times, noting that an assessment will be undertaken at the detailed design stage by a suitably experienced acoustic consultant to ensure compliance, prior to the issue of a building permit;
- Noting that car movements and cars starting are exempt from complying with the *Noise Regulations*. Car doors noises would comply at all times.

Staff may be on-site for up to half-an-hour at the end of each day for general cleaning and administrative activities. Although the child care premises would open before 7am, the outdoor play areas would not be used until after 7am.

Occasional openings (typically 4 per year) may occur on Saturdays (for a half-day) as 'open days' and/or marketing purposes.

3.6 Waste Management

The proposal incorporates provisions for the separation of waste streams on-site in accordance with best practice requirements. The enclosed bin store is sized to accommodate six 660-litre mobile garbage bins for twice-weekly collection of general waste and recycling. A private contractor is proposed to service the child care premises on-site, directly from the bin storage area.

There is sufficient space on-site for convenient collection. The Waste Management Plan confirms that collection by a small waste collection vehicle is possible. Notably, Figure 3 in the Waste Management Plan demonstrates that a larger 8m vehicle would also be able to manoeuvre on-site adequately. Whilst a larger truck is not proposed, the site layout indicates that there is operational flexibility available.

Further details regarding waste management are outlined in the Waste Management Plan, contained in Appendix F.

3.7 Operations

Further details are provided in the Operations Management Plan included at Appendix G. The Operations Management Plan is anticipated to be implemented as a condition of development approval, and provides details relating to staff, child cohorts, waste management, details of the intended operators of the centre, and their approach to minimising impacts on surrounding properties.

4.0 Planning Framework

4.1 Strategic Framework

4.1.1 North-West Sub-regional Planning Framework

The suburb of Woodvale is identified as urban within the Framework, refer Figure 7. The Framework map indicates that the suburb is bound by open space, the Mitchell Freeway and Butler Railway Line to the west, open space and high school to the east, with a continuation of the urban area to the north and south. To the north west is the Joondalup strategic metropolitan centre which is designed to develop as a satellite centre to the Perth CBD, and further east is the Wangara industrial area, which is noted to deliver important services and employment within the sub-region.

The Framework encourages the consolidation of urban areas to provide for the more efficient use of urban land and infrastructure with improved access to public transport, community and commercial facilities. The subject site is considered to be under-utilised urban land that, through this proposal, will provide for additional essential services for the local area catchment. In turn, it is located at an intersection that incorporates bus routes, providing improved accessibility to employment and other services.

The City of Joondalup has an urban infill target expressed in the Framework, with a minimum infill target of 20,670 dwellings to 2050. This target is used as a guide for more detailed planning for delivering this infill, including the City's Local Planning Strategy and the City's Housing Opportunities Areas.

The Framework recognises that existing neighbourhood centres, such as in Woodvale, will assist in meeting employment self-sufficiency targets by providing local employment opportunities. This proposal, being adjacent to a neighbourhood centre, will help deliver accessible and appropriate employment.

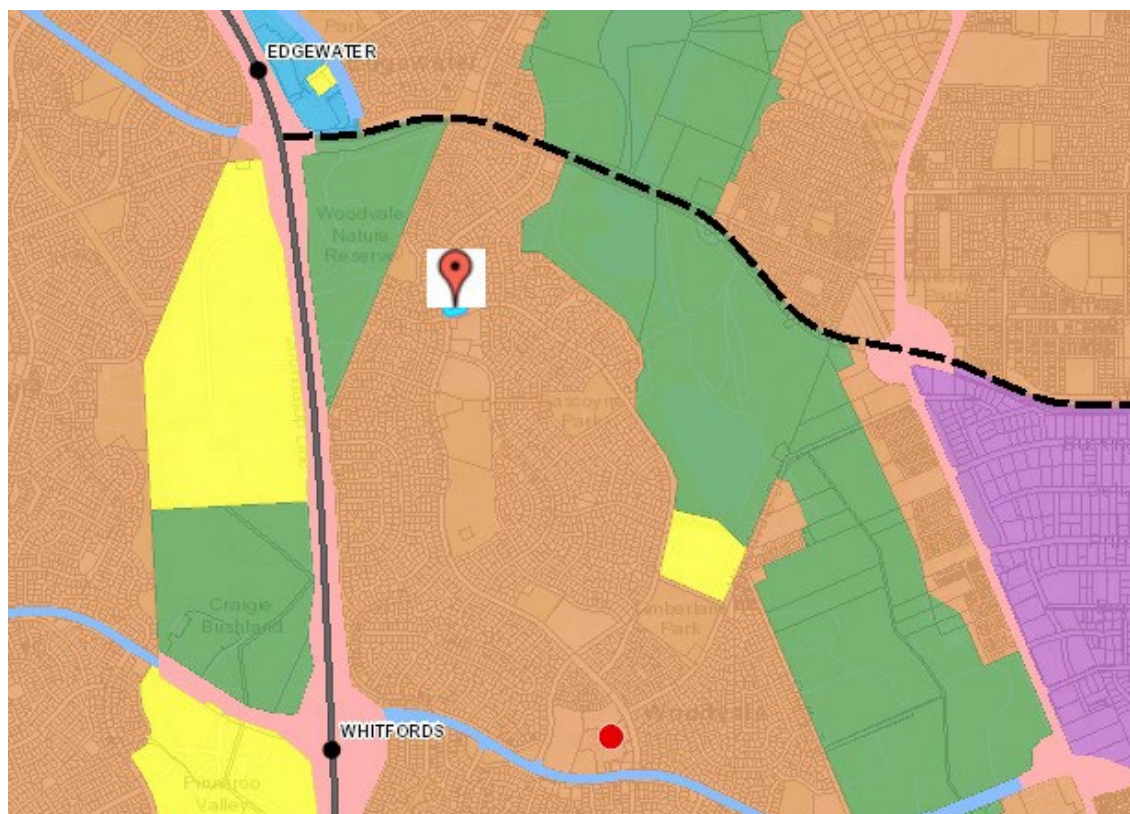


Figure 7 Extract of the North-West Sub-regional Planning Framework, source: PlanWA

4.1.2 Local Planning Strategy

The *City of Joondalup Local Planning Strategy* was endorsed by the WAPC on 10 November 2017. It provides the City's 10-15 year vision and outlines objectives, strategies and actions to deliver outcomes for the major planning theme areas.

Relevant objectives of the *Local Planning Strategy* are:

- *To develop attractive, successful commercial centres that are accessible and well-connected to residents* – this proposal is architecturally designed and of a high quality, situated in close proximity to a neighbourhood activity centre, and by its proximity, will be accessible and well-connected to residents;
- *To achieve greater employment self-sufficiency* – this proposal will include opportunities for local employment;
- *To ensure existing transport routes are used to their full capability by locating intensive land uses with significant trip generating potential in close proximity to those routes, and adjacent to railway stations* – this proposal is adjacent to existing transport routes, and therefore there are opportunities for staff or users of the premises to utilise public transport to access the site.

The *Local Planning Strategy* map identifies that Woodvale Boulevard Shopping Centre as a 'neighbourhood centre', and the residential area immediately north of the site is within 'Housing Opportunity Area 8', as illustrated in Figure 8. The *Strategy* aims to focus urban infill into these Housing Opportunity Area.

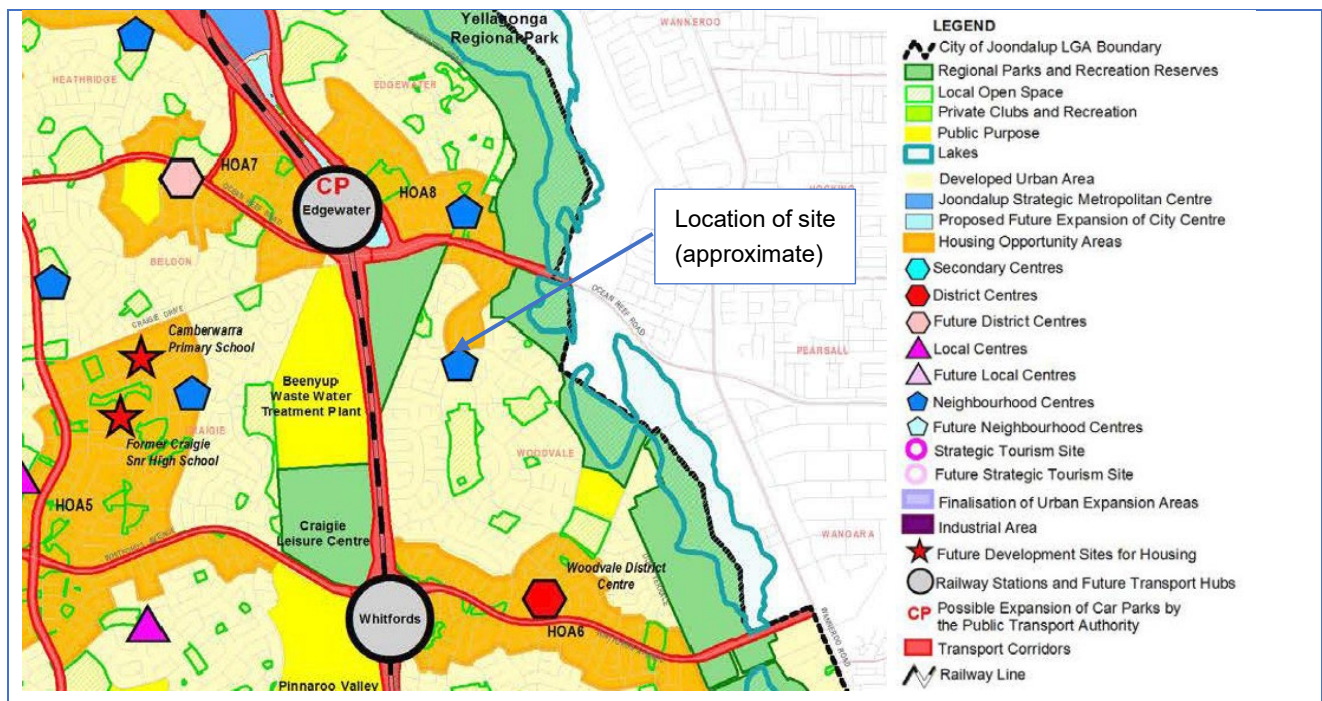


Figure 8 Extract of City of Joondalup Local Planning Strategy map

4.1.3 Housing Opportunity Areas

The land immediately north of the subject site is identified as a Housing Opportunity Area (HOA 8 on the *Local Planning Strategy* map). The strategy contemplates that such areas may be ready for regeneration, and there is local evidence in proximity to the site that renewal of housing stock is occurring.

The proposal will protect and enhance the amenity and attractiveness of the suburb, as it is proposed on a 'Mixed Use' zoned site. The proposal presents an opportunity to improve local child care services which would be convenient and accessible to the local catchment. The design of the centre and its landscape response aims to improve the quality of the appearance of the development site and will result in an amenity uplift for the street.

As demonstrated in the following Figure 9 and the LPS 3 zoning extract in Figure 11 (refer section 4.3), the land to the immediate north is coded at R20/R40.

The *Development in Housing Opportunity Areas Local Planning Policy* (HOA LPP) facilitates compact sustainable urban form and provide for the needs of the existing community and future population, refer section 4.5.3.

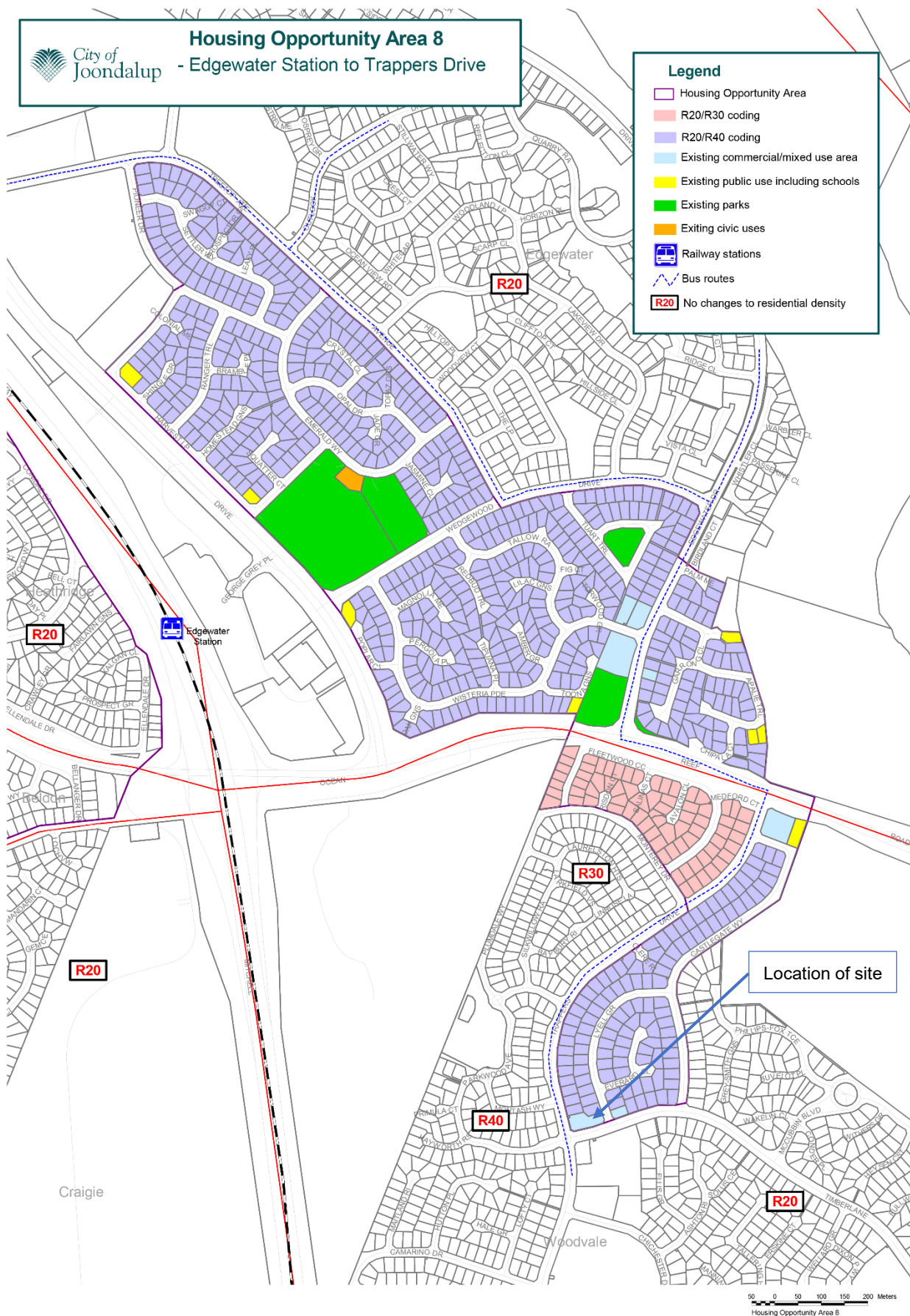


Figure 9 Housing Opportunity Area 8 – Edgewater Station to Trappers Drive

Mixed Use zone objectives	Comments
<i>To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.</i>	The proposal aims to respect neighbouring residential uses, by positioning the building towards Timberlane Drive. The principal entrance of the building is clearly legible and readily accessible from the footpath network along Timberlane Drive. The cumulative result of landscaping of the verge and street frontage, with positioning the building towards Timberlane Drive, provides a high-quality, pedestrian-friendly and street-orientated development.

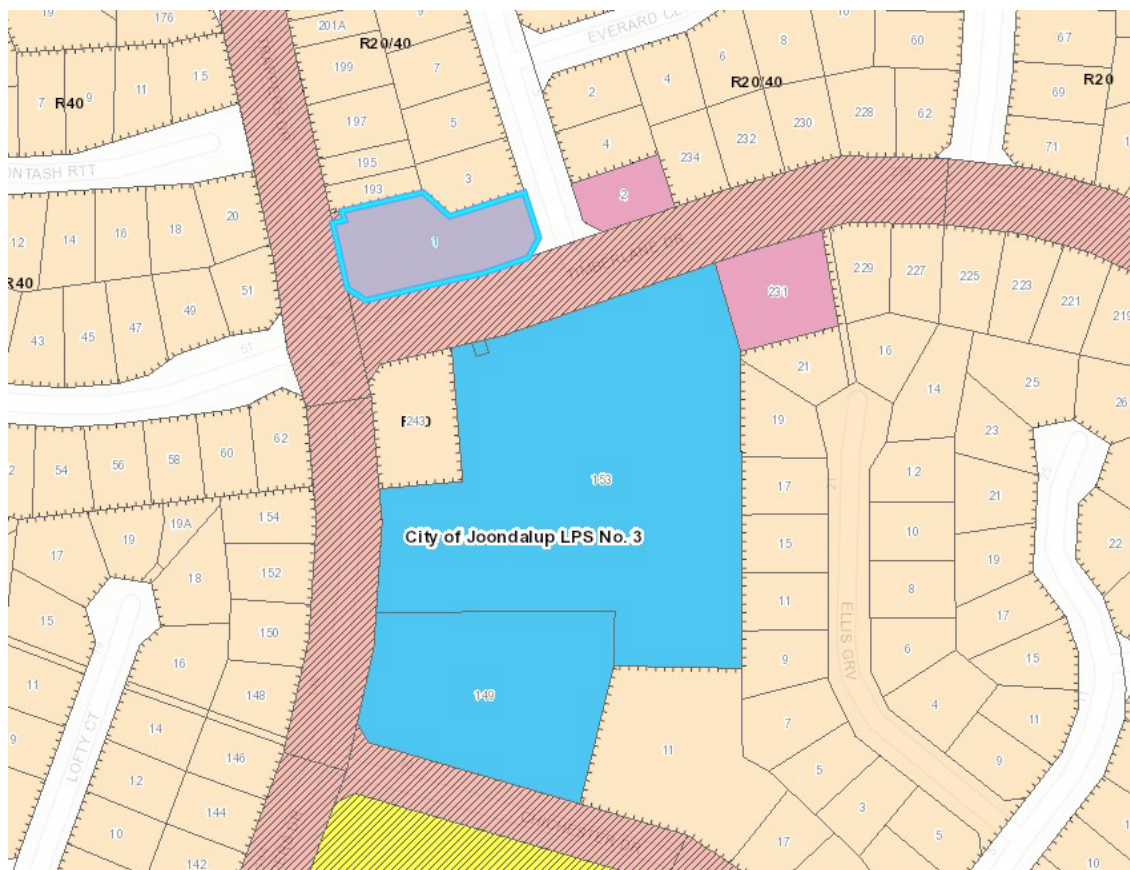


Figure 11 Zoning Extract – City of Joondalup LPS 3

4.3.2 Land Use Permissibility

A child care premises is a 'D' discretionary use under the LPS 3. The land use is subject to development requirements under the LPS 3 (refer section 4.3.3), principles of design (refer section 4.4), the City's *Child Care Premises* local planning policy (refer section 4.5.1) and the City's *Commercial, Mixed Use and Service Commercial* local planning policy (refer section 4.5.2).

4.3.3 General Development Requirements

The following Table 5 outlines general development requirements under the LPS 3 that have been reviewed in the context of the proposal.

Table 5 LPS 3 General Development Requirements, applicable to the proposal

General Development Requirements	Proposal
<i>cl.26(2) Unless a density code is specified on the Scheme Map, for lots with a land area of 1,000m² or more within the Commercial or Mixed Use zone on the Scheme Map, the applicable density code is R80.</i>	The Strata Lot 2 has a gross area of 1,046m ² whilst the strata plan area is 2,191m ² and, pursuant to clause 26(2), has a density code of R80. An R80 density would facilitate medium-rise development up to four storeys. This proposal is consistent with the zoning of the site; the density code is not applicable to a child care premises.
<i>cl.32 Table 7 – General requirements that apply to land in the Scheme Area No. 3 All Zones (non-residential development).</i>	A total of 22 bays are required; 22 bays are proposed. The proposal is compliant with the total parking requirement for a child care premises, pursuant to the City's <i>Child Care Premises</i> local planning policy.

General Development Requirements	Proposal
<i>Car Parking – Cash in Lieu.</i>	
<i>cl.34 Variations to Site and Development Requirements In this clause, additional site and development requirements set out in clauses 32 and 33. The local government may approve an application for a development approval that does not comply with an additional site and development requirement.</i>	Clause 34 of the LPS 3 confirms that the local government may approve an application for a development approval that does not comply with a requirement set out in Clause 32.

4.4 Design of the Built Environment

4.4.1 Joondalup Design Review Panel

The proposal was presented to the Joondalup Design Review Panel on 15 December 2021, with minutes released on 31 December 2021. The Panel members considered the proposal and noted its strengths:

- *It shows evidence of conceptual design evolution that will continue to inform the design development;*
- *The site planning and layout is the optimal one to provide quieter areas of use adjacent to the neighbouring residence;*
- *It has operable windows and staff amenity;*
- *It has the beginnings of well-considered landscape plan providing amenity for the users (the children) and soft landscaped verges for community benefit;*
- *Visually permeable fence design proposed at the ground and upper floors provides an active interface with both streets;*
- *The use of the existing carpark entry to minimise crossovers.*

The DRP provided comments and recommendations in relation to the design principles of SPP 7, with the architectural response outlined below in Table 6.

Table 6 Response to Design Review Panel feedback


DRP Comments and Recommendations	Architectural Response
<i>The Panel encourages the proponents to screen the carpark in a way that ties in with the upper floor design intent to provide a building that is more characteristic of its locality. A suggestion is "hit and miss" brickwork that also would allow filtered daylight and ventilation of the carpark.</i>	Recommendation upheld and adopted. <ul style="list-style-type: none"> • Floating sections of the upper deck have been grounded with the timber look façade cladding and brickwork. This provides additional massing that remains complementary to the broader residential character of the area. • The variety of façade colours and materials been incorporated on elevations to tie in the visual appearance of the building, and also provide screening to the car park.
<i>Further consideration should be given to increasing the area available for trees to grow on the site, providing additional screening to the northern boundary and including the design of the shade structures as an integral part of the design process. The Panel recommends providing sections through the building.</i>	Noted. <ul style="list-style-type: none"> • High light windows provide access to daylight and prevent overlooking or privacy issues. • Outdoor areas cannot be increased in size, as this would impact the floorplate and subsequently would reduce the indoor area and therefore the number of places. • The Landscape architect has confirmed the species have been carefully selected with the space constraints in mind. • Shade structures can be indicated as part of the detailed drawing design. • The City's development application checklist for commercial development requires a site plan, floor plans and elevations. Sections are typically provided for a building permit.
<i>The Panel encourages further consideration of the building design to break down the building mass. For example, the hipped roofs could be broken to form a separate verandah roof on the upper floor and differing materials could be introduced to improve building articulation. The visual impact of the lift overrun should be carefully considered.</i>	Recommendation upheld and adopted. <ul style="list-style-type: none"> • The hipped roof has been adjusted and the verandah form has been broken up into separate forms which delivers a suitable building profile that has a human scale and is in context to the area. • The design and elevations demonstrate how the design improves building articulation. • Alternate materials have been incorporated into the design. Material change added to entry area to assist with legibility. • The lift shaft and stair were swapped in location to shift the lift overrun.





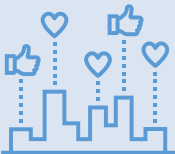



DRP Comments and Recommendations	Architectural Response
<p><i>The Panel recommends further consideration to:</i></p> <ul style="list-style-type: none"> ensuring that a/c units have no negative amenity or visual impact swapping around the lift and stair locations integration of signage for the site design of the soffit of the carpark so that services are not visually intrusive include undercover pram and bicycle parking 	<p>Recommendations upheld and adopted.</p> <ul style="list-style-type: none"> Air-conditioning units are appropriately located in undercover area, now noted on plan for clarity. These were intended to be located in the undercover area as part of the initial design. The lift shaft and stair were swapped as per the above recommendation. Signage has been integrated as indicatively shown on the elevations. Soffit added to car park area. Space for a pram drop has been added at the entry and bicycle rails are added near the entry, as noted on the plans.
<p><i>Further consideration should be given to sustainability initiatives as the design progresses.</i></p>	<p>Noted.</p> <ul style="list-style-type: none"> Further consideration will be given to sustainability initiatives as the design advances.
<p><i>Further consideration should be given providing a clear and legible entry to the building from the street frontage. Consider a designated location for pram parking.</i></p>	<p>Recommendation upheld and adopted.</p> <ul style="list-style-type: none"> Space for pram parking has been added at the entry. Unable to have direct access to street from entry as this is contradictory to child safety principles. Operator has asked this be accessed from the car park for child safety reasons. Material change added to entry area to assist with legibility.
<p><i>The Panel recommends the clear separation of pedestrian path and door entry into the Child Care Centre and the car park pathway to the entry.</i></p>	<p>Recommendation upheld and adopted.</p> <ul style="list-style-type: none"> Material change added to entry area to assist with legibility.
<p><i>The Panel considered it premature to consider options for the aesthetic presentation until the unfinished quality of the carparking, the legibility of the entry and the bulk and massing of the building has been resolved.</i></p>	<p>Noted.</p> <ul style="list-style-type: none"> It is considered these matters have been addressed, as per the plans/elevations and the above responses to built form bulk and massing recommendations. Block design removed from slab edge and slab edge design minimised to reduce bulk. This is reflected in the elevations and perspectives. Additional materials assist to mitigate bulk and improve legibility to the entry. The car park area has been updated through the design review process.

4.4.2 State Planning Policy 7

State Planning Policy 7.0 *Design of the Built Environment* (SPP7) is the leading SPP to guide design outcomes in the planning system. SPP7 includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process. An overview of the 10 design principles and the manner in which they are addressed are outlined in the Design Principles Statement below (refer Table 7).

Table 7 Consideration of Design Principles

Design Principles	
	<p>Context and Character</p> <p>The site is located in an area with 1980's houses with some recent double-storey residential builds and the Woodvale shopping centre across Timberlane Drive. Within the residential and commercial area there is a predominant use of face brick (masonry) throughout, expressed pitched roofs, limestone retaining walls and mature vegetation to the boundary and verge. The commercial areas have large flat facades with minimal articulation, parapet walls with concealed roofs, awnings to entry areas, minimal vegetation and a vast contrast to the residential opposite the road.</p> <p>The predominant neighbouring use to the north is residential so we felt it was important to interface with this while still reflecting the commercial development opposite. We saw this site as a transition zone between the hard edge commercial and softer, more textual residential areas, with the 'child care premises' use also supporting this idea of a light commercial use blending into residential. We are looking at exploring this through masonry which is the dominant form of construction in the area and how this can fade/ transition through the use of varied materials and blending of the different textures within the masonry unit/ format. The streetscape is varying with different elevations but a similar language of height, materials and roof form. The proposed development looks to reflect the neighbouring character and draw on some of the commercial elements such as the masonry format.</p>

Design Principles	
	<p>Landscape Quality</p> <p>There is some vegetation on the subject site however it is proposed for the landscaping to be revisited and form an integral part of the new works with the outdoor play space to be extensively landscaped and designed as a play space for children. It is proposed that the wide verges are also extensively landscaped to form a visual extension of the ground floor play space area.</p>
	<p>Built Form and Scale</p> <p>The proposed built form is double-storey, consistent with some of the newer residential development in the area and is an appropriate outcome within a residential area. Heights and setbacks adhere to the R-Codes and sit within the accepted scale for residential development, ensuring sympathy for the surrounding uses. We explored three options for the first-floor balustrade and balcony façade, (put forward to the DRP for further discussion at the meeting) to ensure the proposed development reflects the surrounding bulk and scale. Keeping in mind that new dwelling stock is generally of a double-storey nature.</p>
	<p>Functionality and Build Quality</p> <p>This will be a purpose-built child care premises that can accommodate a number of operators, although it has been designed in close collaboration with a preferred operator, ensuring the operational requirements have been built into the initial design approach. The design includes an integrated veranda providing shaded outdoor area with play spaces located away from the residential boundaries to mitigate any perceived loss of amenity. Materials will be durable and fit for purpose with proposed materials being face block, timber look cladding, aluminium, glass and Colorbond steel.</p>
	<p>Sustainability</p> <p>East and West facing glass has been kept to a minimum, where possible with overhanging eaves/ slab edge providing shading. There is the opportunity for solar arrays to be installed on the north facing portions of the pitched roof and operable windows will be provided for natural ventilation.</p>
	<p>Amenity</p> <p>The proposed development includes materials and finishes which are consistent with the local character. There were several initial site layouts that balanced site constraints, operational outcomes and preservation of amenity. Ultimately the layout we have chosen to settle on prioritises residential amenity while still balancing this with operational outcomes for the end user.</p>
	<p>Legibility</p> <p>The entry addresses both Timberlane Drive and the car park and is differentiated by projecting from the main form in plan and the use of curved walls to create a sense of distinction from the rest of the built form. Room function within the centre is clearly defined and easy to navigate.</p>
	<p>Safety</p> <p>CPTED principles have been applied in the design of the development. Passive surveillance is achieved through open style entrance and fencing.</p>
	<p>Community</p> <p>Child care premises offer an important community service, providing early education and care for young children in a safe and educational environment. The location of this development, opposite Woodvale Shopping Centre, will provide this service near a commercial centre, thereby diversifying the range of use commercial uses at the centre and in the locality.</p>



Aesthetics

We have explored a vernacular concept - simple and practical, much like the houses of the 1980's and the transitional nature of the site and use. The use of face brick, a resilient masonry element giving perception of strength is prevalent within the area and a tell-tale of the classic double brick WA home.

We looked at utilising a concrete block as an interpretation of the traditional masonry element but drawing on the commercial aesthetic from across the road and playing with varied materials along with gradients of texture to see how the form might 'fade' across the site. This was further explored with the design as part of preparing the Development Application package. The layout of the building is functional and driven by the operational requirement of the development responding to the needs of the end user.

4.5 Local Planning Policies (LPPs)

4.5.1 Child Care Premises LPP

In April 2021, the Council received a 32-signature petition requesting that “*Council amend the LPP so the intent of the policy is that no childcare operations (excluding family day care services) are to be located adjoining or opposite a residential property*”. At the November 2021 Council meeting, the City administration delivered a report with proposed amendments to the LPP. The proposed amendments to the LPP were advertised from 25 November to 16 December 2021 and in summary related to the Residential zone. This subject site is zoned ‘Mixed Use’.

Notwithstanding the ‘Mixed Use’ zoning the proposal has had regard to the amended modifications to the *Child Care Premises* local planning policy, and the relevant matters have been addressed in Table 8.

Table 8 Child Care Premises LPP Requirements (advertised version)

Policy Requirement	Proposal
Location 5.1.a. <i>Child care premises are most appropriately located within the ‘Mixed Use’, ‘Commercial’, ‘Service Commercial’ or ‘Private Community Purposes’ zone.</i>	Compliant. The subject site is zoned ‘Mixed Use’, which the policy considers is a preferred location for a child care premises.
5.1.b.	Not applicable. The subject site is zoned ‘Mixed Use’ and policy provision 5.1.b only relates to proposals in the ‘Residential’ zone.
5.1.c. <i>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.</i>	Compliant. <ul style="list-style-type: none"> A double-storey building is significantly below the maximum height for the ‘Mixed Use’ zone, refer section 4.5.2 of this report. Section 3.5 of this report addresses acoustic considerations. The proposal is submitted with an Acoustic Assessment (refer Appendix E) that confirms that noise emissions from the proposed development would be deemed to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. Consistent with other policy requirements, the car park is connected to an existing car park on-site, and accessed via an existing two-way crossover to Timberlane Drive, which is a local distributor road. Section 3.4 of this report addresses access and parking, and the Traffic Impact Statement (refer Appendix D) confirms that the proposal is not expected to have a noticeable impact on the road network. Section 2.0 of this report has had regard to the site details and surrounding context, and section 4.1.3 of this report refers to the City’s consideration that two-storey built form is an accepted built form that is consistent with the character of the housing opportunity area.
5.2 Road Hierarchy 5.2.a. <i>Child care premises can be reasonably high traffic-generators. Therefore, in order to minimise their impact on the street network, child care premises are required to:</i> <ol style="list-style-type: none"> <i>be located on Local Distributor Roads</i> <i>be located in such a manner that they would:</i> <ul style="list-style-type: none"> <i>not conflict with traffic control devices</i> <i>not encourage unsafe vehicle movements</i> <i>not encourage the use of nearby Access Roads for turning movements.</i> <i>not be located in, or on the corner of, a cul-de-sac road.</i> 	Compliant. <ul style="list-style-type: none"> The child care premises will utilise existing vehicle access from a Local Distributor Road, from an existing two-way crossover. A redundant crossover to Lyell Grove will be reinstated as part of the verge landscaping. The Traffic Impact Statement (refer Appendix D) confirms that there are no road safety concerns with respect of the proposed child care premises. The Traffic Impact Statement (refer Appendix D) confirms that all roads and intersections will continue to operate at a good level with spare capacity, including the access driveway and the roundabout. The site is suitably located as Timberlane Drive and Lyell Grove are not cul-de-sac roads.
5.3 Parking and Access 5.3.1 Car Parking Standard a. <i>Car parking bays are to be provided in accordance with the following:</i> <ul style="list-style-type: none"> <i>1 per employee plus</i> <i>9 per 65-72 children</i> 	Compliant. The Site Plan and Traffic Impact Statement (refer Appendix D) confirm that 22 bays are provided on-site, and 22 bays are required. 8 bays are designated for staff use, 9 bays allocated for visitors/parents/carers, 1 bay is designated for use by people with a disability, and 4 existing bays are for staff or parent/carer use.

Policy Requirement	Proposal																																				
<p>5.3.2 Car Park Location and Design</p> <ul style="list-style-type: none">• All car parking is to be provided on-site; verge parking is not permitted.• Car parks must be clearly visible from the street to encourage parking on-site instead of on the street verge.• Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time.• Vehicle access shall be taken from Local Distributor Roads.• Two way vehicle access is required in accordance with Figure 1.• Vehicles are required to enter and exit the site in forward gear.• A footpath must be provided from the car park and the street to the building entrance.	<p>Compliant.</p> <p>Table 7 of the Traffic Impact Statement (refer Appendix D) confirms compliance with the car park location and design requirements.</p>																																				
<p>5.3.3 Bicycle Parking Standards</p> <p>Bicycle parking is to be provided in accordance with:</p> <ul style="list-style-type: none">• 1 per 8 employees	<p>Compliant.</p> <p>Two bicycle bays are provided.</p>																																				
<p>5.4 Building Height</p> <p>The maximum building height as measured from the natural ground level is to be in accordance with the following table:</p> <table><tr><th colspan="3">Maximum Building Height</th></tr><tr><th>Top of external wall</th><th>Top of external wall (concealed roof)</th><th>Top of pitched roof</th></tr><tr><td>6 metres</td><td>7 metres</td><td>9 metres</td></tr></table>	Maximum Building Height			Top of external wall	Top of external wall (concealed roof)	Top of pitched roof	6 metres	7 metres	9 metres	<p>Compliant.</p> <p>The proposed building height is 7m, with a 9m maximum roof pitch.</p> <p>It is noted that under the City's <i>Commercial, Mixed Use and Service Commercial</i> local planning policy the maximum height for a 'Mixed Use' zone is 12m (wall) and 15m (roof). The proposal complies with the maximum building height under both policies.</p> <table><tr><th rowspan="2">Zone</th><th colspan="3">Maximum Building Height</th></tr><tr><th>Top of external wall</th><th>Top of external wall (concealed roof)</th><th>Top of pitched roof</th></tr><tr><td>Commercial R40</td><td>6 metres</td><td>7 metres</td><td>9 metres</td></tr><tr><td>Commercial R80*</td><td>12 metres</td><td>13 metres</td><td>15 metres</td></tr><tr><td>Mixed Use R40</td><td>6 metres</td><td>7 metres</td><td>9 metres</td></tr><tr><td>Mixed Use R80*</td><td>12 metres</td><td>13 metres</td><td>15 metres</td></tr><tr><td>Service Commercial</td><td>6 metres</td><td>7 metres</td><td>9 metres</td></tr></table>	Zone	Maximum Building Height			Top of external wall	Top of external wall (concealed roof)	Top of pitched roof	Commercial R40	6 metres	7 metres	9 metres	Commercial R80*	12 metres	13 metres	15 metres	Mixed Use R40	6 metres	7 metres	9 metres	Mixed Use R80*	12 metres	13 metres	15 metres	Service Commercial	6 metres	7 metres	9 metres
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<p>Building Design</p> <p>5.4.1 Building Setbacks</p> <p>b. Building setbacks in all other zones [than Residential zone] are to be in accordance with the setback requirements for that zone or in accordance with any relevant structure plan, activity centre plan or local development plan.</p>	<p>Refer to section 4.5.2, in relation to setback provisions of the <i>Commercial, Mixed Use and Service Commercial Zone</i> local planning policy.</p>																																				
<p>5.4.2 Noise Attenuation</p> <p>a. The layout and design of child care premises must consider noise attenuation measures to reduce the noise impact on adjacent properties. Noise-generating activities such as outdoor play areas, vehicle accessways, car parking areas and any plant and equipment shall be located away from noise-sensitive land uses (such as residences).</p> <p>b. The design and construction of child care premises must also consider measures to reduce the impacts of noise from external sources, to achieve acceptable indoor noise within the child care premises. These measures shall include consideration of the size and placement of windows and doors, the use of double-glazing, fencing, landscaping and the location of vehicle accessways, car parking areas and any plant and equipment.</p> <p>c. An acoustic report prepared by a suitably qualified person shall be submitted with the application for development approval. A noise management plan is also required where identified by the acoustic report.</p>	<p>Compliant.</p> <p>The layout and design of the child care premises has positioned the outdoor play areas to face south and east, towards Lyell Grove and Timberlane Drive. Services are integrated within the built form. The vehicle accessway is already existing, and the car parking area is repurposing an existing car park. These areas are located away from noise-sensitive land uses.</p> <p>An acoustic assessment report has been prepared for the proposal and has been discussed in section 3.5, and is provided in Appendix E. The acoustic assessment report considered the fencing, outdoor play, air conditioning condensing units and car park. The acoustic assessment report notes that noise emissions from the proposed development would be deemed to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> for the proposed hours of operation, with the inclusion of the following:</p> <ul style="list-style-type: none">• Outdoor play areas would not be used until after 7am; and• Fencing to be provided as per the acoustic assessment, which is shown on the plans																																				

Policy Requirement	Proposal
5.5 Landscaping <ul style="list-style-type: none"> a minimum of 8% of the area of a lot shall be landscaped. the landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries. The landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0 metres. Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays. The verge areas of all child care premises are required to be suitably landscaped, reticulated and maintained to discourage patrons from parking on the verge. The verge is not permitted to be paved or sealed as this would encourage its use for parking. 	Compliant. <ul style="list-style-type: none"> The area for landscaping is achieved. Utilising a conservative method of only calculating landscaped areas with a minimum dimension of 1.5m, the landscaping at ground level is 206m². When calculated against the whole lot size of 2,191m², this equates to 9.4% for landscaping. When calculated against the Strata Lot 2 gross area of 1,046m² this equates to 19.7% landscaping. Landscaped areas included in the calculation are proposed with a width of 1.5 metres. Of the 22 bays, 8 will be uncovered. New trees are proposed along the northern property boundary near car parking bays, and existing trees are also on-site. The verge area is proposed to be landscaped, as per the landscaping plan in Appendix C.
Hours of Operation The days and hours of operation for child care premises within the 'Residential' zone or abutting or opposite the 'Residential' zone are to be in accordance with the following: <ul style="list-style-type: none"> Monday to Friday: 7.00am to 6.00pm* Saturday: 8.00am to 1.00pm* Sunday: not permitted. * Staff are permitted on site 30 minutes prior to and after the stipulated hours of operation.	Compliant. The hours of operation between 6.30am and 6.30pm Monday-Friday (for staff), are compliant with the City's Child Care Premises local planning policy, which specifies operating hours to be 7am-6pm (for the centre). It is an important distinction that the City's policy states that staff are permitted on-site 30 minutes prior to and after the stipulated hours of operation.
Lodgement requirements In addition to the general requirements for an application for development approval, the following are required at the time of lodgement: <ul style="list-style-type: none"> Traffic and Road Safety Impact Report Acoustic Report 	Provided.
Public consultation Refer to the City's Planning Consultation Local Planning Policy	Noted. The proponent attempted to contact the neighbouring landowner to the immediate north, prior to lodgement. The proponent has liaised with the strata owners of the subject site and letters of consent are provided with this development application.

4.5.2 Commercial, Mixed Use and Service Commercial Zone LPP

This LPP applies to non-residential development in the 'Mixed Use' zone. The proposal has had regard to the relevant matters in the LPP.

Section 5.1 of the LPP provides property boundary setbacks as follows:

- Street setback (includes secondary street) – 3.5 metres, with the exception of an awning which may be setback at 1.5 metres;
- Side/rear setbacks – 3 metres; and
- Right of way / laneway setback – nil.

The proposal varies the first-floor setback to Lyell Grove, minor variations to setbacks to Timberlane Drive, and the ground-floor setback to the northern property boundary. In the context of the sensitive design and placement of play space areas, and the compliant provision of landscaping and car parking on-site in a manner that does not create detrimental amenity (including acoustic) impacts on the northern neighbour, these variations are justified as follows:

- In general the property has dimensions of 18m by 30m. A compliant building envelope under the LPP (11.5m depth by 27m length by 12m height or 15m to top of roof, demonstrated in Figure 12) would result in a significantly taller building. In our considered view, the proposal rearranges the height and mass via variations to the setbacks to also improve its relationship to the street, provide a human scale, and contextually appropriate building mass. This proposal is regarded to complement the character and amenity of the area. The height is in keeping with a suitable scale for this locality.
- The proposal provides a layout that delivers operational efficiencies. For the northern boundary the proposed 1.5m setback is only to the ground floor side boundary setback, as the upper floor complies with a 3m setback to the northern side boundary.

- Under the R-Codes Volume 1, a wall with openings (such as windows) could have a 1.5m setback as a 'deemed-to-comply' outcome. The ground floor rooms include a laundry, meeting room, planning room and staff room. These rooms typically are infrequently used by staff, whilst the activity rooms and outdoor play areas are positioned away from the northern residential property. The 1.5m setback provides sufficient space for a landscaped buffer between the proposal and the residential site, and a fire-exit stair that would only be used during emergencies (if necessary).
- The north-facing first floor wall complies with the 3m setback. The upper floor has high-light windows, which ensure that rooms have access to natural light whilst mitigating any overlooking and privacy considerations.
- The upper floor setback to Lyell Grove is 3m in lieu of 3.5m, whilst having sufficient space at ground level for tree planting that will in turn soften the appearance of the building. The upper floor elevation provides an opening and the façade is articulated to provide interest when viewed from the street.
- The ground floor setback to Timberlane Drive is varied only for a reception and entry, with a setback of 2m in lieu of 3.5m. This is offset as the activity room at ground floor is setback 5.5m, with the remainder of the ground level to the west landscaped and kept open at ground level. As per the Design Review Panel's comments, there was agreement for a legible entrance for the child care premises to Timberlane Drive, and a reduced setback for the proposed entry and reception helps improve opportunities for wayfinding and legibility, in addition to passive surveillance of the street.
- The upper floor setback to Timberlane Drive is varied for an outdoor play area, with glass balustrading and a hipped roof which is consistent with the predominant residential character of the area (refer section 4.4.2). The thin balcony slab design aims to appear as visually lightweight as possible. The upper floor rooms within the building are approximately 7.7m from the Timberlane Drive setback, with the closest extents of the upper floor verandah approximately 4.5m from the Timberlane Drive boundary.
- Effectively, the building has a significant setback from the street, whilst having an articulated and interesting reception and entry to assist with identifying the primary access to the building.

The variation is requested to be considered on its merits in the context that:

- The ground floor setback to the residential land to the north is consistent with a 'deemed-to-comply' 1.5m setback that would be consistent with the R-Codes Volume 1 (as a comparable alternative setback);
- The child care premises does not overshadow any residential building or outdoor living area;
- The building does not result in any privacy, acoustic or overlooking issues;
- The upper floor provides a generous balcony depth to Timberlane Drive, with glass balustrading further reducing its bulk and scale along the street;
- The built form is compliant in terms of height and is of a human scale and has appropriate massing that is consistent with the prevailing character and amenity of the area, and complements the mixed use and residential development within the immediate proximity of the proposal; and
- The proposal achieves compliance with the provision of all parking on-site and 9.4% of the ground level for landscaping, together with the requirement for minimum indoor and outdoor spaces for child care premises.



CHILD CARE CENTRE, WOODVALE
LOCATION: 1 LYLE GROVE, WOODVALE
FOY: GM PROPERTY GROUP

DATE: 15/01/2024
SHEET: 15
SCALE: 1:100
PROJECT NUMBER: 8750

Figure 12 Perspectives of the proposed Child Care Premises, and the Mixed Use zone height limits. The red lines indicate that four storeys would be permitted for the subject site.

Section 5.4 of the LPP provides built form and design requirements, which have been considered to be compliant as per the following Table 9.

Table 9 Built Form and Design requirements

Policy Requirement	Proposal
Materials <ul style="list-style-type: none"> Buildings must be constructed of high quality materials including but not limited to stone, concrete, brick, timber and glass. Concrete walls that are visible from an adjoining property or public realm must be painted and provided with an articulated or detailed finish. 	Compliant. The building incorporates a varied materials palette with: <ul style="list-style-type: none"> Masonry external walls; Mixture of split face and projected brickwork; Colorbond roof sheeting, gutters and fascia; Timber-look façade cladding; and Glass for the balustrading and glazed components.
Articulation – Buildings must incorporate appropriate design features to enhance appearance, create visual interest and reduce blank walls, including a combination of the following: <ul style="list-style-type: none"> Varied colours, textures, finishes and materials; Varied roof forms and design; Balconies and balustrades; Windows, screens and sun shading devices. 	Compliant. The design demonstrates that it has duly considered the character and amenity of the area and provides for a landscaped appearance to the building along with an articulated façade to both street frontages. The design incorporates varied colours, textures, finishes and materials, and incorporates a suitable roof form, balcony and balustrades, windows, screens and sun shading devices.
Windows and Glazing <ul style="list-style-type: none"> The ground floor commercial frontage must have a minimum of 50% clear glazed windows. The ground floor commercial frontage windows must have a maximum sill height of 700mm above finished floor level. Where window security devices are provided, they must be installed on the inside of the window and be 75% visually permeable. Windows in an external wall which faces north, east or west 	Compliant. It is noted the policy requirements focus towards commercial-style glazed frontages, which is not necessarily applicable or appropriate for a child care premises. Windows to the reception and entry are designed having regard to a child care operator's requirement, ensuring child safety as a priority. Windows to the north, west and east are provided with eaves.

Policy Requirement	Proposal
<i>must be protected from direct summer sun.</i>	
Commercial frontage <ul style="list-style-type: none"> Ground floor external tenancies must have an entrance onto the commercial frontage and be outward facing to facilitate activation of the commercial frontage. 	Compliant. It is noted the policy requirements focus towards commercial-style glazed frontages, which is not necessarily applicable or appropriate for a child care premises. The entrance is located having regard to operator requirements and child safety considerations, whilst being legible to the street frontage.
Building entrances <ul style="list-style-type: none"> Building entrances must be clearly defined and easily identifiable from the street and public realm. Building entrances must directly front the street, car park and key pedestrian routes. 	Compliant. The entrance is located so that it is visible from the street, car park and primary pedestrian route. This is proposed having regard to operator requirements and child safety considerations.
Pedestrian shelter <ul style="list-style-type: none"> Buildings must provide a continuous pedestrian shelter along all commercial frontages to a minimum height of 3 metres and a minimum depth of 1.5 metres 	Compliant. The first floor provides shade and shelter to the ground floor car park, where most users would park and access the child care premises from. The upper floor overhangs to within 1 metre of the street boundary, providing shelter for pedestrians accessing the site from Timberlane Drive.

A review of the remainder of policy provisions has been undertaken and noted below:

- Retaining walls are not proposed;
- Car parking standards, location and design are consistent and are detailed in section 4.5.1 in response to the requirements of the *Child Care Premises* LPP;
- Scooter and motorbike parking is not required, as 22 car bays are proposed;
- Bicycle parking is provided, and is detailed in section 4.5.1 in response to the requirements of the *Child Care Premises* LPP;
- A universal access water closet with shower is proposed, which can be utilised as an end-of-trip facility;
- Landscaping is consistent and compliant, and is detailed in section 4.5.1 in response to the requirements of the *Child Care Premises* LPP;
- Fencing is proposed that will be visually permeable. Sightline issues are not identified;
- Servicing is proposed to the rear of the building with the TIS demonstrating the access to the site for delivery vehicles and waste vehicles. The Waste Management Plan outlines details regarding the bin storage area. Lighting and services will be installed in a manner consistent with the LPP; and
- Sea containers and small-scale renewable energy systems are not proposed.

4.5.3 Housing Opportunity Areas LPP

The HOA LPP notes that the housing opportunity areas have a prevailing landscaped character and built form up to two storeys. This development is in keeping with that policy considerations, and proposes:

- an upgraded verge and landscape treatment to the site is proposed. The existing verge is lawn and minimal landscaping exists on-site. As discussed in section 3.3, the proposal will deliver street trees and verge landscape upgrades that will improve the character and amenity of the area around the subject site; and
- a two-storey built form which is consistent with the prevailing character of the area, as established in the HOA LPP.

5.0 Conclusion

This application seeks approval to develop a highly accessible site, ideally suited for child care purposes within immediate walking distance of a neighbourhood centre and public transport.

The overall scale of the development is compliant with the policy requirements and is consistent with the prevailing character of the area. Key aspects of the design have been tailored to allow for visitor accessibility whilst minimising amenity impacts to surrounding properties.

Landscaping of the verge and site further contributes to an excellent design outcome, which complements the amenity of the locality.

Parking on-site is compliant and the premises has bicycle parking, with access to public transport. The surrounding road network has good operation with plenty of spare capacity.


As outlined in this report, the proposed development has responded to comments put forward by the Joondalup Design Review Panel.

Furthermore, we submit that the proposal should be approved on the following grounds:

- The proposal addresses and complies with the applicable planning framework, including the City of Joondalup Local Planning Scheme No. 3, and specific state and local planning policies applicable to this site and/or this form of development;
- The proposal, as indicated in this report and the supporting technical appendices, will protect and enhance the amenity and attractiveness of the locality. The proposal is preferred within a 'Mixed Use' zone. This site is suitably located opposite a neighbourhood activity centre and adjacent to a Joondalup Housing Opportunity Area identified for infill development and population growth;
- It delivers an essential service for the existing and future population;
- The centre includes 71 places which is modest in size and scale compared to more contemporary facilities, that may have more than 100 places;
- It is representative of investment in the area at a critical time for the child care industry;
- This proposal will deliver opportunities for local employment; and
- The operator will provide care and early learning services for the local community that will be representative of a high quality, boutique child care service.

ITEM NO. 1	PROPOSED CHILD CARE PREMISES AT LOT 2 (1) LYELL GROVE, WOODVALE	
Panel Members	Nerida Moredoundt (Chairperson) Munira Mackay (Deputy Chairperson) Jane Bennett Robin Burnage	
Proponent/s	Gianni Da Rui	Meyer Shircore and Associates Architects

Design Review	
Proposal	<p>The proposal is for a two storey childcare premises building on the corner of Timberlane Drive and Lyell Grove. It is located to the east of the carparking for adjoining commercial premises on Timberlane Drive with the Woodvale Shopping Centre across the road to the south. There is a residential property adjacent to its north on Lyell Grove.</p> <p>The proponents have provided three options for consideration regarding the aesthetics of the design.</p>
Background	This is a pre-lodgement design review.

Key Design Review Issues/Recommendations	<p>The key strength of the proposal is the site planning and layout with quieter activities abutting residential use and the amenity both internally and externally for the users.</p> <p>The key issues at this early stage of the design process are:</p> <ul style="list-style-type: none"> • the apparent bulk and scale of the development • its 'unfinished' quality with the appearance of a building on stilts and unscreened carparking visible from the southern street and adjacent strata Lot 1 to the west • the lack of a legible front entry from the street front • the provision of sufficient space for viable trees and landscape on the site. <p>The refinement of the roof form and the judicious introduction of additional materiality would assist in breaking down the bulk and scale.</p>
Chairperson's signature Date: 31.12.21	

Design Quality Evaluation

Legend

	Supported – meets the Design Principle objectives
	Requires further attention to meet the Design Principle objectives
	Not supported – does not meet the Design Principle objectives
	Insufficient information to enable comments to be provided

Strengths of the Proposal

The proposal has the following strengths:

- It shows evidence of conceptual design evolution that will continue to inform the design development
- The site planning and layout is the optimal one to provide quieter areas of use adjacent to the neighbouring residence
- It has operable windows and staff amenity
- It has the beginnings of well-considered landscape plan providing amenity for the users (the children) and soft landscaped verges for community benefit
- Visually permeable fence design proposed at the ground and upper floors provides an active interface with both streets
- The use of the existing carpark entry to minimise crossovers.

The 10 Design Principles of SPP 7 – Comments and Recommendations

<i>Principle 1 – Context and character</i>		<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <p>Comments:</p> <ul style="list-style-type: none"> • While the conceptual design work is promising, the proposal appears unfinished at the ground level around the carpark. <p>Recommendation 1: The Panel encourages the proponents to screen the carpark in a way that ties in with the upper floor design intent to provide a building that is more characteristic of its locality. A suggestion is “hit and miss” brickwork that also would allow filtered daylight and ventilation of the carpark.</p>
<i>Principle 2 – Landscape quality</i>		<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p>Comments:</p> <ul style="list-style-type: none"> • The landscape plan provides thoughtful amenity for the users, however it is doubtful that the perimeter trees would be viable as they compete for space and light with the building overhang • There is little screening to the neighbouring residence. • The type and location of shade structures on the upper floor is not yet indicated. • Consider the maintenance and viability of any landscape proposed on the upper floor and the external facade (option 1)

		<p>Recommendation 2: The Panel</p> <p>Further consideration should be given to increasing the area available for trees to grow on the site, providing additional screening to the northern boundary and including the design of the shade structures as an integral part of the design process.</p>
<p><i>Principle 3 – Built form and scale</i></p>		<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>Comments:</p> <ul style="list-style-type: none"> • The building height is appropriate for its location, however it is a large building immediately adjoining single storey residential buildings. • The building mass is bulky and overwhelming. • The hipped roofs are appropriate for the setting, but the current large roof spans contribute to the apparent bulk of the proposal. • The visual impact of the lift overrun is unclear at this stage of the design. <p>Recommendation 3: The Panel encourages further consideration of the building design to break down the building mass. For example, the hipped roofs could be broken to form a separate verandah roof on the upper floor and differing materials could be introduced to improve building articulation. The visual impact of the lift overrun should be carefully considered.</p> <p>The Panel recommends providing sections through the building.</p>
<p><i>Principle 4 – Functionality and build quality</i></p>		<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>Comments:</p> <ul style="list-style-type: none"> • The a/c units location is unclear. • The lift and stair locations would work better if they were swapped around to allow glazing to both external walls at the upper floor. • The location and extent of signage is not yet shown. • Pram and bicycle parking do not appear to be sufficient for users. <p>Recommendation 4: The Panel recommends further consideration to:</p> <ul style="list-style-type: none"> • ensuring that a/c units have no negative amenity or visual impact • swapping around the lift and stair locations • integration of signage for the site • design of the soffit of the carpark so that services are not visually intrusive • include undercover pram and bicycle parking
<p><i>Principle 5 – Sustainability</i></p>		<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p> <p>Comments:</p> <ul style="list-style-type: none"> • The operable windows will improve ventilation opportunities.

		<ul style="list-style-type: none"> The planning to minimise noise to the adjacent residence has resulted in limited solar access. The use of waterwise plantings is proposed. No further sustainability outcomes are evident at this stage. <p>Recommendation 5: Further consideration should be given to sustainability initiatives as the design progresses.</p>
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Principle 6 – Amenity		<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>Comments:</p> <ul style="list-style-type: none"> The level of amenity provided for the staff and children appears to be well-considered. <p>Recommendation 6: N/A</p>
Principle 7 – Legibility –		<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>Comments:</p> <ul style="list-style-type: none"> The path and entry to the building is through the carpark and the proposal does not present a clear streetfront entrance. <p>Recommendation 7:</p> <ul style="list-style-type: none"> Further consideration should be given providing a clear and legible entry to the building from the street frontage. Consider a designated location for pram parking.

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>Comments:</p> <ul style="list-style-type: none"> The current entry path is through the carpark which raises safety issues. <p>Recommendation 8: The Panel recommends the clear separation of pedestrian path and door entry into the Child Care Centre and the car park pathway to the entry.</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>Comments:</p> <ul style="list-style-type: none"> The proposal responds to the community need for childcare centres in a location that is opposite a neighbourhood centre, that is easily accessible and limits impact on residential amenity. <p>Recommendation 9: 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>Comments:</p> <ul style="list-style-type: none">• The building aesthetics are not yet resolved.• There is inconsistency on north elevation where large openings are shown and that appear to differ from the “high level window” annotation on the first floor plan. <p>Recommendation 10:</p> <p>The Panel considered it premature to consider options for the aesthetic presentation until the unfinished quality of the carparking, the legibility of the entry and the bulk and massing of the building has been resolved.</p>
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**PROPOSED CHILD CARE CENTRE
1 LYELL GROVE
WOODVALE**

ENVIRONMENTAL ACOUSTIC ASSESSMENT

DECEMBER 2021

OUR REFERENCE: 28805-3-21496

DOCUMENT CONTROL PAGE

ENVIRONMENTAL ACOUSTIC ASSESSMENT
PROPOSED CHILD CARE CENTRE
LYELL GROVE, WOODVALE

Job No: 21496

Document Reference: 28805-3-21496

FOR

GM PROPERTY GROUP

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This report has been prepared in accordance with the scope of services and on the basis of information and documents provided to Herring Storer Acoustics by the client. To the extent that this report relies on data and measurements taken at or under the times and conditions specified within the report and any findings, conclusions or recommendations only apply to those circumstances and no greater reliance should be assumed. The client acknowledges and agrees that the reports or presentations are provided by Herring Storer Acoustics to assist the client to conduct its own independent assessment.

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1. INTRODUCTION

Herring Storer Acoustics were commissioned to undertake an acoustic assessment of noise emissions associated with the proposed day care centre to be located at 1 Lyell Grove, Woodvale.

The report considers noise received at the neighbouring premises from the proposed development for compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*. This report considers noise emissions from:

- Children playing within the outside play areas of the centre.

We note that from information received from DWER, the bitumised area would be considered as a road, thus noise relating to motor vehicles is exempt from the *Environmental Protection (Noise) Regulations 1997*. We note that these noise sources are rarely critical in the determination of compliance. However, as requested by council and for completeness, they have been included in the assessment, for information purposes only.

For information, a plan of the proposed development is attached in Appendix A.

2. SUMMARY

The closest neighbouring residences would be located to the northeast, east and south. Noise received at these residences from the outdoor play areas would comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* during the day period, with the fencing, as shown Figure 5.1 in Section 5 - Modelling and with other fencing being as indicated on the drawing attached in Appendix A; and the barrier / balustrade to the first floor outdoor play area is 1.8 metres high.

The air conditioning condensing units have also been assessed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.

It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors is not strictly exempt from the Regulations. Noise received at the existing neighbouring residences from these noise sources would with the proposed fencing as shown on Figure 5.1 in Section 5, comply with the Regulatory requirements, at all times.

Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* for the proposed hours of operation, with the inclusion of the following:

- 1 Although the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level.
- 2 Fencing to be as shown on Figure 5.1, in Section 5 – Modelling, with the barrier / balustrade to the first floor outdoor play area to be a minimum of 1.8 metres high.
- 3 Based on councils' comments, it is recommended that the design of the mechanical services be reviewed to ensure compliance with the requirements of the *Environmental Protection (Noise) regulations 1997*.

3. CRITERIA

The allowable noise level at the surrounding locales is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 & 8 stipulate maximum allowable external noise levels. For highly sensitive area of a noise sensitive premises this is determined by the calculation of an influencing factor, which is then added to the base levels shown below in Table 3.1. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern. For other areas within a noise sensitive premises, the assigned noise levels are fixed throughout the day, as listed in Table 3.1.

TABLE 3.1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 - 1900 hours Monday to Saturday (Day)	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day)	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days (Evening)	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	35 + IF	45 + IF	55 + IF
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.
IF is the influencing factor.

Under the Regulations, a 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 m of that building or that part of the building.

It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

“impulsiveness” means a variation in the emission of a noise where the difference between L_{Apeak} and L_{Amax(Slow)} is more than 15 dB when determined for a single representative event;

“modulation” means a variation in the emission of noise that –

- (a) is more than 3 dB L_{AFast} or is more than 3 dB L_{AFast} in any one-third octave band;
- (b) is present for more at least 10% of the representative assessment period; and
- (c) is regular, cyclic and audible;

“tonality” means 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_{ASlow} levels.

Where the noise emission is not music, if the above characteristics exist and cannot be practicably removed, then any measured level is adjusted according to Table 3.2 below.

TABLE 3.2 - ADJUSTMENTS TO MEASURED LEVELS		
Where tonality is present	Where modulation is present	Where impulsiveness is present
+5 dB(A)	+5 dB(A)	+10 dB(A)

Note: These adjustments are cumulative to a maximum of 15 dB.

For this development, the closest neighbouring residences are to the north, east and south. An aerial showing the neighbouring premises are shown below on Figure 3.1.



FIGURE 3.1 – NEIGHBOURING LOTS

Noting that the child care site and neighbouring residence are within 100 metres of Trappers Drive, which under the Regulations is a secondary road and the neighbouring commercial / mixed use premises, as shown on the planning map attached in Appendix B, the influencing factor at the neighbouring residences has been determined to be +4 dB for the residences to the east and south; and +3 dB for the residences to the north. Thus, the assigned noise levels would be as listed in Tables 3.3 and 3.4.

**TABLE 3.3 - ASSIGNED OUTDOOR NOISE LEVEL
RESIDENCES TO EAST AND SOUTH**

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 - 1900 hours Monday to Saturday (Day)	49	59	69
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day)	44	54	69
	1900 - 2200 hours all days (Evening)	44	54	59
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	39	49	59

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.

**TABLE 3.4 - ASSIGNED OUTDOOR NOISE LEVEL
RESIDENCES TO NORTH**

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 - 1900 hours Monday to Saturday (Day)	48	58	68
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day)	43	53	68
	1900 - 2200 hours all days (Evening)	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	38	48	58

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.

Note : Under Clause 2 (2A) of Schedule 3 of the Regulations, as noted below, with regards to land that is zoned as mixed use, the Influencing Factor is determined by the used of land that results in the highest Influencing Factor.

(2A) If the land within either of the circles is categorised on the land use map as land in respect of which mixed uses are permitted, the use of that land that results in the highest influencing factor is to be used in the determination of the influencing factor.

4. PROPOSAL

From information supplied, we understand that the child care centre normal hours of operations would be between 0630 and 1830 hours, Monday to Friday (closed on public holidays). It is understood that the proposed childcare centre will cater for a maximum of 71 children: with the following breakdown:

Activity 1 (0 - 2 years)	16 places
Activity 2 (2 - 3 years)	15 places
Activity 3 (3+ years)	20 places
Activity 4 (3+ years)	20 places

It is noted that although the proposed child care centre would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am.

5. MODELLING

To assess the noise received at the neighbouring premises from the proposed development, noise modelling was undertaken using the noise modelling program SoundPlan.

Calculations were carried out using the DWER's weather conditions, which relate to worst case noise propagation, as stated in the Department of Environment Regulation "*Draft Guidance on Environmental Noise for Prescribed Premises*". These conditions include winds blowing from sources to the receiver(s).

Calculations were based on the sound power levels used in the calculations are listed in Table 5.1.

TABLE 5.1 – SOUND POWER LEVELS

Item	Sound Power Level, dB(A)
Children Playing	83 (per 10 children)
Car Moving in Car Park	79
Car Starting	85
Door Closing	87
Air conditioning condensing Unit	3 @ 73
Kitchen Exhaust	72

Notes:

- 1 Even though the noise emissions from children under the age of 2 years is relatively low compared to the other children, to be conservative, acoustic modelling of outdoor play noise was made, based on 70 children playing within the outdoor play areas at the one time, utilising 7 groups of 10 children, sound power levels distributed as plane sources. Children were located as follows :

1 Group of 10 children located within the ground floor outdoor play area.
6 groups of 10 children located within the first floor outdoor play area.
- 2 We note the comment from council with regards to the sound power levels as outlined in the AAAC guidelines, however, we note the following :
 - For outdoor play, the critical locations with regards to compliance are the residences to the north and east. It is noted that with the recommended balustrades around the first floor play areas and the relative heights of the source compared to the receivers, these balustrades provide a significant barrier and noise received at the neighbouring residences. Thus, noise received at these residences is dominated by the noise emanating from the ground floor outdoor play area, being the area to be used by children under the age of 2 years. Thus, using the AAAC noise levels the noise received at these locations would decrease.
 - The AAAC noise levels also note that an adjustment of -6 dB could be applied to each group for passive play. Additionally, not all the children would be outside at anyone time. Thus, we believe that the overall sound power level used in the acoustic assessment and that which would be used under the AAAC guidelines, would be approximately the same.

- 3 The noise level for the air conditioning has been based on the sound power levels used
for previous assessment of child care centres. From other studies, we understand that
the noise associated with the condensing units would be conservative.
- 4 From information provided, it is understood that the air conditioning units would be
located within the services area located on the western side of the child care building.
- 5 The noise modelling has been based on the fencing as shown on Figure 5.1 and with
other fencing being 1.8 metre high or as indicated on the drawing attached in
Appendix A. The noise model also assumes that the barrier / balustrade to the first
floor outdoor play area is 1.8 metres high.
- 6 To determine the restriction to the parking, a point noise source was located in each
car bay.
- 7 Calculation were undertaken for the receivers at 1.5 metres above the ground level.
- 8 Noise modelling was undertaken to a number of different receiver locations for each
of the neighbouring residences. However, to simplify the assessment, only the noise
level in the worst case location (ie highest noise level), have been listed.

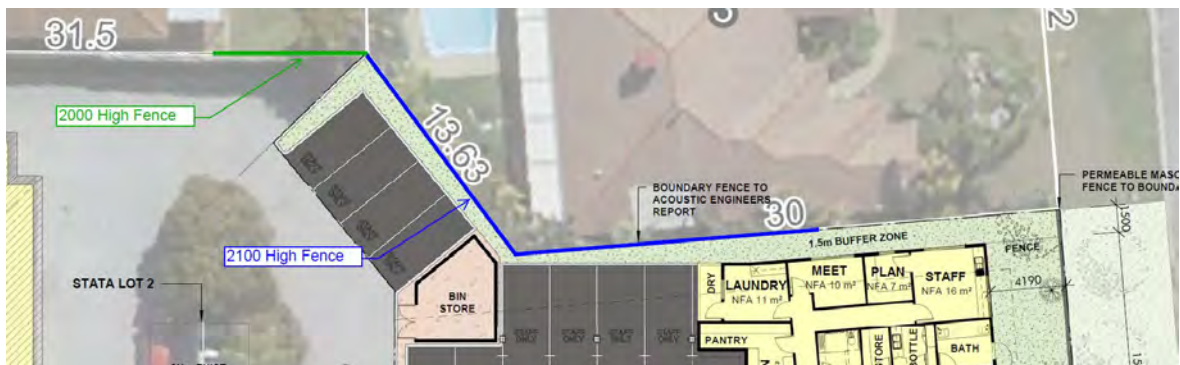


FIGURE 5.1 – BOUNDARY FENCING

6. ASSESSMENT

The resultant noise levels at the neighbouring residence from children playing outdoors and the mechanical services are tabulated in Table 6.1.

From previous measurements, noise emissions from children playing does not contain any annoying characteristics. Noise emissions from the mechanical services could be tonal and a +5 dB(A) penalty would be applicable, as shown in Table 6.1. Noise emissions from both outdoor play and the mechanical services needs to comply with the assigned L_{A10} noise levels.

**TABLE 6.1 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA
OUTDOOR PLAY AREAS**

OUTDOOR PLAY AREAS		
Neighbouring Premises	Calculated Noise Level (dB(A))	
	Children Playing	Mechanical
North	45	31 (36)
East	48	29 (34)
South	38	32 (37)

() Includes +5 dB(A) penalty for tonality

With regards to noise associated with cars within the parking area, resultant noise levels are tabulated in Tables 6.2 and 6.3. It is noted that noise emissions from a moving car being an L_{A1} noise level, with noise emissions from cars starting and doors closing being an L_{Amax} noise level.

Based on the definitions of tonality, noise emissions from car movements and car starts, being an L_{A1} and L_{Amax} respectively, being present for less than 10% of the time, would not be considered tonal. Thus, no penalties would be applicable, and the assessment would be as listed in Table 6.2 (Car Moving) and Table 6.3 (Car Starting). However, noise emissions from car doors closing could be impulsive, hence the +10dB penalty has been included in the assessment.

**TABLE 6.2 - ACOUSTIC MODELLING RESULTS L_{A1} CRITERIA
CAR MOVING**

Neighbouring Premises	Calculated Noise Level (dB(A))
North	44
East	31
South	41

**TABLE 6.3 - ACOUSTIC MODELLING RESULTS L_{Amax} CRITERIA
CAR STARTING / DOOR CLOSING**

Neighbouring Premises	Calculated Noise Level (dB(A))	
	Car Starting	Door Closing
North	47	48 [58]
East	37	39 [49]
South	45	47 [57]

[] Includes +10 dB(A) penalty for impulsiveness.

Tables 6.4 to 6.8 summarise the applicable Assigned Noise Levels, and assessable noise level emissions for each identified noise.

**TABLE 6.4 – ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS
OUTDOOR PLAY (DAY PERIOD)**

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	45	48	Complies
East	48	49	Complies
South	38	49	Complies

**TABLE 6.5 – ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS
MECHANICAL (NIGHT PERIOD)**

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	36	38	Complies
East	34	39	Complies
South	37	39	Complies

**TABLE 6.6 – ASSESSMENT OF L_{A1} NIGHT PERIOD NOISE LEVEL EMISSIONS
CAR MOVEMENTS**

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	44	48	Complies
East	31	49	Complies
South	41	49	Complies

**TABLE 6.7 – ASSESSMENT OF L_{Amax} NIGHT PERIOD NOISE LEVEL EMISSIONS
CAR STARTING**

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	47	58	Complies
East	37	59	Complies
South	45	59	Complies

**TABLE 6.8 – ASSESSMENT OF L_{Amax} NIGHT PERIOD NOISE LEVEL EMISSIONS
CAR DOOR**

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	58	58	Complies
East	49	59	Complies
South	57	59	Complies

7. CONCLUSION

Noise received at the neighbouring residences from the outdoor play area would comply with day period assigned noise level, with the fencing as shown on the drawings as shown on Figure 5.1 in Section 5, with other fencing being as indicated on the drawing attached in Appendix A and with the barrier / balustrade to the first floor outdoor play area to be a minimum of 1.8 metres high.

The air conditioning condensing units have also been assessed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.

It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors are not strictly exempt from the Regulations. Noise received at the neighbouring residences from these noise sources would with the fencing, as shown on Figure 5.1 in Section 5 comply with the Regulatory requirements, at all times.

Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* for the proposed hours of operation, with the inclusion of the following:

- 1 Although the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level.
- 2 Fencing to be as shown on Figure 5.1, in Section 5 – Modelling, with other fencing being as indicated on the drawing attached in Appendix A, with the barrier / balustrade to the first floor outdoor play area to be a minimum of 1.8 metres high.
- 3 Based on councils' comments, it is recommended that the design of the mechanical services be reviewed to ensure compliance with the requirements of the Environmental Protection (Noise) regulations 1997.

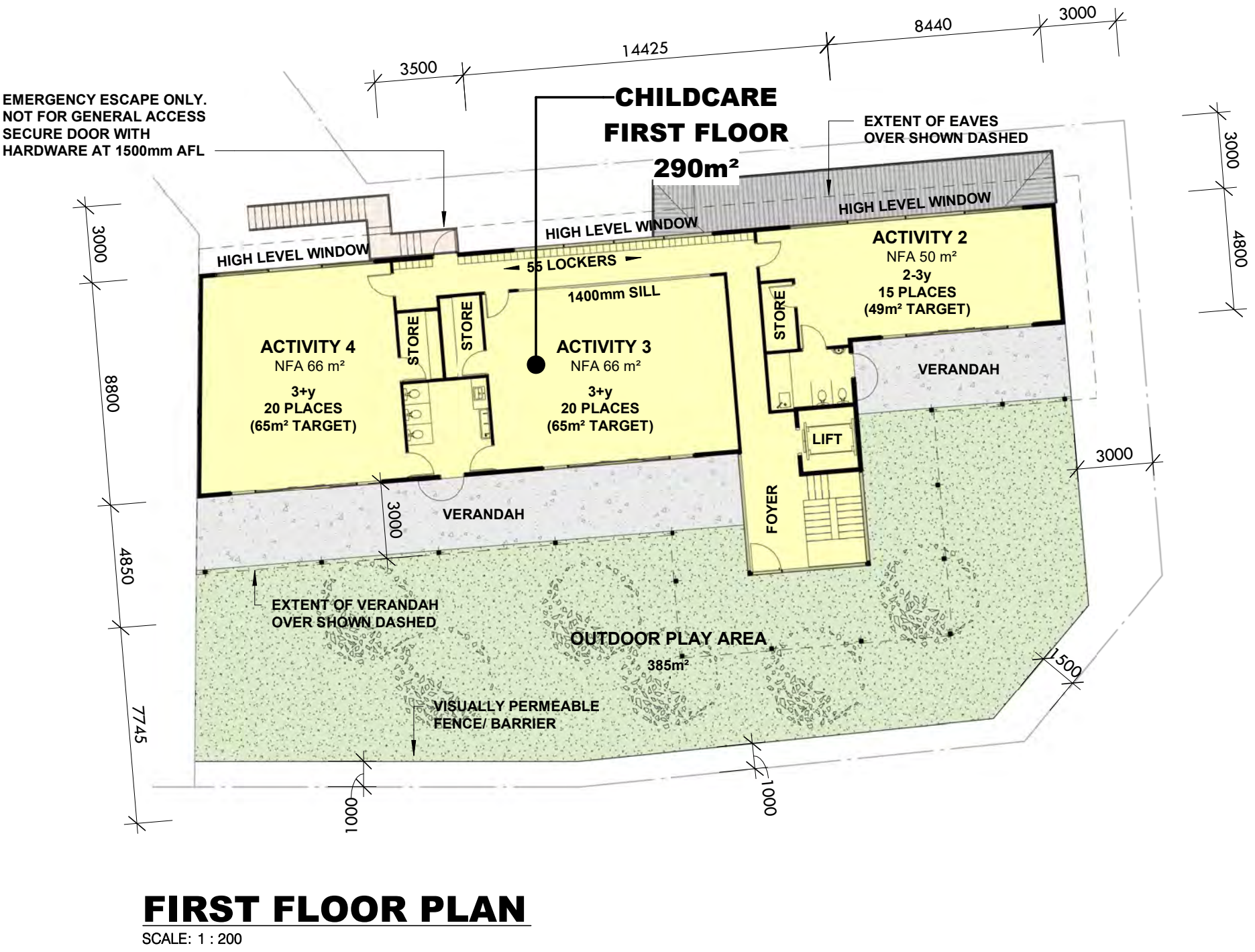
APPENDIX A

PLANS



CHILDCARE CENTRE
TOTAL PLACES 71
TOTAL STAFF 13
CHILDCARE
GROUND FLOOR
286m²

SITE & GROUND FLOOR PLAN
SCALE: 1 : 200

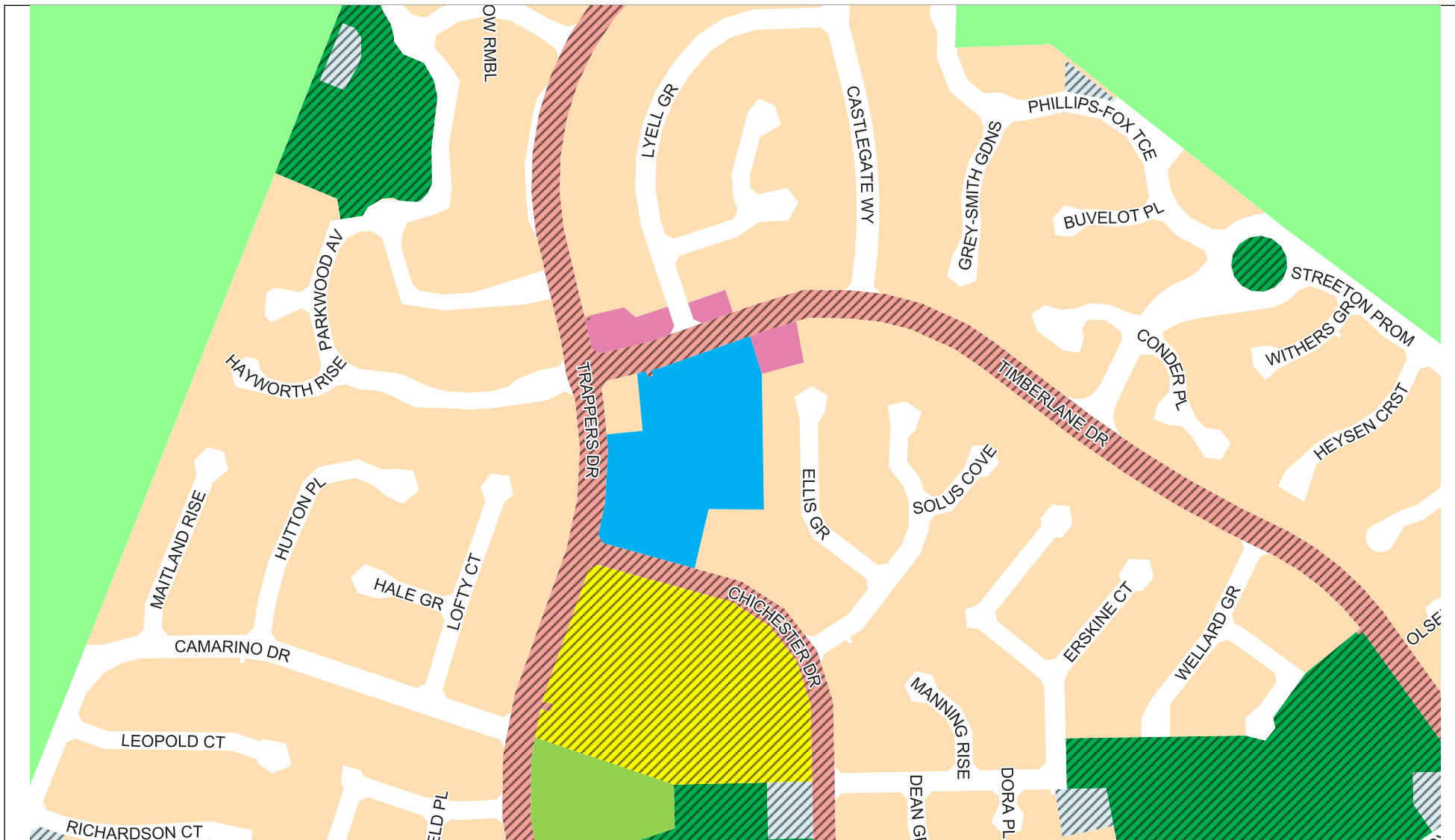


SITE CRITERIA	
SITE AREA	965m ²
LANDSCAPING	497m ² (51% OF SITE)
FLOOR AREA	
a. GROUND FLOOR	286m ²
b. FIRST FLOOR	290m ²
TOTAL	576m ²
REQUIRED PARKING	
a. CHILDREN 71 PLACES	9 BAYS
b. STAFF 13 (1/STAFF)	13 BAYS
TOTAL	22 BAYS REQUIRED
PROVIDED PARKING	
TOTAL	22 BAYS PROVIDED



APPENDIX B

PLANNING MAP



City of
Joondalup

DISCLAIMER: While every care is taken to ensure the accuracy of this data, the City of Joondalup makes no representations or warranties about its accuracy, completeness or suitability for any particular purpose and disclaims all liability for all expenses, losses, damages and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

4/11/2021

1:5000





PROPOSED CHILD CARE CENTRE (71 PLACES)

STRATA LOT 2 (#1) LYELL GROVE, WOODVALE

TRANSPORT IMPACT STATEMENT



Final 2.1

Prepared by i3 consultants WA for
GM Property Group

Proposed Child Care Centre (71 Places) | Strata Lot 2 (#1) Lyell Grove, Woodvale | Transport Impact Statement

Prepared by

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Description

A Transport Impact Statement for a proposed Child Care Centre for 71 children (Babies to Kindy) on Strata Lot 2 (Street No 1) Lyell Grove on the northeast corner of Timberlane Drive in the City of Joondalup suburb of Woodvale prepared in accordance with the WAPC 2016 Transport Impact Assessment Guidelines.

Client

GM Property Group

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This is not an approved document unless certified below.

About the Author

David Wilkins is an RTA NSW Certified Level 3 Lead Auditor (RSA-08-0178) and Main Roads Western Australia (MRWA) accredited Senior Road Safety Auditor (SRSA 0101). In addition to this, David is an MRWA accredited Crash Investigation Team Leader and Roadworks Traffic Manager (MRWA-RTM-10-RTM20). David has undertaken over 430 road safety audits in Australia since 2001 across the full range of stages from feasibility through to pre-opening, including roadworks, existing roads, schools, and mine sites.

David specialises in undertaking and preparing traffic impact assessments in accordance with either the WAPC *Transport Impact Assessment Guidelines* or Austroads *Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments*. He has authored over 200 of these since 2001.

David is a member of Engineers Australia and committee member of Transport Australia society and is guided by its Charter and Code of Ethics which states that its members act in the interest of the community, ahead of sectional or personal interests towards a sustainable future. Engineers are members of the community and share the community's aspirations for Australia's future prosperity.

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1 INTRODUCTION

1.1 ASSESSMENT LEVEL

This Transport Impact Assessment report has been prepared in accordance with the WAPC publication *Transport Impact Assessment Guidelines* ⁽¹⁾. These guidelines indicate that a Transport Impact Statement (TIS) “is required for those developments that would be likely to generate moderate volumes of traffic and therefore would have a moderate overall impact on the surrounding land uses and transport networks, (in accordance with Table 1.)”

LAND USE	MODERATE IMPACT	HIGH IMPACT
	Transport Impact Statement required	Transport Impact Assessment required
	10 – 100 vehicle trips in the peak hour	> 100 vehicle trips in the peak hour
Residential	10–100 dwellings	>100 dwellings
Schools	10–100 students	>100 students
Entertainment venues, restaurants, etc.	100–1000 persons (seats) OR 200–2000 m ² gross floor area	>1000 persons (seats) OR >2000 m ² gross floor area
Fast food restaurants	50–500 m ² gross floor area	>500 m ² gross floor area
Food retail /Shopping centres with a significant food retail content	100–1000 m ² gross floor area	>1000 m ² gross floor area
Non-food retail	250–2500 m ² gross floor area	>2500 m ² gross floor area
Offices	500–5000 m ² gross floor area	>5000 m ² gross floor area
Service Station	1–7 refueling positions	>7 refueling positions
Industrial/Warehouse	1000–10,000 m ² gross floor	>10,000 m ² gross floor area
Other Uses	Discuss with approving authority	Discuss with approving authority

Table 1 - Level of TIA required by land use and size

Table 1 above does not identify a Child Care Centre Land Use. In accordance with ‘Other Uses’ the level of TIA required has been discussed with the City of Joondalup (the approving authority for the development). The City has indicated that a Transport Statement is to be submitted as per City of Joondalup *Child Care Premises Local Planning Policy* ⁽²⁾. This is consistent with the forecast peak hour traffic volumes of 57 (AM) and 28 (PM), i.e., between 10 and 100, as indicated in **Section 1.2**, and is described as a Moderate Impact that warrants a Transport Impact Statement, as indicated in Table 1 above and Figure 1 on the following page.

The preparation of a TIS in accordance with the WAPC Guidelines is consistent with, and ensures compliance with, Clause 67(t) of the *Planning and Development (Local Planning Schemes) Regulations 2015* ⁽³⁾ which state “due regard should be given the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety”.

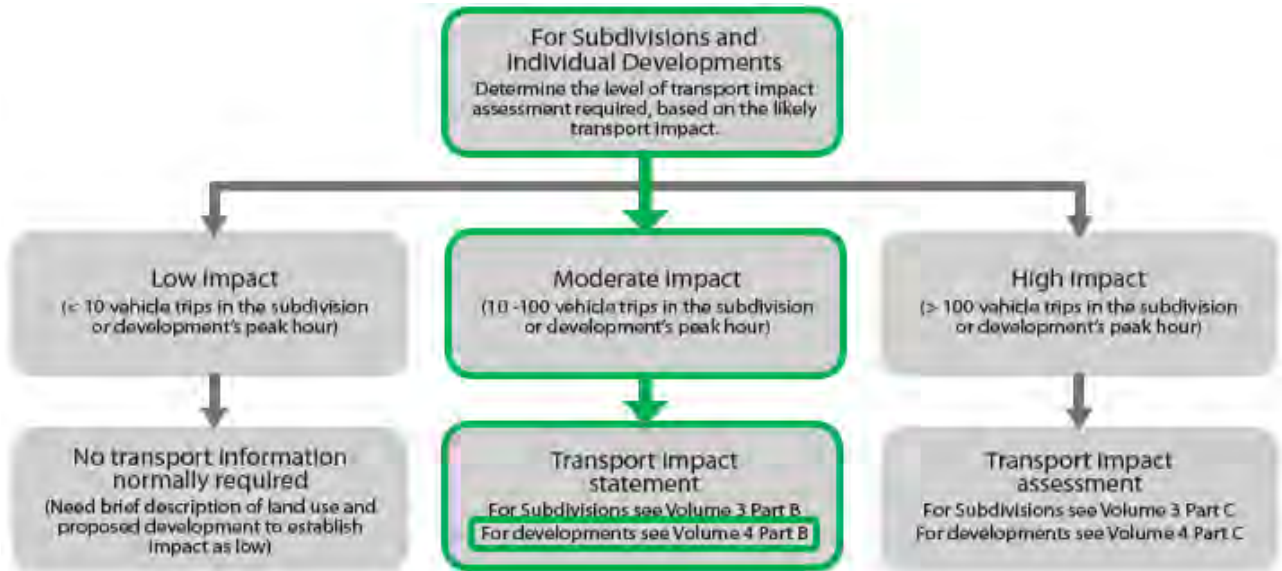


Figure 1 – Level of assessment required (Source Figure 2 WAPC Guidelines Vol 4)

Part B (Transport impact statement) of Volume 4 of the WAPC Guidelines states:

“A transport impact statement is a brief statement outlining the transport aspects of the proposed development. The intent of the statement is to provide the approving authority with sufficient transport information to confirm that the proponent has adequately considered the transport aspects of the development and that it would not have an adverse transport impact on the surrounding area.

It is envisaged that the transport impact statement will generally be from two to three pages up to several pages in length, but this will depend upon the number and nature of any specific issues that need to be addressed.

It is expected that most, if not all, of the information to be provided will be of a nontechnical nature, that is, will not require input from a specialist in transportation planning or traffic engineering. This will, however, depend upon the nature of the specific issues to be addressed and specialist technical input may be required on occasions.”

Section 5.7 of the City of Joondalup *Child Care Premises Local Planning Policy* requires that a ‘Traffic and Road safety Impact Report’ is submitted with the development application. As such, this TIS has been prepared by a Main Roads WA accredited Senior Road Safety Auditor, Crash Investigation Team Leader and Senior Road Safety Engineer and includes technical details with respect to the existing and forecast performance of the road network and parking areas, i.e., traffic modelling using SIDRA Intersection 9 software, swept path analysis using AutoTURN software and Crash Analysis using the Main Roads WA ‘Crash Analysis Reporting System’ (CARS) software.

1.2 CHILD CARE CENTRE TRIP GENERATION

Local Authorities regularly request that trip generation for child care centres is based on the RTA NSW 'Guide to Traffic Generating Developments (RTA NSW)', as shown in Table 2 below.

Centre Type	Peak Vehicle Trips / Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

Table 2 – RTA NSW child care centre Trip Generation Rates

The above rates are based on surveys undertaken in Sydney in 1992, i.e., approximately twenty years ago.

Section 7.10 (Development generation and distribution) of the Volume 4 of the WAPC Guidelines states "*The trip generating potential of the development is to be determined for the assessment years and time periods. The trips rates used should be based on surveys of comparable developments or extracted from recognised land use traffic generation databases.*"

In order to add value to the decision-making process regarding the selection of an appropriate trip generation rate for this proposed child care centre, the author surveyed child care centres in Kingsley (45 children), Bentley (62 children), Osborne Park (37 children) and Attadale (100 children) to determine staff and parent arrival and departure trips during the AM and PM peak hours. The results of these surveys are summarised in Table 3 below. The term 'Early Afternoon' refers to the child care centre afternoon peak time (i.e., 2.30 – 4.30 PM) which is generally earlier than the road network peak hour (i.e., 4.30-5.30 PM).

Surveyed Child Care Centre	Trips IN	Trips OUT	Trips IN/ Child	Trips OUT/ Child	Trips/ Child	Average
Attadale Morning	32	25	0.32	0.25	0.57	0.7
Bentley Morning	25	21	0.40	0.34	0.74	
Osborne Park Morning	18	15	0.50	0.42	0.92	
Attadale Early Afternoon	18	21	0.18	0.21	0.39	0.4
Bentley Early Afternoon	12	11	0.19	0.18	0.37	
Osborne Park Early Afternoon	11	10	0.30	0.28	0.58	

Table 3 – Surveyed Trips – various child care centres in Western Australia

The data in Table 3 suggests that using RTA NSW trip generation rates may result in an under-estimation of forecast trips during the early afternoon peak hour, i.e., 0.3. The local survey data indicates that a more appropriate early afternoon traffic generation rate would be 0.4. On this basis, **the adopted trip generation rates for this TIS are 0.8 for the morning peak hour and 0.4 for the early afternoon peak hour.**

An estimation of peak hour traffic generation based on a maximum of 71 children attending the child care centre using the adopted traffic generation rates discussed on the previous page is shown in Table 4 below.

	Rate per child	No. Children	Total	Trips	
				IN	OUT
Morning Peak Hour	0.80	71	57	31	26
Early Afternoon Peak Hour	0.40	71	28	16	13

Table 4 – Estimation of Trip Generation

Analysis of the redacted sign-in and sign-out records for a child care centre in Osborne Park has been undertaken to obtain a better understanding of the peak drop-off and pick-up times at Child Care Centres in Western Australia, as has been done in Queensland. This data is provided as Figure 2 below.

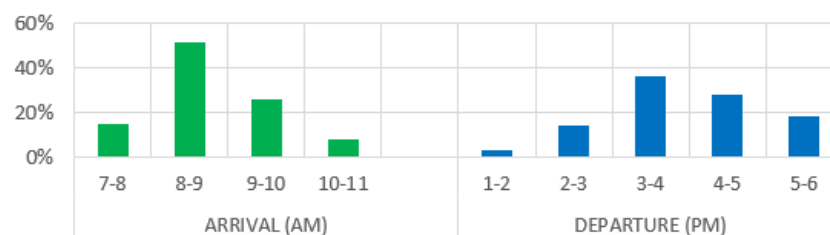


Figure 2 – Analysis of recorded sign-in and sign-out times for a child care centre in WA

The current site contains commercial tenancies that were recorded to generate trips in and out during the proposed child care centre's peak hours. The surveys indicated that the majority of these trips are associated with the Dentist which is to remain as 'Strata Lot 1' and hence these existing trips have been retained, i.e., added to the forecast trips.

Based on the above, the proposed development is likely to result in an increase of up to 57 trips during the morning peak hour and up to 28 trips during the early afternoon peak hour. The morning and early afternoon peak hours have been selected due to the proximity of the Woodvale Primary School.

In accordance with the WAPC Guidelines and the assessed level of impact, the extent of this assessment includes, as a minimum:

- The proposed development site.
- All roads fronting the site, for the extent of the site frontage plus 100 metres beyond the site.
- Pedestrian routes to the nearest bus stops (for all bus routes passing within 400 metres of the site).
- Pedestrian routes to nearest train station(s) (if within 800 metres).
- Pedestrian/ cycle routes to any major attractors within 400 metres, (five-minutes' walk) of the site.
- The area(s) likely to be affected by any site-specific issue(s).

The location of the development site in the context of the road, public transport, cycling and pedestrian network and 400 and 800 metre radii, is shown in Figure 3 on the following page. The Subject Site is currently zoned "Mixed Use" in the *City of Joondalup Local Planning Scheme No 3*.⁽⁴⁾

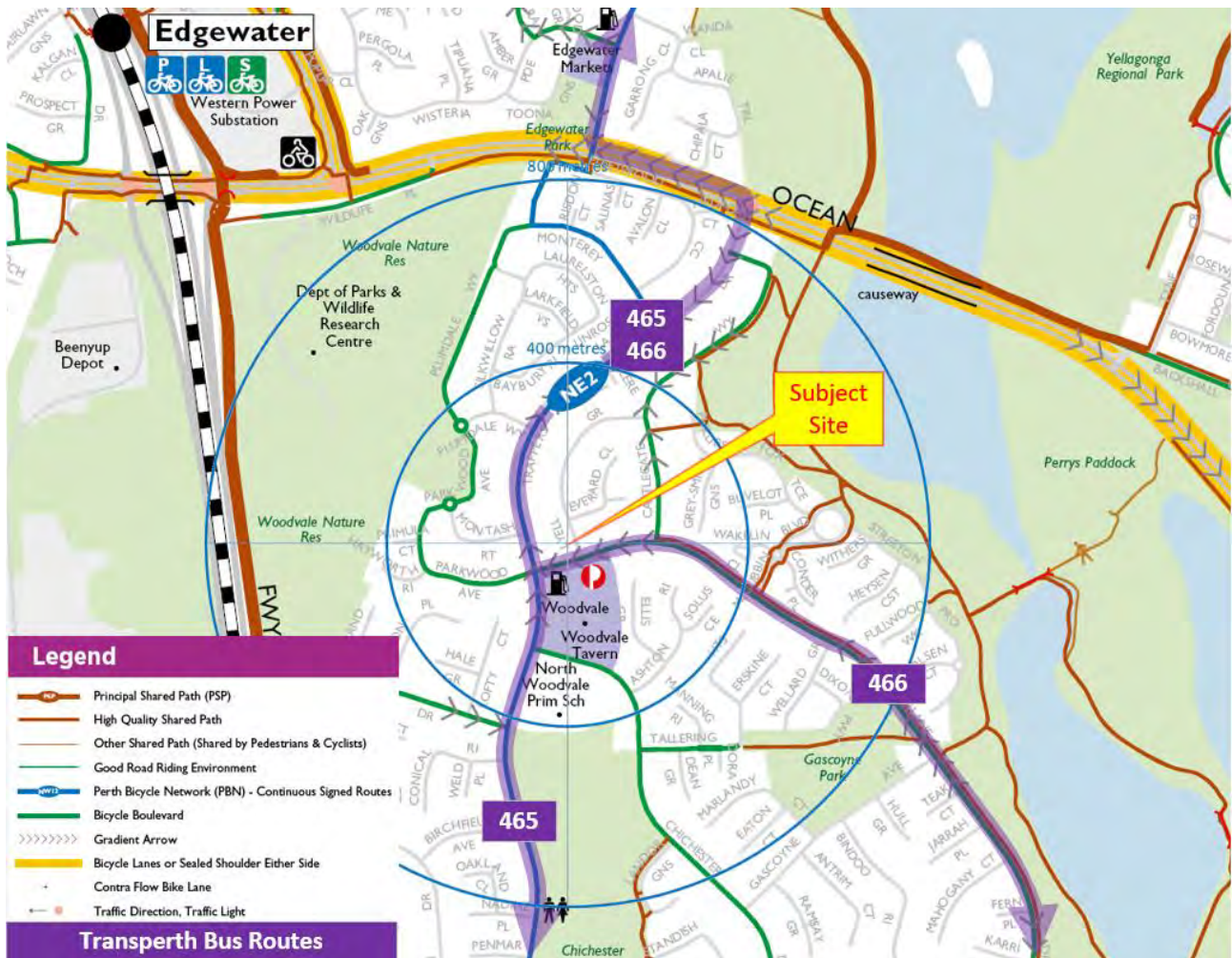


Figure 3 – Subject Site location, road, public transport and cycling network within 400 m and 800 m radius

3 VEHICLE ACCESS AND PARKING

The Development Drawings (**Appendix A**) show that all vehicular access (including bicycle and pedestrian) is proposed off Timberlane Drive, a Local Distributor Road. This results in arrival and departure routes via a Local Distributor road and hence does not generate traffic on any local road, as shown in Figure 5 below.

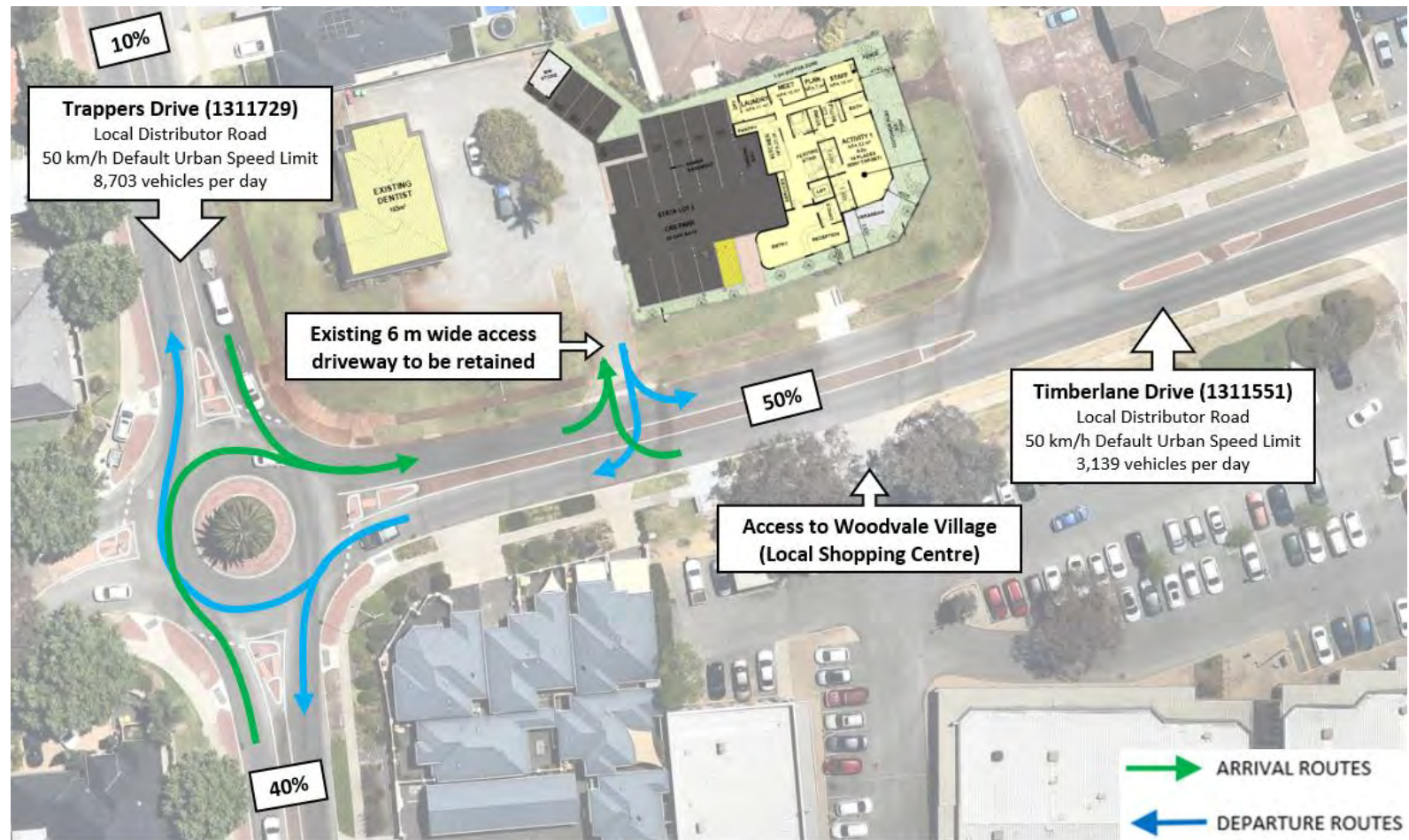


Figure 5 – Proposed vehicular access and parking (including expected origin/ destination route percentages)

Figure 5 on the previous page, and the Development Drawings (**Appendix A**) show it is proposed to provide 22 on-site parking bays. 8 bays are designated for staff use (2.4 m x 5.6 m single, 2.6 m x 5.0 m tandem), 9 bays are allocated for visitors/ parents/ carers (2.6 m x 5.5 m), 4 existing bays in the car park are for staff or parent/ carer use and 1 bay is designated for use by people with a disability (2.4 m x 5.4 m plus adjacent shared space 3.5 m x 5.4m).

Section 5.2 (Parking and Access) of the City of Joondalup's *Child Care Premises Local Planning Policy* ⁽²⁾ requires the provision of 1 car parking bays for each employee plus 11 car parking bays for use by parents/ carers, as shown in the extract provided as Table 5 below.

Use Class	Number of on-site parking bays
Child Care Premises	1 per employee plus 5 per < 25 children 6 per 26–30 children 7 per 31–56 children 8 per 57–64 children 9 per 65–72 children 10 per 73–80 children 11 per 81–88 children 12 per 89–96 children 13 per 97–104 children 14 per 105 + children

Table 5 – Extract from City of Joondalup's *Child Care Premises Local Planning Policy*

An assessment of the required on-site parking bays and the number of on-site parking bays proposed indicates compliance, as shown in Table 6 below.

Parking Bay Designation	Required	Provided
Employee	13	12
Visitor/ parent/ carer	9	9
Person with a disability		1
Total	22	22

Table 6 – Required and provided parking bays

The layout of the parking area has been assessed against the dimensions in *AS/ NZS 2890.1* ⁽⁵⁾ and is compliant in this respect. In addition to complying with the standard, it also includes a turning bay to allow drivers to turn around and leave the car park in a forward direction should they not be able to find a vacant parking space. This has been requested by the City with previous Child Care Centre designs.

Sight lines to and from the Proposed Access Driveway have been checked on-site and exceed the 45 m specified in Figure 3.2 of *AS 2890.1* ⁽⁵⁾, based on the frontage road speed of 50 km/h and Minimum SSD, as shown in Figure 6, Photograph 2 and Photograph 3 on the following page.



Figure 6 – Clear 45 m sight distance to and from access driveway



Photograph 2 – Looking west from existing Access Driveway



Photograph 3 – Looking east from existing Access Driveway

Section 5.2.3 (Bicycle Parking Standards) of the Child Care Premises Local Planning Policy has a requirement for 1 employee/ visitor bicycle parking facility for each 8 employees. This results in a requirement for facilities that provide for the secure parking of two bicycles to be provided on site. These have been provided on the Timberlane Dr frontage near the entrance.

A summary assessment of the proposed car park and access design against the requirements of the *Child Care Premises Local Planning Policy* is provided as Table 7 below.

Design Element	Development Requirement	Assessment
(a) Car park location	(i) All car parking is to be provided on-site; verge parking is not permitted.	Complies.
	(ii) Car parks must be clearly visible from the street to encourage parking on-site instead of on the road verge.	Complies.
(b) Car park design	(i) Car parks shall be designed in accordance with Australian Standard AS 2890.1 ⁽⁵⁾ and/ or AS 2890.2 ⁽⁶⁾ as amended from time to time.	Complies.
(c) Vehicle Access	(i) Vehicle access should not be taken from District Distributor A Roads. Only under exceptional circumstances may vehicle access be considered from a District Distributor B or Access Road.	Complies. Vehicle access is off a Local Distributor Rd (Timberlane Dr).
	(ii) Vehicle access with separate entry and exit points is preferred. Alternatively, 'two-way' vehicle access is required.	Complies. Two-way vehicle access provided.
	(iii) Where practicable, existing vehicle access points should be utilised instead of proposing new access points.	Complies.
	(iv) Vehicles are required to enter and exit the site in forward gear.	Complies.
(d) Pedestrian Access	(i) A footpath must be provided from the car park and the street to the building entrance.	Complies.

Table 7 – Car park access and design assessment against *Child Care Premises Local Planning Policy*

4 PROVISION FOR SERVICE VEHICLES

The Design Vehicle in the Australian Standards is the Small Rigid Vehicle (SRV) as shown below. It has a clearance height of 3.5 m and a design turning radius of 7.1 m.

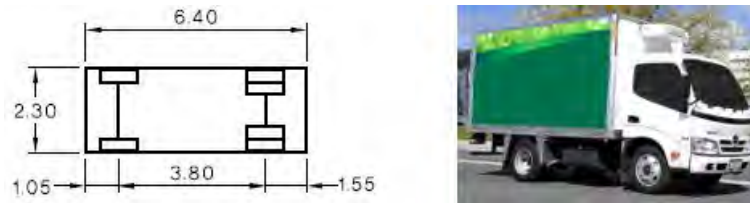


Figure 7 – SRV Dimensions and example

The applicant has indicated that service deliveries to the site will be by a smaller domestic and commercial vehicle than the design vehicle that will be able to access the undercroft car park in terms of its height. Examples of the larger types of these commercial service vehicles and their heights are the Volkswagen Crafter (2.80 m), Ford Transit (2.78 m) and Renault Traffic (1.97 m). Given that the headroom is 2.6 m, not all these vehicles will be able to reverse into the dark shaded area in Figure 8 below. Service vehicles higher than 2.6 m will stop in the location shown prior to reversing and then continue around the car park to leave in a forward direction. **Refer separate Waste Management Plan (WMP) for details regarding on-site waste collection.**

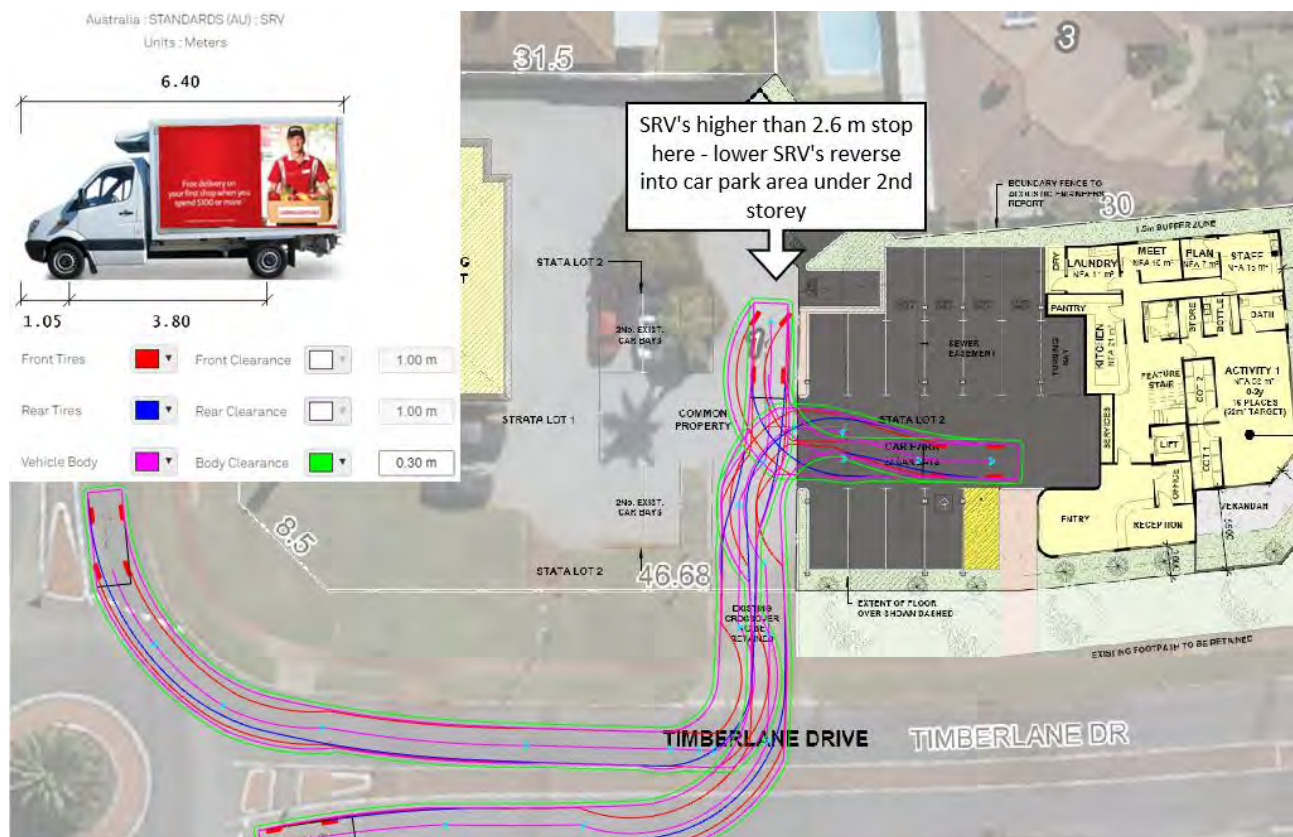


Figure 8 – SRV Manoeuvre: Forward IN and Forward OUT (2.6 m headroom in dark shaded area)



5 HOURS OF OPERATION

The proposed hours of operation are 6.30 AM to 6:30 PM weekdays, with staff accessing this site no earlier than 6.00 AM to set up the site for the day's activities. Staff may also be on site for up to an hour at the end of each day for general cleaning activities. Occasional openings may occur between 8.00 AM and 5.00 PM on Saturdays, purely for community open days and/ or marketing purposes.

6 TRAFFIC VOLUMES AND VEHICLE TYPES

As indicated in **Section 1.2**, the total forecast trips for the proposed development during the road network AM and PM peak hours are 57 and 28 respectively, as shown in Table 8 below. Vehicle types are predominantly light vehicles (i.e., cars & 4WDs).

	Rate per child	No. Children	Total	Trips	
				IN	OUT
Morning Peak Hour	0.80	71	57	31	26
Early Afternoon Peak Hour	0.40	71	28	16	13

Table 8 – Forecast trips

City of Joondalup data (2016) indicates that Timberland Drive carries 3,139 vehicles per day just east of Trappers Dr and that Trappers Drive carries 8,703 vehicles per day just north of Timberland Drive.

The Parkwood Ave/ Timberland Dr/ Trappers Dr roundabout is particularly busy during the morning and afternoon school peak hours due to the proximity of the Woodvale Primary School, approximately 160 m south on the southeast corner of Trappers Dr and Chichester Dr.

Based on the above, the author undertook video surveys of traffic at this roundabout and into and out of the existing access driveway to the subject site between 7.30 and 8.30 AM and 2.30 and 3.30 PM on Tuesday 7th December 2021, i.e., during school term 4 for the nearby schools. Traffic data from these video surveys is shown in Figure 9 on the following page. LV = Light Vehicles (cars & 4WDs), HV = Heavy Vehicles (buses, trucks).

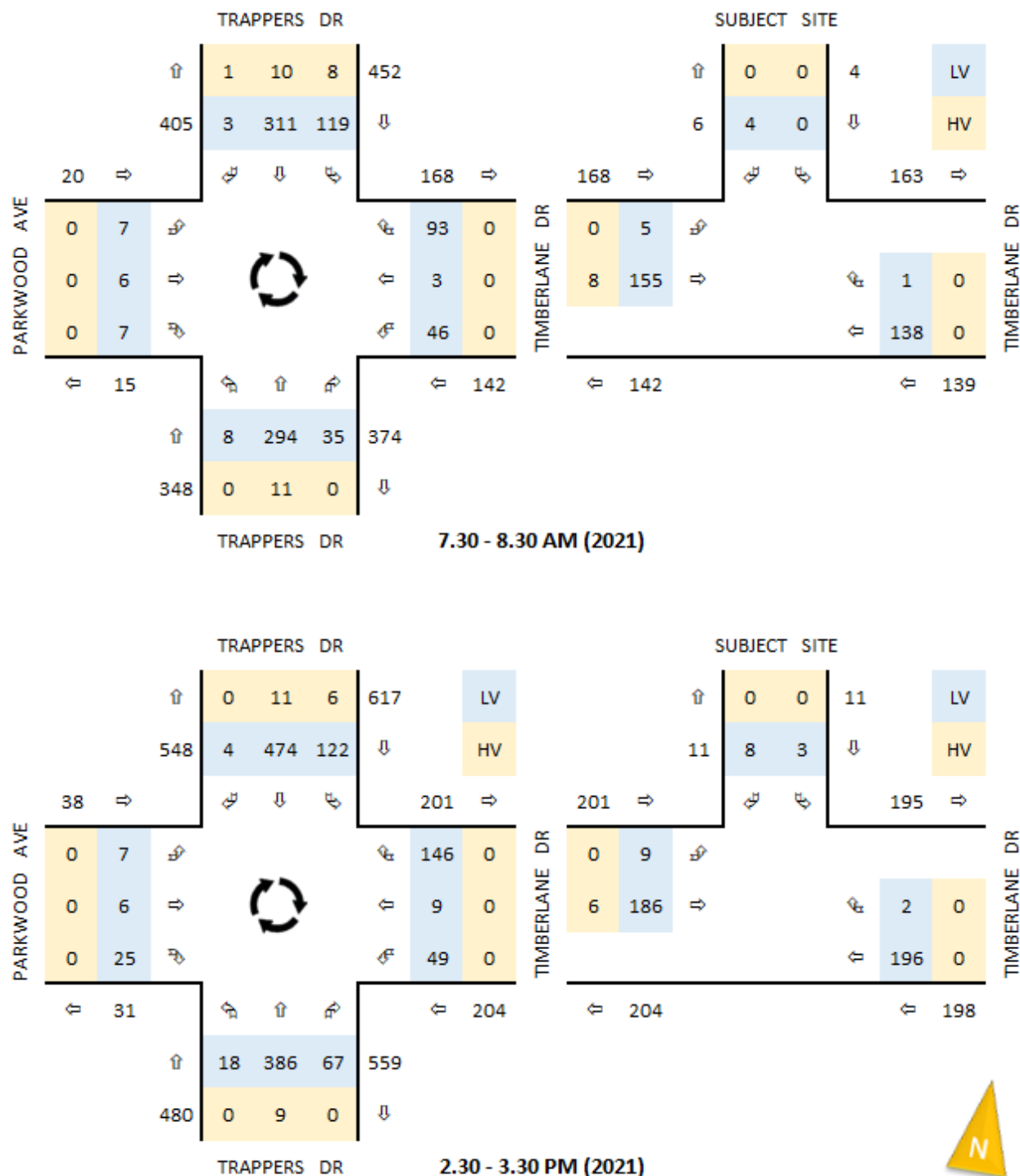


Figure 9 – Existing (November 2021) Weekday AM and early PM Peak Hour Intersection Volumes

The above data was used to develop an Intersection Performance Model within SIDRA Intersection 9 network modelling software. This model measures and predicts key intersection performance criteria such as Degree of Saturation, Level of Service, Average Delay and Queue Lengths, as described in Table 9 on the following page.

Degree of Saturation (DoS) Volume/ Capacity Ratio (v/c)	LoS	Average Delay per vehicle (d) in seconds				v/c Range	Performance Comments
		Unsignalised intersections	Roundabouts	Signalised intersections	All (RTA)		
< 0.6	A	$d \leq 10$	$d \leq 10$	$d \leq 10$	$d \leq 14.5$	≤ 0.44	Good operation and plenty of spare capacity <i>Stable free flow conditions where drivers are able to select desired speeds and to easily manoeuvre within the traffic stream.</i>
	B	$10 < d \leq 15$	$10 < d \leq 20$	$10 < d \leq 20$	$14.5 < d \leq 28.5$		
	C	$15 < d \leq 25$	$20 < d \leq 35$	$20 < d \leq 35$	$28.5 < d \leq 42.5$	$0.45 - 0.64$	Acceptable delays and spare capacity <i>Stable flow but most drivers are restricted to some extent in their ability to select their desired speed and to manoeuvre within the traffic stream.</i>
0.6 - 0.7							
0.7 - 0.8	D	$25 < d \leq 35$	$35 < d \leq 50$	$35 < d \leq 55$	$42.5 < d \leq 56.5$	$0.65 - 0.84$	Acceptable delays (Expected typical peak hour conditions) <i>Close to the limit of stable flow. All drivers are restricted in their ability to select their desired speed and to manoeuvre within the traffic stream. Small increases in traffic flow may cause operational problems.</i>
0.8 - 0.9							
0.9 - 1.0	E	$35 < d \leq 50$	$50 < d \leq 70$	$55 < d \leq 80$	$56.5 < d \leq 70.5$	$0.85 - 1.04$	Near capacity and sensitive to disturbances in flows <i>Traffic volumes are close to capacity and there is virtually no freedom to select desired speeds. Flow is unstable and minor disturbances within the traffic stream will cause breakdown leading to long queues and delays.</i>
> 1.0	F	$50 < d$	$70 < d$	$80 < d$	$70.5 < d$	> 1.25	At Capacity - Requires other control mode and/ or additional lanes <i>In the zone of forced flow where the amount of traffic approaching the point under consideration exceeds that which can pass. Flow breakdown occurs and extensive queues and delays result.</i>

Table 9 – Intersection Performance Criteria

The SIDRA Intersection 9 network model indicates that during the assessed morning and early afternoon weekday peak hours all roads and intersections operate with a Degree of Saturation less than 0.6, as shown in Figure 10 and Figure 11 on the following page. This is representative of good operation with plenty of spare capacity and is consistent with the video recordings and observations on site. SIDRA Intersection Summary Reports showing all other key intersection performance data are included in **Appendix C**.

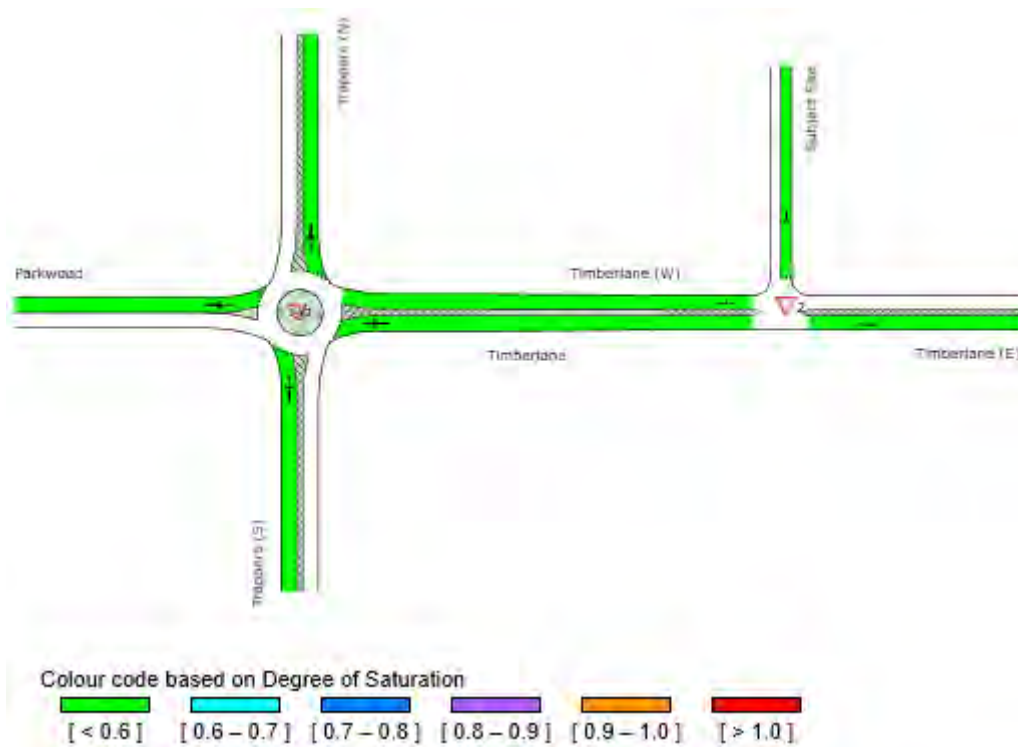


Figure 10 – Existing Degree of Saturation: AM Peak Hour (7.30-8.30 AM)



Figure 11 – Existing Degree of Saturation: Early PM Peak Hour (2.30-3.30 PM)

The forecast peak hour trips to and from the proposed Child Care Centre during the morning peak hour and the afternoon school peak hour have been assigned to Timberlane Dr and Trappers Dr, including through the roundabout, according to the origin/ destination percentages shown in Figure 5 on page 10 and is shown in Figure 12 on the following page.

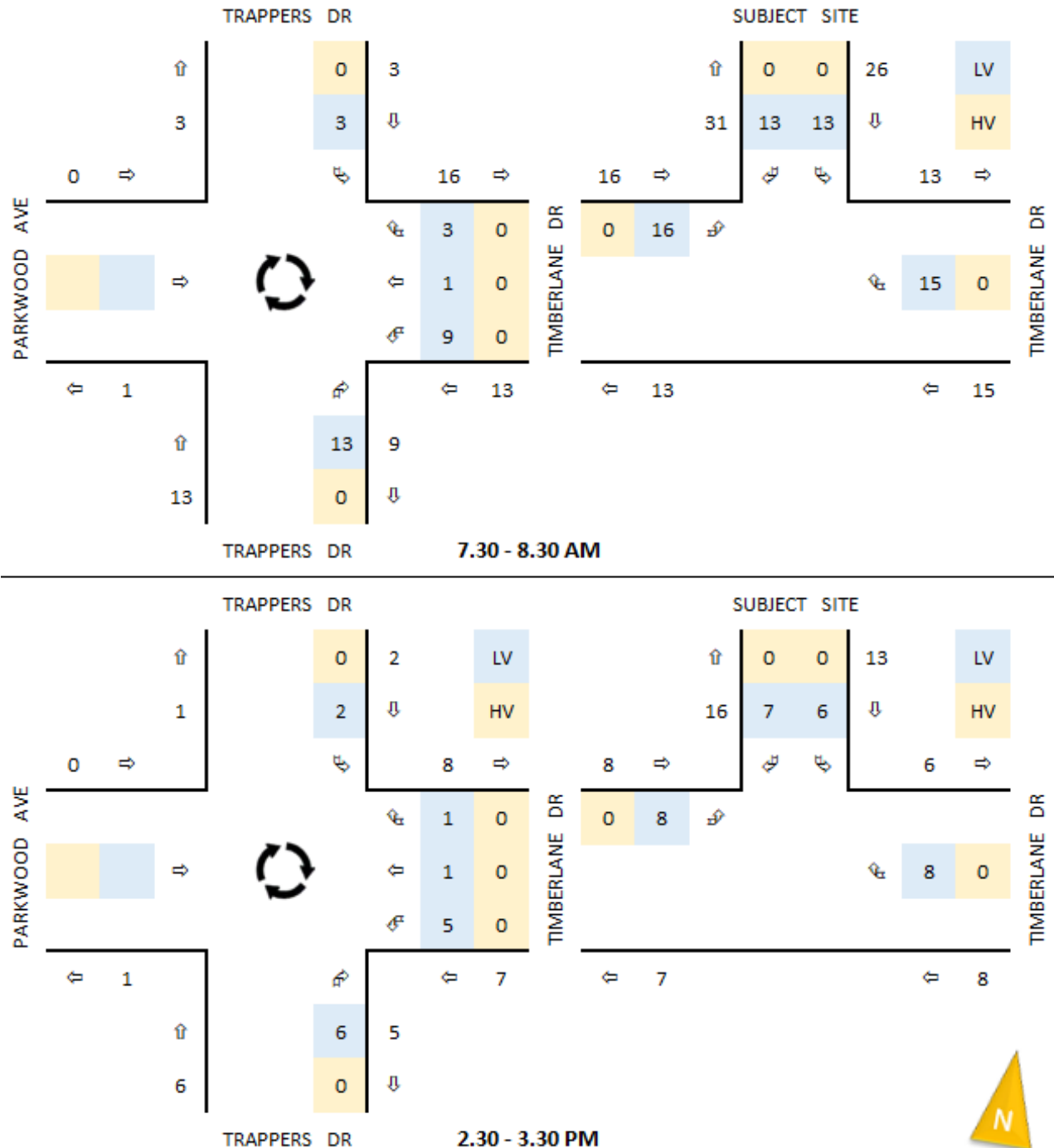


Figure 12 – Forecast Child Care Centre trip assignment for the morning and afternoon school peak hours

The SIDRA Intersection model was re-run with the additional Child Care Centre trips. This indicates that all roads and intersections will continue to operate at a good level with spare capacity, including the Child Care Centre access driveway, as defined in Table 9 on page 18.

In summary, the proposed Child Care Centre is not expected to have a noticeable impact on the performance of Parkwood Dr/ Timberlane Dr/ Trappers Dr roundabout, or the access driveway, based on accepted traffic engineering parameters.

7 TRAFFIC MANAGEMENT ON FRONTAGE STREETS

The layout of Timberlane Dr in the vicinity of the subject site is best described through the aerial photograph provided as Figure 5 on page 10 and the annotated Photograph 4 below.



Photograph 4 – Looking west from south side of Timberlane Dr proposed Child Care Centre access (on right)

*A dividing strip is defined in the Road Traffic Code 2000 as “means an area or structure that divides a road lengthways into separate carriageways”. As such, it is not permissible to park on Timberlane Drive, i.e., Subregulation 6 of the Road Traffic Code 2000 states “If the carriageway has a dividing strip, the driver of a vehicle must position the vehicle at least 3 m from the dividing strip, unless otherwise indicated by information on or with a parking control sign.”

8 PUBLIC TRANSPORT ACCESS

The nearest bus stops to the subject site are located adjacent, and opposite to, the proposed Child Care Centre, as shown in Figure 13 below. These bus stops are served by Transperth routes 465 and 466 which travel between Joondalup and Whitfords Train Stations with 4 to 5 services per hour during peak times.

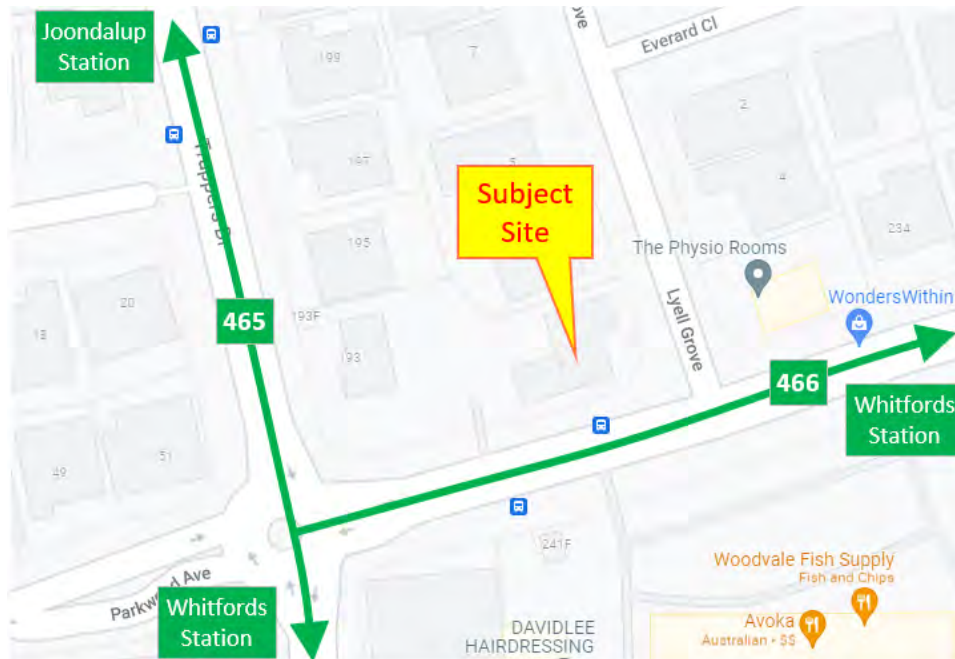


Figure 13 - Nearest bus stops and routes

9 CAR, PEDESTRIAN, CYCLE, PUBLIC TRANSPORT AND eRIDEABLE NETWORK AND ACCESS

There are paths on both sides of Trappers Dr and Timberlane Dr with informal pedestrian crossing facilities on each leg of the roundabout at the intersection of these roads as well as a pedestrian refuge island crossing on Timberlane Dr just east of Lyell Grove, as shown in Photograph 5 below.



Photograph 5 – Pedestrian refuge island crossing on Timberlane Dr just east of Lyell Grove

Technology is changing rapidly, and more people are using eScooters and other electric rideable devices for commuting and recreational purposes. New rules have been introduced in WA accommodate these road users on the existing road and path network. It is possible that some staff and parents or carers will use these devices.

eRideables include:

- A small electric rideable device with at least one wheel
- Is less than 125cm long, 70cm wide and 135cm high
- Is 25kg or less and not capable of travelling faster than 25km/h on level ground

The new road rules allow for eRideables to be ridden on footpaths, bicycle paths, shared paths and local roads without centre lines and a speed limit of 50km/h or less. They are not allowed to be ridden on a carriageway with a dividing line, a carriageway with a speed limit exceeding 50km/h or a one-way carriageway with more than one marked lane. A map showing where eRideables can be ridden on the roads in the vicinity of the proposed child care centre is provided as Figure 14 on the following page.

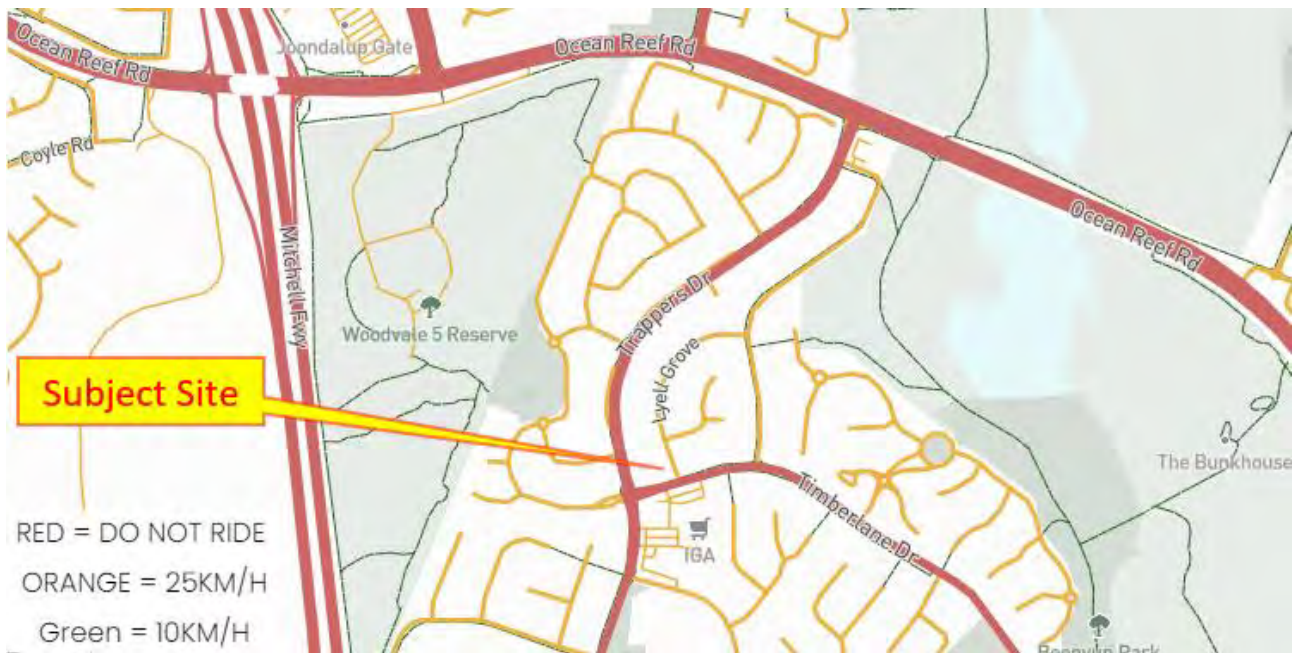


Figure 14 – eRideable permissible road use (all paths can be used)

Staff and parents/ carers arriving by car will park in the car park and walk to the front entrance via a dedicated path, including a new path link, as shown in the Development Drawings in **Appendix A**.

Parents and staff arriving by bicycle or eRideables are expected to use orange roads shown in Figure 14 above and the paths on the red roads, crossing where necessary via the pedestrian crossing facilities described on the previous page.

Facilities for the secure parking of 2 bicycles or eRideables are provided onsite on the Timberlane Dr frontage near the front entrance.

Parents and staff arriving by public transport, i.e., bus, will arrive at either of the four bus stops located close to the site shown in Figure 13 on page 22 and travel to the site via the paths and pedestrian crossing facilities described.

10 SITE SPECIFIC ISSUES

The City of Joondalup initiated a Local Housing Strategy (LHS) in 2012 that is aimed at catering for population growth, providing for the future housing needs within the City, and to meet residential infill targets set by the State Government.

The City used key criteria to identify suitable areas, specifically areas within close proximity to key public transport corridors and major activity centres for higher density development. Ten areas were identified where increased residential densities were considered appropriate at that time. These areas are called Housing Opportunity Areas, or HOAs.

The final LHS was endorsed by the Western Australian Planning Commission on 12 November 2013.

To implement the LHS, an amendment was made to the City's planning scheme and associated local planning policies were developed. Further amendments to the type of development within HOAs were included in Local Planning Scheme No. 3 in January 2021.

HOA 8 covers an area to the north of the proposed Child Care Centre, as shown in the annotated extract provided as Figure 15 below.



Figure 15 – Annotated extract of City of Joondalup's HOA 8 Map showing HOA Lots to the north of the subject site

Preliminary traffic reports for the HOA's have indicated that traffic growth on Trappers Dr through HOA8 is likely to increase by up to 10% as a result of increased development densities.

Adding 10% to the existing surveyed trips allows for the impact of the Child Care Centre on the road network with full development of the HOA to the north to be assessed. This has revealed that this will not change the assessed impact, as shown in Figure 16 below.

Note: The City of Joondalup passed a motion at its 18th May 2021 Council Meeting to bring forward a review of its Housing Strategy. This included the provision of funding in the 2021/22 budget to undertake project planning and management of the project and the engagement of a multi-disciplinary consultant team. This review, along with the release of the Medium Density Housing Code is likely to result in a change in the number of additional dwellings that can, and are likely, be constructed within the HOAs.



Figure 16 – Assessed Existing + Child Care Centre + HOA Peak Hour Degree of Saturation

SIDRA Intersection Summary Reports showing all other key intersection performance data are included in **Appendix C**.



11 SAFETY ISSUES

Analysis of the five-year crash record ending 31 December 2021 for Timberlane Dr between and including the roundabout at Parkwood Ave/ Trappers Dr and the intersection with Lyell Grove has indicated that there have been four (4) reported crashes, one (1) of which resulted in an injury. The injury crash occurred at 5.05 PM on Wednesday 26 August 2020 and was a right-angled crash involving a car entering the roundabout from Parkwood Ave being hit by a car travelling north through the roundabout on Trappers Dr resulting in an injury that required medical attention, i.e., a visit to a doctor or clinic. Modifications to the location of the holding lines at the roundabout were undertaken by the City in August 2021. All three other crashes were property damage only (PDO) crashes.

The crash record, as well as observations of sight lines and driver behaviour on-site, does not raise any road safety concerns with respect to the proposed child care centre.



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Woodvale
Child Care Premises
Operations Management Plan



Revision 1, February 2022

INTRODUCTION

PREAMBLE

This Operations Management Plan (OMP) is proposed to detail the operation of the Child Care Premises.

LOCATION

The site to which this OMP applies is Lot 2 on Strata Plan 18912, No. 1 Lyell Grove, Woodvale.

CADASTRAL INFORMATION

The legal lot details of the subject site are detailed below:

Lot No.	Volume/Folio	Plan	Area (m ²)	Registered Proprietor
Lot 2	1873/22	SP 18912	2,191m ²	Edward Raymond Gebert

PURPOSE & SCOPE

The purpose of this OMP is to assist in managing activities associated with the operation of the Child Care Premises that may have the potential to affect the amenity of neighbouring residential premises. A copy of the proposed development layout is attached at **Appendix B**.

OPERATION DETAILS

HOURS OF OPERATION

The site will be operated in a manner as sensitive (as practicable) to adjoining residential occupants with operating hours limited to between the hours of 7:00 am and 6:00 pm Monday to Friday, and occasional opening on Saturdays (i.e., up to 4-times a year for half-a-day, purely for marketing purposes).

Staff are permitted on-site 30 minutes prior to and after the stipulated hours of operation (i.e., 6:30am to 6:30pm Monday to Friday) to set up the site for the day's activities, and for general tidying and cleaning activities.

Structured activities do not typically commence until 9:00 am and finish at 4:30 pm, allowing staggered drop-off and pick-up of children to occur over at least a two-hour period in both the morning and afternoon.

STUDENT NUMBERS

The centre is proposed to accommodate up to 71 children, broken down into the following age categories (in accordance with the regulations for child care under the *Child Care Services Act 2007*):

Activity Room No.	Age Group Places			Play/Activity Space (m ²)	
	0-24 months	2-3 years	3 years +	Indoor (3.25m ² min. / child)	Outdoor (7m ² min/ child)
1	16			52m ² (52m ² required)	112m ² ground floor 385m ² first floor
2		15		50m ² (48.75m ² required)	
3			20	66m ² (65m ² required)	
4			20	66m ² (65m ² required)	
TOTALS	16	15	40	233m ² (230.75m ² required)	497m ² (497m ² required)

Outdoor play is both weather and program dependent. As a guiding principle, the operator intends to promote an indoor/outdoor experience that is operated based on the following parameters:

- Play spaces have been designed to facilitate individual or small group engagement rather than large group clustering of children.
- Experiences will be grouped in developmental segments to limit the number of children engaged in each activity at any one point in time.
- Educators will be actively engaged in monitoring children's behaviour at all times.
- Staff will be trained in these practices, with regular reviews imbedded into the procedures of the service.

Children will not play outdoors in any extreme weather conditions, such as extreme heat or rain.

STAFF NUMBERS

13 employees (11 staff for the 71 places, and two administration staff) on-site at the centre during peak periods of demand (9:30 am and 4:00 pm weekdays).

PARKING & TRAFFIC MANAGEMENT

The aim of this section of the OMP is to ensure that access and egress to/from the site and parking occurs in an appropriate manner, and to ensure that appropriate arrangements are in place to coordinate vehicle parking between staff and parents and/or carers.

Operations on-site will be established and subsequently managed in accordance with the site-specific *Transport Impact Statement* prepared by *i3 Consulting*, which (amongst other things) outlines necessary management arrangements and expected impacts on the surrounding traffic network (refer **Appendix D**).

ACCESS & EGRESS

Staff will advise parents and carers that 'drop-off' and 'pick-up' of children is to occur within the on-site designated bays only, so as to reduce any potential conflict with vehicular movements on the external road network. Verge parking is not available. Large pick-up and drop-off windows are provided to both accommodate and encourage the staggering vehicle movements during peak periods.

Appropriate signage and line-marking will be provided to direct patrons to appropriate on-site car parking bays. Parents and carers are required to accompany their child (or children), when accessing the site from the car parking area.

All staff will be responsible for monitoring use of the on-site car parking areas in accordance with these traffic management provisions. Any unsafe behaviour or behaviour contrary to the requirements of this OMP will be reported to the Centre Manager (and City where necessary), for resolution.

The need for delivery of goods or services to the site is limited, will involve small commercial vehicles only, and occur outside peak-periods to reduce the potential for traffic conflict. When available, delivery vehicles are expected to use the full access or vacant customer bays located, for brief periods only.

CAR PARKING

A total of 22 parking bays have been provided to accommodate for the parking needs of parents, carers and staff. Car parking bays have been designed to ensure visitors bays are located as close to the entrance of the car park as possible to ensure easy access.

Staff members will be advised of, and encouraged to take advantage of the site's proximity to public transportation and/or other alternative modes of transportation. To assist, employees shall be made aware of the bus routes servicing the area, and encouraged to plan their journey using the Transperth journey planner (<http://www.transperth.wa.gov.au/Journey-Planner>).

BICYCLE PARKING

Dedicated bicycle parking is provided in the form of two single u-rails located within the front entrance walkway car park for long-term use by staff, plus an additional bay located adjacent the Woodford Wells Way pedestrian entrance for short-term use by customers (refer **Figure 1**). The staff room includes lockers for staff use, with a universal wet room located adjacent the staff room for staff members who choose to shower.

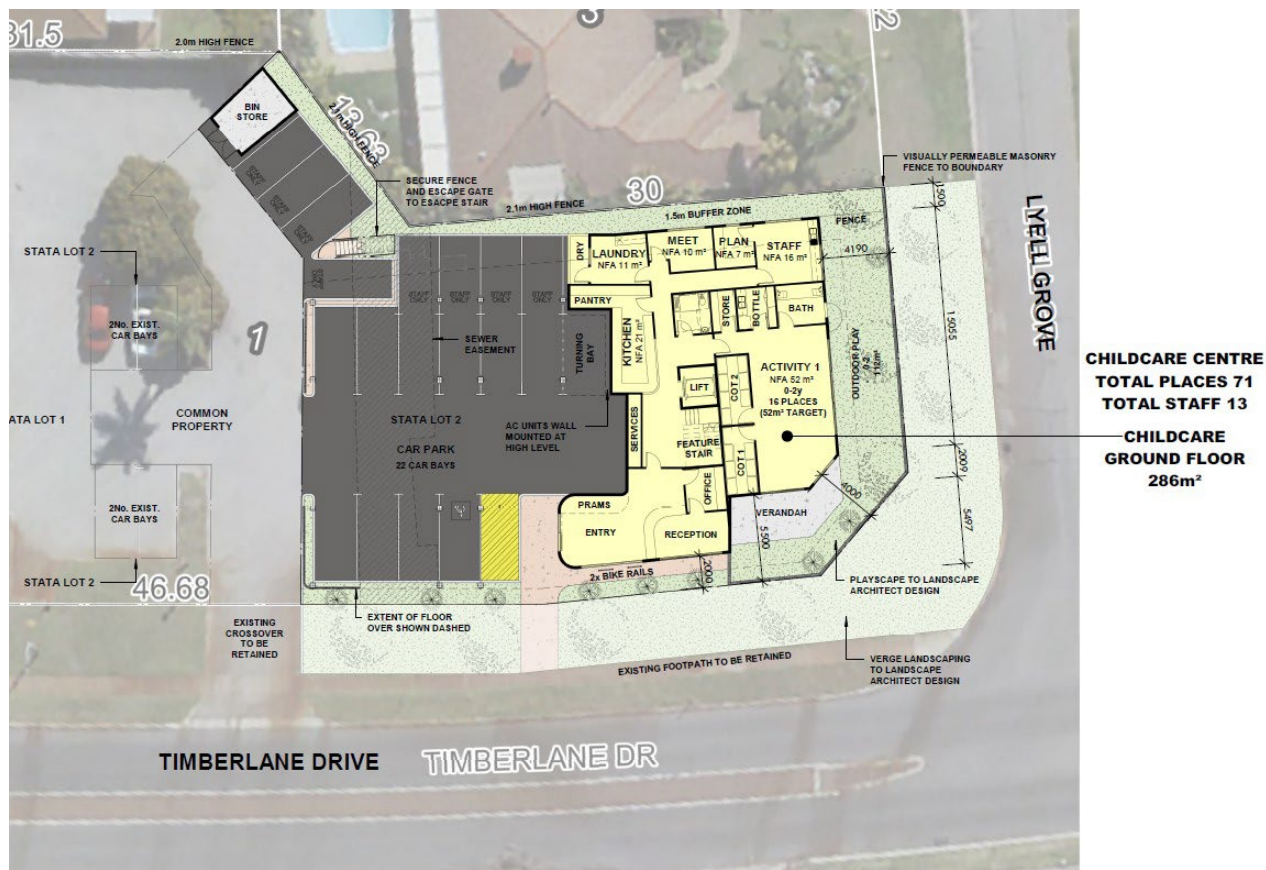


FIGURE 1: PARKING LAYOUT

NOISE MANAGEMENT

Any noise resulting from on-site activities are required to meet the requirements of the *Environmental Protection (Noise) Regulations 1997*. Operations on-site will be undertaken in such a manner as to comply with the above *Regulations*, as informed by the recommendations contained in the site-specific *Environmental Acoustic Assessment* prepared by Herring Storer Acoustics, and any subsequent addendums.

Key operational aspects that inform the outcomes of the report (attached as **Appendix E**), include the following:

INDOOR PLAY

- Internal noise levels will not exceed those from outdoor play for each age group;
- External doors and windows will be closed during indoor activity/play; and
- Any music played within the internal activity areas will be 'light', with no significant bass content and played at a relatively low level.

OUTDOOR PLAY

- Outdoor play areas will not be utilised by children until after 7am;
- The behaviour and 'style of play' of children will be monitored to prevent particularly loud activity (e.g., loud banging/crashing of objects, 'group' shouts/yelling);
- Soft finishes will be favoured to minimise impact noise (e.g., soft grass, sand pits, rubber mats) over timber or plastic;
- Preference for the use of soft balls and rubber wheeled toys;
- Crying children will be taken inside to be comforted;
- No amplified music being played outside; and
- Fencing and/or balustrading being constructed and maintained along the externality of the outdoor play areas, in accordance with the parameters contained in the Environmental Acoustic Assessment.

MECHANICAL PLANT

Mechanical Plant shall be installed and thereafter maintained to ensure it is of a suitable standard, and positioned so as to minimise any potential noise impacts on staff, children and neighbouring properties.

MONITORING & MANAGEMENT

The contact details of the Centre Manager will be provided to the landowners of neighbouring properties. This provides residents with a point of contact, should an issue relating to the matters contained within this OMP arise. If complaints are received, the Centre Manager will take the appropriate action(s) to rectify the complaint.

The Centre Manager, staff, parents and children will all be required to comply with this OMP. Parents of children attending this centre will be provided with the information outlined in this OMP and be advised of the need to comply with the specified requirements.

PROCEDURE & POLICIES TO MANAGE NOISE LEVELS

- Car parking associated with the centre will be managed and controlled in a manner that causes minimal disruption to neighbouring residents;
- Parking bays (other than staff parking) will be restricted to drop-off and pick-up purposes only. Parents will be discouraged from entering into conversations with other parents in outdoor areas including the car parking area (rather, to utilise the enclosed entrance / lobby), as conversations in the car park area would be deemed to be unsafe. This information will be specified in the information packs on enrolment and monitored on-site by staff and the Centre Manager.
- A 'Behaviour Policy' will be in place to outline the procedures for dealing with unfavourable behaviour from a child, including disruptive and excessive noise behaviours. This policy will outline the steps to be undertaken by staff in the instance that a child exceeds the acceptable level of noise and is determined to be partaking in disruptive behaviour.

RESPONSIBILITIES OF STAFF

To help achieve the purpose of this OMP, staff will be responsible for the following:

- Participate in a formal induction at the beginning of employment in regards to behaviour and noise management strategies. The centre provides for all children to be in a safe and comforting environment, therefore positive behaviours and choices will be encouraged at all times.
- Children are energetic, and develop through exploring and playing. Sometimes this results in children hurting themselves and others and crying. Every attempt will be made to address the issues of crying however children's play is not to be discouraged.
- Noise is a natural by-product of play, however where excessive screaming and shouting occurs the staff will instruct the children to refrain from this behaviour or recommend an alternative activity for the children to undertake.
- A minimum of three (3) staff members will manage up to a maximum of thirty (30) children in each program (older group), meaning there will be consistent and careful monitoring of play area. Staff will be required to ensure that there are sufficient and engaging play activities for the children both during indoor and outdoor play.

WASTE MANAGEMENT

Staff will clean the centre at the conclusion of each day including the collection of all rubbish from interior bins for disposal via 660L bins, which will be stored within the externally accessible enclosure located adjacent the car park entrance, with flush paving providing direct access to the driveway. Adequate space is afforded for up to 6 x 660 litre bins inclusive of a drain and wash down facilities in accordance with the relevant regulations.

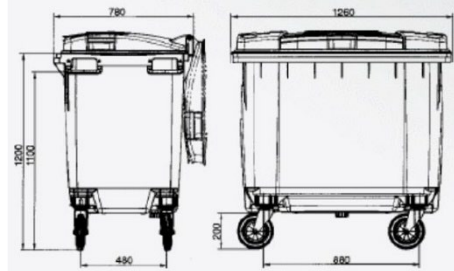
Waste will be collected in accordance with the site-specific *Waste Management Plan* for the centre.

Waste will then be removed from the site via private collection involving the use of a 7.5m long rear loading waste vehicle (outside of peak periods) twice a week in accordance with the standard operation to its similar sized centres. Centre staff and/or the waste contractor are responsible for maintaining the cleanliness of the bin area and for the movement of bins to and from the bin store on collection days.

Dimensions - Weights - Standards

■ Nominal volume:	660 litres
■ Net weight:	43 kg
■ Max. load:	265 kg
■ Permitted total weight:	310 kg

Measurements to be used as a guide only - variations will occur



LIGHTING

Lighting on-site shall be provided in accordance with the relevant Australian Standard.

CONTACT DETAILS & COMPLAINTS PROCEDURE

Any complaints relating to the operation of the business should be directed in the first instance to the Centre Manager. They can do so by calling the business on:

- Sagewood Early Learning

An answering machine or service shall allow for a message to be left in the event that the call is not immediately answered. The Centre Manager will call the resident back as soon as practical (same day of receiving receipt).

FUTURE CHANGES & MODIFICATIONS

This OMP will be reviewed periodically by the operator.

PROPOSED CHILD CARE CENTRE (71 PLACES)

STRATA LOT 2 (#1) LYELL GROVE, WOODVALE

WASTE MANAGEMENT PLAN



Prepared by i3 consultants WA
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1 WASTE GENERATION

In the absence of specific waste generation data for Child Care Centres in the *WALGA Commercial and Industrial Waste Management Plan Guidelines* ⁽¹⁾, waste generation has been determined using the *City of Melbourne's 2015 Waste Generation Rates* data ⁽²⁾ as this includes Child Care Centres and appears to be the most up-to-date data available in Australia. The rates and assessed waste generation for both general waste and co-mingled recyclable waste is shown in Table 1 below.

City of Melbourne Garbage Generation				
Land Use	Rate	Unit	litres/ week	
Child Care Centre	350 l per 100 m ² floor area/ week	576	2,016	

City of Melbourne Recycling Generation				
Land Use	Rate	Unit	litres/ week	
Child Care Centre	350 l per 100 m ² floor area/ week	576	2,016	

Table 1 – General and Recyclable waste generation

Child Care Centres can vary the mix between general and co-mingled recyclables through management and operational practices (e.g., use cloth nappies instead of disposable and encourage parents to provide food and snacks without packaging). The typical waste profile for a Child Care Centre is shown in Figure 1 below.

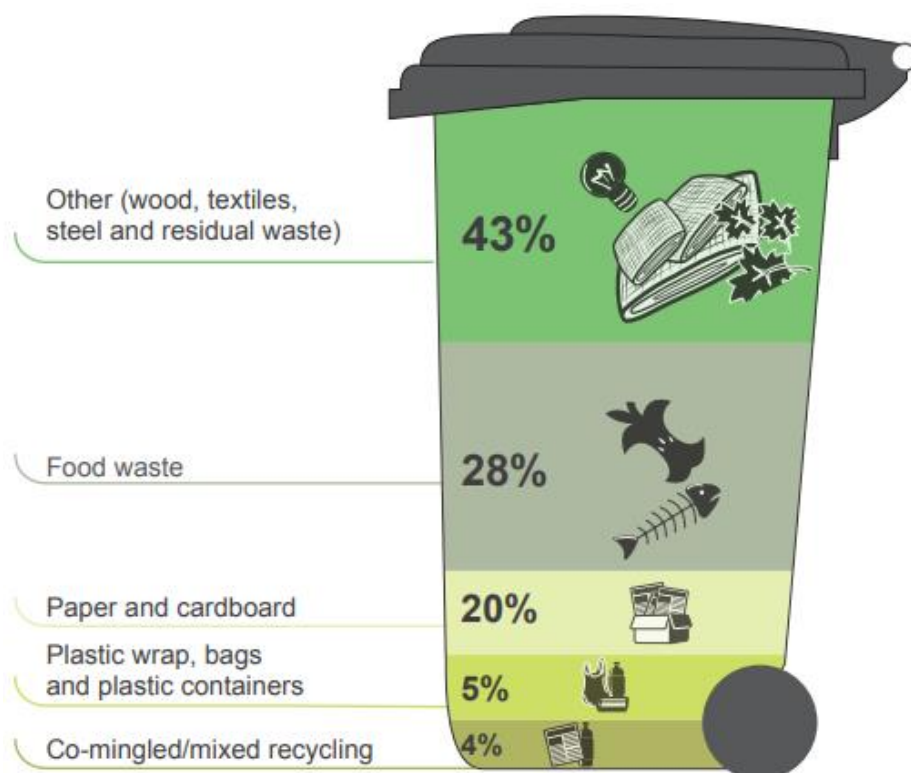
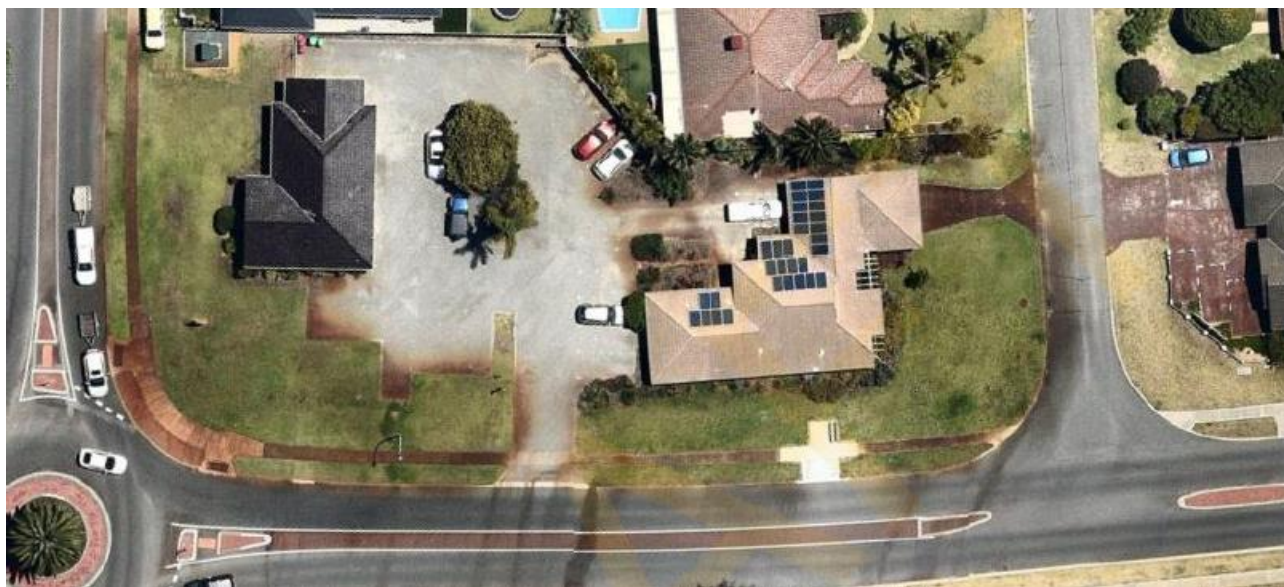


Figure 1 – Typical waste profile of a Child Care Centre (% weight of waste generated) *NSW EPA* ⁽³⁾

2 GENERAL

It is proposed to demolish the existing commercial premises on the east side of Lot 1 (Strata Lot 2) and construct a compliant Child Care Centre for 71 children over two levels with parking for 22 vehicles. The commercial building on the west side (Strata Lot 1) currently contains a dental practice and will be retained, as shown in the Development Drawings included in **Appendix A** and Photograph 1 and Figure 2 below.



Photograph 1 – Existing site (aerial photograph dated 13 Nov 2021)

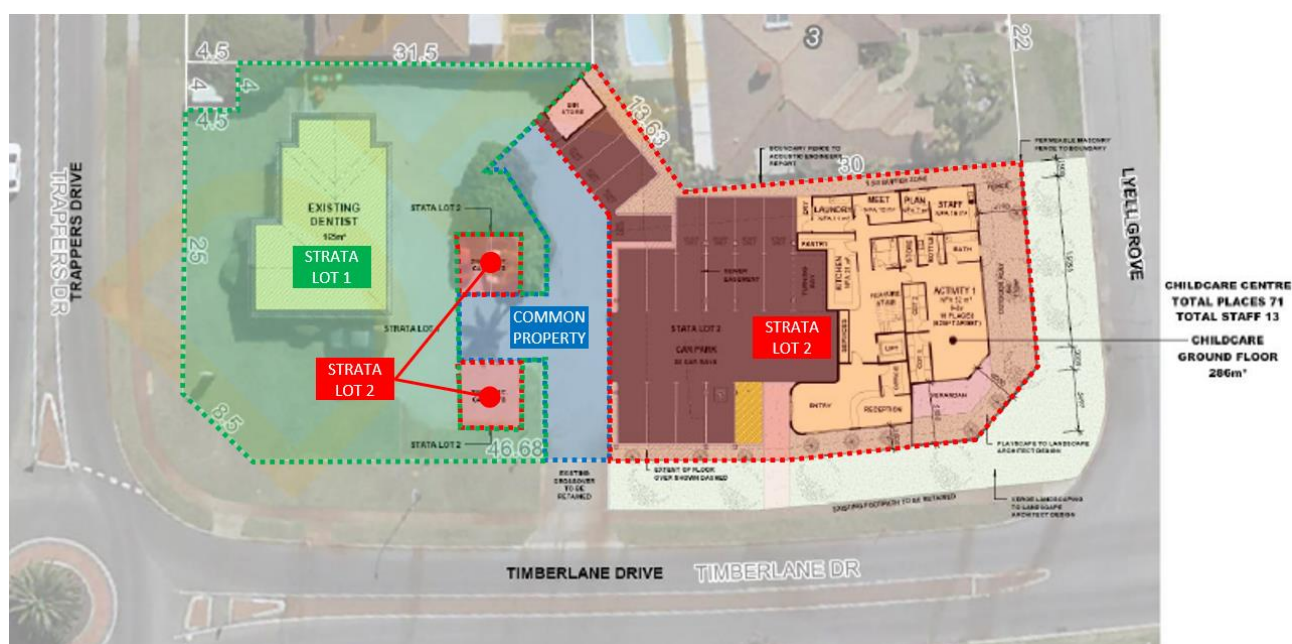


Figure 2 – Proposed Site and Ground Floor Plan showing Strata and Common Property Areas

The assessed waste collection vehicle arrival and departure routes and swept paths to and within the proposed development and the location of the access and ground floor parking and bin store area is shown in Figure 3 on the following page.



Figure 3 – Swept path of 8 m Waste Collection Vehicle and bin store location and service area

3 NUMBER AND TYPE OF BINS AND FREQUENCY OF COLLECTION

An assessment of the required number of MGBs for the quantity of waste assessed in Section 1, i.e., 2,016 litres per week general and 2,016 litres per week recyclable, has indicated that this will result in a requirement for 8 MGBs if collected weekly or 4 MGBs if collected twice a week (e.g., Tue & Fri) as shown in Table 2 below.

BIN SIZES AND NUMBERS REQUIRED (OPTION 1)											
Waste Type	Lt/ week	Freq/ wk	120	140	240	360	660	1100	1500	3000	4500
General	2,016	1	17	15	9	6	4	2	2	1	1
Recyclable	2,016	1	17	15	9	6	4	2	2	1	1
TOTAL											

BIN SIZES AND NUMBERS REQUIRED (OPTION 2)											
Waste Type	Lt/ week	Freq/ wk	120	140	240	360	660	1100	1500	3000	4500
General	2,016	2	9	8	5	3	2	1	1	1	1
Recyclable	2,016	2	9	8	5	3	2	1	1	1	1
TOTAL											

Table 2 – Determination of number of MGBs based on frequency of 1 or 2 collections per week

The recommendation is for collection twice a week, i.e., Option 2 (2 x 660L General & 2 x 660L Recyclable).

The dimensions of the 660L MGB are shown in Figure 4 below. The required storage and presentation areas for four 660L MGBs are assessed in **Sections 5** and **6**.

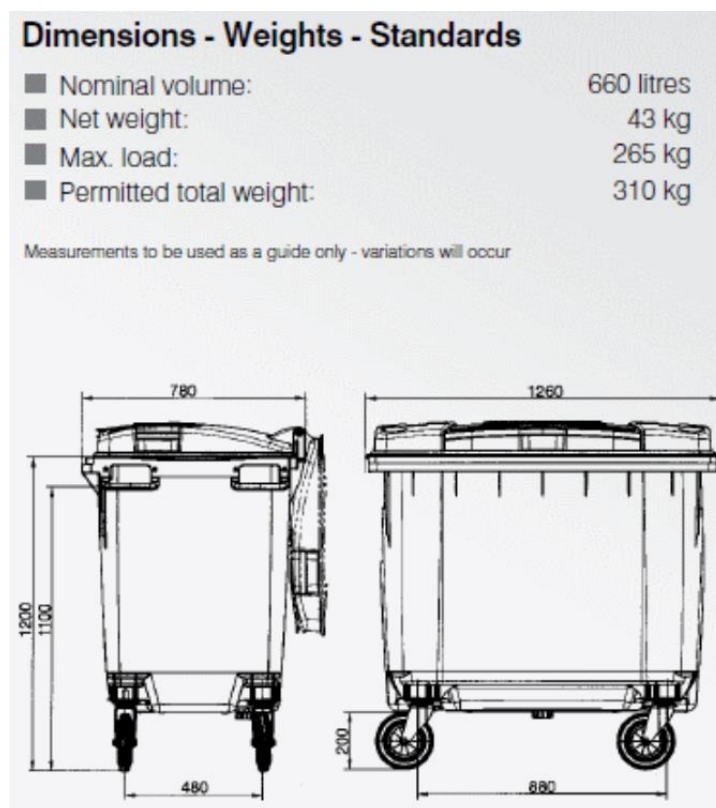


Figure 4 – Typical dimensions of a 660L MGB

4 FOOD WASTE

Due to the proposed kitchen and associated food preparation, it may be necessary to on very hot days or weekends to provide a freezer of sufficient size to allow food waste to be frozen between collection days.

The amount of food waste can be reduced using worm farms and/ or composting, a common feature of Child Care Centres as part of the reduce-reuse-recycle education initiative.

The City of Joondalup provides guidance for the disposal of different types of waste on its [website](#). Waste reduction advice can be found on the City of Stirling's [website](#).

Consideration should also be given to food waste collection consistent with FOGO services in the [Waste Avoidance and Resource Recovery Strategy 2030](#).

5 SPACE FOR STORAGE AND PRESENTATION (SERVICING) OF BINS

The City of Joondalup's Health Local law 1999 requires commercial developments to provide a bin enclosure.

As indicated in Figure 4 in **Section 3**, the 660 L MGBs are approximately 1.26 m wide, 0.78 m deep and 1.3 m high.

The Development Drawing shows the provision of a Bin Store capable of accommodating up to six (6) x 660 L MGBs, as shown in the extract provided as Figure 5 below. Door/ gates comply with City of Joondalup requirement of an opening of at least 2.7 m with a preference for gates swinging outwards (4).



Figure 5 – Bin store showing space for up to six 660 litre MGBs and bin store dimensions (only 4 x 660L MGBs required)

6 ACCESS

The applicant has indicated that waste and recyclable collection will be contracted to use a small Waste Collection Vehicle, similar to that approved by the City of Nedlands, as shown in an extract from its *Local Planning Policy - Waste Management* ⁽⁵⁾, provided as Figure 6 below. The City of Joondalup has proposals to develop similar guidance and procedures in its *Waste Management Plan 2016-2021* ⁽⁶⁾ but has not published this to date.

(a) Standard Truck Dimensions

Parameter	Vehicle Dimension (m)
Overall length	8.5
Overall width	3.0
Overall height (travel)	3.5
Height when lifting bins	3.8

(b) Smaller Truck Dimensions

Parameter	Vehicle Dimension (m)
Overall length	7.5
Overall width	3.0
Overall height (travel)	2.8
Height when lifting bins	2.8

*Note: Small waste truck specifications are based on approximately 3 tonne truck.
WMP requires to demonstrate all waste streams (Waste and Recycling) collection can service the development in one single collection.
This vehicle can service bins only ranging from 120L -660L.*

Figure 6 – Typical dimensions of rear loading waste collection vehicles

The 660 L MGBs will be manoeuvred between the bin store and the waste collection vehicle driver on collection days. The waste collection vehicle will enter the common property area from Timberlane Dr in a forward direction, turn right into the child care centre car park and then reverse left towards the bin area to service the bins and then exit the car park in a forward direction, as shown in Figure 3 on page 4.

7 WASTE FACILITIES, MANAGEMENT & OPERATION

MANOEUVERING MGBs

The development has been designed to ensure that MGBs are not required to be moved up or down steep ramps (i.e., > 1 in 14) and avoid steps and other hazards.

WASHING BINS AND WASTE STORAGE AREA

Impermeable concrete floors (min 100 mm thick 20 MPa) graded at 1% to an industrial floor waste (including a charged 'water-trap' connected to sewer or an approved septic system), with a hose cock to enable bins and the enclosure to be washed out. 100 mm floor waste gully to waste outlet. Both hot and cold water will be available. A two metre long restraining bar made of 50 mm galvanised iron pipe (or similar) which stands 200 mm above the base will be fitted to the floor of the enclosure 150 mm clear of the rear wall.

BIN STORE WALLS AND CEILINGS

All internal walls in bin stores will be cement rendered (solid and impervious) to enable easy cleaning. Ceilings will be finished with a smooth faced, non-absorbent material capable of being easily cleaned. Walls and ceilings will be finished in similar materials to the main building.

VENTILATION AND ODOUR

The design of bin stores will provide for adequate separate ventilation with a system that complies with Australian Standard AS/ NZS 1668. The ventilation outlet is not near windows or intake vents associated with other ventilation systems.

DOORS

All doors and corridors on the transfer route are designed for the largest, i.e., 660 L, MGBs and will be self-closing to eliminate access by vermin.

LIGHTING

Bin stores will be provided with artificial lighting, sensor or switch controlled both internal/ external.

NOISE

Noise is to be minimised to prevent disruption to occupants or neighbours.

FULLY ENCLOSED

The bin stores will be fully enclosed and only be accessible by staff and the waste service provider.

AESTHETICS

The bin store will be consistent with the overall aesthetics of the development.

SIGNS

Signs complying with the WALGA Guidelines will be installed to the bin store area.

8 BIN MANAGEMENT

Facility Management staff or other nominated personnel/contractors will manage waste throughout the facility and as such, will be aware of the expectations regarding use of the bins and store.

Those staff will be responsible for ensuring the correct use of the bins and also that the bins are accessible (or presented) on collection days.

9 BIN PRESENTATION AND COLLECTION

Collection of bins will be as per the following arrangements:

- Onsite waste collection will be undertaken by a private contractor using a maximum 7.5 m long truck.
- The vehicle will enter from Timberlane Dr in a forward direction, turn right into the child care centre car park and then reverse left towards the bin area for Strata Lot 1 in the far northwest corner of the carpark to service the bins and then exit the car park in a forward direction, as shown in Figure 3 on page 4.
- A swept path assessment has been conducted for a larger 8.0 m Waste Collection vehicle (Figure 3 on page 4.). The analysis indicates that the vehicle would be able to perform the required manoeuvre adequately.
- Waste collection will occur outside the drop-off/pick-up times when only staff cars are parked, or alternatively will be undertaken outside of business hours.
- Unless otherwise negotiated, the bins will be retrieved from the bin store by the collection vehicle operators, emptied and then returned to the store.

10 FINDINGS AND RECOMMENDATIONS

This Waste Management Plan has determined there is a need for four 660L MGB's to be provided (2 x general waste and 2 x recyclables) and that these require servicing twice a week.

It is recommended that a freezer of sufficient size is included in the kitchen to allow for food waste to be frozen between collection days during hot periods. Consideration should also be given to food waste collection consistent with FOGO services in the Waste Avoidance and Resource Recovery Strategy 2030.

This waste management plan is based on 50% general waste/ 50% recyclable waste generation. It is recommended that opportunities to reduce the amount of general waste are considered using the resources described in **Section 4**.

David Wilkins

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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, and *Energy Smart Homes* at: 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:

If yes, please attach appropriate documentation to demonstrate this assessment.



98 O'MARA BOULEVARD (LOT 649), ILUKA – MODIFICATION TO PREVIOUS APPROVAL (COMMERCIAL DEVELOPMENT)

Form 2 – Responsible Authority Report (Regulation 17)

DAP Name:	Metro Outer JDAP
Local Government Area:	City of Joondalup
Proposed Amendments:	Amendment of development approval including: <ul style="list-style-type: none">• Modification to condition relating to hours of operation of the tavern use.• Modification to condition relating to the use of the first floor car park between 11.00pm and 5.30am.• Modifications to the approved development to allow removal of the barrier above the car parking access from Calis Avenue.• Modification of advice note regarding the playing of live music at the tavern use.
Applicant:	Dynamic Planning and Developments
Owner:	AGEM PG33 PTY LTD
Value of Amendment:	N/A
Responsible Authority:	City of Joondalup
Authorising Officer:	Chris Leigh Director Planning and Community Development
LG Reference:	DA18/1336.01
DAP File No:	DAP/18/01543
Date of Original DAP decision:	28 June 2019 & 30 August 2020
Application Received Date:	24 December 2021
Application Statutory Process Timeframe:	90 Days with an additional 14 days
Attachment(s):	<ol style="list-style-type: none">1. Location plan2. Proposed development plans3. Applicant planning justification4. Acoustic report5. Peer review of acoustic report6. Technical memorandum - traffic7. Schedule of submissions8. DA18/1336 - Determination letter and plans (original development)9. DA20/0452 - Determination letter and plans (change of use to tavern)10. House management plan for tavern use

Responsible Authority Recommendation

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 dated 24 December 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 date 24 December 2021 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, the provisions of the City of Joondalup *Local Planning Scheme No. 3* and Iluka Structure Plan for the following reasons:

Reasons

1. The proposed modifications do not satisfy the matters to be considered under clause 67(2)(a), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, extending hours from 11.00pm to 12.00am for the 'Tavern' use and modifications to the car park entrance to Calis Avenue will have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality and, therefore, does not meet the objectives under Table 2, 'Commercial' zone objectives of *Local Planning Scheme No. 3*.
2. The proposed modifications do not satisfy the matters to be considered under clause 67(2)(h), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the modifications do not meet the objectives under clause 6.1 of the Iluka Structure Plan as the proposal is considered to;
 - a) have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality;
3. The proposed modifications do not satisfy the matters to be considered under clause 67(2)(n), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal will detrimentally impact the amenity of the locality, specifically in relation to the character of the location and the social impacts of the development.
4. The proposal does not satisfy the matters to be considered under clause 67(2)(m), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposed hours of operation of the 'Tavern' between 11.00pm and midnight is not compatible with the setting of the locality, being a local centre, and with the specific objectives set out in the Iluka Structure Plan.
5. Insufficient information has been provided to support an amendment to Advice Note 9 to remove reference to the prohibition of play live music at the tavern use. The application has not demonstrated that the playing of live music can meet the relevant requirements of the *Environmental Protection (Noise) Regulations 1997*.

Details: outline of development application

Zoning	MRS:	Urban
	LPS3:	Urban Development
Iluka LSP:		Commercial, R80
Use Class:		Not applicable
Strategy Policy:		Not applicable
Development Scheme:		City of Joondalup Local Planning Scheme No. 3
Lot Size:		5,552m ²
Existing Land Uses:		Commercial development (various land uses)

Proposal:

The application proposes the following amendments to the previous approval:

1. The removal of the bulkhead/screening device across the ramp to the first floor parking area accessed from Calis Avenue. This is proposed to be replaced with a height restriction bar.
2. Modify condition 22 of DA20/0452 (DAP/18/01543) to increase the operating hours of the 'Tavern' land use from 11.00pm to midnight. Condition 22 currently states:

"The hours of operation shall be no more than:

- a) *T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday."

3. Amend advice note 9 of DA20/0452 (DAP/18/01543) to remove the reference to a restriction on live music within the tavern. Advice note 9 currently states:

"Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions, prohibition of music and any openings to the indoor area) and music to be of an ambient nature with live performances to be prohibited."

4. Modify Condition 21 of DA18/1336 (DAP/18/01543) to allow access to the first floor parking area at all times. Condition 21 currently states:

“A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the commencement of the development. The Traffic and Parking Management Plan shall include, but not be limited to, the following;

- Demonstrate safe access and egress including vehicular and pedestrian access;*
- Consideration of mirrors at the exit on Calis Avenue; and*
- The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.*

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.”

In addition to the above, the applicant has proposed a modification to the layout of the development to relocate the entrance door to the tavern from Burns Beach Road to face O'Mara Boulevard.

The updated plans for consideration are included as Attachment 2 and the applicant's justification is included as Attachment 3.

Background:

The development site is bound by Burns Beach Road to the west, Calis Avenue to the east, O'Mara Boulevard to the south and the remaining portion of the subject site to the north. The location of the development site is identified in Attachment 1.

The site is subject to the Iluka Structure Plan (ISP).

Previous Development Applications

DA18/1336 – Commercial Development

In December 2018, a development application for the site was lodged for a two-storey commercial development, comprising a range of non-residential land uses.

On 11 March 2019, the Metro North-West Joint Development Assessment Panel (JDAP) considered the development plans and deferred a decision on the matter to allow the applicant to further consider pedestrian and vehicle access for the development and the building setbacks to Calis Avenue.

On 18 March 2019, the applicant sought a review of the JDAP's decision via the State Administrative Tribunal (SAT).

On 13 May 2019, the JDAP considered revised development plans and approved the application, subject to conditions, which included, among other conditions, a restriction on the operating hours of the supermarket.

As part of the same ongoing SAT process, the applicant sought review of the operating hours condition. The JDAP subsequently reconsidered its decision of 13 May 2019 and on 28 June 2019 approved the development with revised conditions including an extension of the hours of operation of the supermarket to 11.00pm. Following this decision, the applicant withdrew its SAT appeal.

The development was approved, incorporating the following land uses:

- Shop
- Restaurant / Café (food and beverage)
- Supermarket
- Liquor store
- Consulting room
- Office
- Recreation – Private (gym)
- Child care premises.

A copy of the DA18/1336 approval, including the original decision from 13 May 2019 and subsequent decision of 28 June 2019, is provided as Attachment 8.

DA20/0452 – Change of Use to Tavern (Form 2)

A change of use (Form 2) application to change the approved use of tenancies 1, 2 and 3 to 'Tavern' was lodged in May 2020.

On 31 August 2020, the JDAP considered the proposed change of use and approved the application, subject to conditions which included, among other conditions, a restriction of the operating hours of the tavern.

A copy of the tavern change of use approval (DA20/0452), including all conditions, is included as Attachment 9.

Compliance History

The City has received and investigated a number of complaints regarding the tavern not operating in accordance with the approval granted along with the way in which access to the upper floor carpark accessed via Calis Avenue is managed. A summary of the issues raised in complaints is included within the consultation section below. Many complaints relate to approval conditions and matters that the applicant is seeking to amend as part of the application that is the subject of this report.

The City's investigation of complaints has identified matters of non-compliance with conditions with respect to:

- Hours of operation of the tavern.
- Removal of bulkhead device to the first floor car park.
- Vehicle access to the first floor car park after 10.00pm.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005.*
- *Metropolitan Region Scheme.*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).*
- *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations).*
- *City of Joondalup Local Planning Scheme No.3 (LPS3).*

State Government Policies

- *State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7).*
- *State Planning Policy 4.2: Activity Centres for Perth and Peel (SPP4.2)*

Local Structure Plan/Local Development Plan

- *Iluka Structure Plan (ISP).*
- *Iluka Local Centre Local Development Plan No.1 (LDP No. 1).*

Local Planning Policies

- *Commercial, Mixed Use and Service Commercial Local Planning Policy.*

Consultation:

Public Consultation

The application was advertised for a period of 14 days from 28 January 2022 to 11 February 2022. Consultation was undertaken in the following manner:

- Letters sent to 262 owners and occupiers in the vicinity of the site, being the same owners and occupiers consulted on the original commercial development proposal and change of use application.
- Development plans were made available for public viewing on the City's website and at the City's administration building.

A total of 265 submissions were received, including two neutral submissions, 85 objections and 178 submissions in support of the amendment proposal.

A summary of the submissions received along with the applicant's response is provided as Attachment 7.

The key issues raised in the objections include:

- The tavern is in a residential area and already has impacts on surrounding homes through noise, anti-social behaviour, drunken pedestrians, public urination and vomiting.
- The tavern is not operating as a family restaurant/venue as was claimed in the change of use application.
- The conditions of the approval were put in place to limit the impact on surrounding residents. The application is seeking to progressively remove the controls in place to manage amenity impacts
- Lack of confidence in the acoustic assessment with no explanation supporting the changed conclusion to suggest live music would now comply with noise regulations
- The noise from the venue can be heard from surrounding properties.
- The removal of the bulkhead puts the responsibility of light nuisance protection on the surrounding residents.
- Ambulances that require extra clearance, requiring removal of the bulkhead, would also exceed the weight limit for the ramp.
- The gate restricting late night access to first floor parking has not been in operation for the majority of the time and the first floor is used by hoons/others late at night as a recreational space. When vehicles (and notably trailers) exit late at night, they make a significant noise.

The reasons provided in the submissions supporting the proposal include:

- The venue is well supported and provides a vibrant, community focused location.
- The increased hour would not affect neighbours any more than the current 11.00pm closing, and will allow the tavern to be competitive/viable against other venues. The venue is run by professional management who have a proven track record demonstrating responsible service.
- We live in the area and have never had issues from the tavern.
- Later hours caters for sports events that occur later in the evening.
- Allowing increased parking upstairs will alleviate the parking concerns in the area.
- The removal of the bulkhead provides for essential services to access the site.

Consideration of the issues raised during consultation forms part of the discussion in the Planning Assessment section of this report.

Complaints regarding the operation of the tavern

It is noted that prior to receipt and advertising of the subject application, the City had received numerous complaints and comments from the public regarding the development not operating in accordance with the approval. Issues relevant to the development application that have been raised in complaints include:

- Operating hours of the tavern going past midnight.
- Noise from the tavern.
- Availability of parking within the area/impact on availability of street parking.
- Litter associated with tavern.
- After hours use of the first floor car park (cars hooning and using ramp).
- Skate boarding in first floor car park.
- Anti-social behaviour (vehicle hooning) in the first floor car park.
- Use of first floor car park for deliveries.

Some of the above matters have been referred to the police or tavern operator, and others remain as ongoing compliance investigations.

Referrals/consultation with Government/Service Agencies

Not applicable.

Joondalup Design Review Panel (JDRP)

Not applicable.

Planning Assessment:

The proposal incorporates a number of modifications to previous approvals granted by the JDAP. Each of these proposed modifications is considered in further detail below.

Extension of the tavern operating hours

As part of the change of use approval for the tavern land use, the JDAP imposed a condition on operating hours, limiting operation to 11.00pm every day. The hours of operation is consistent with the operating hours of other uses within the centre and was imposed as one way of attempting to manage the potential amenity impacts of the tavern on surrounding residents. The applicant is now seeking to formally modify this condition and extend the tavern operating hours from 11.00pm to midnight every day.

The applicant has justified the extended operating hours as follows:

- The request to amend the approved 'Tavern' operating hours is a result of a conflict with the approved liquor license which allows operation until midnight. As this is inconsistent with the planning approval we are seeking approval for amended operating hours to ensure consistency across both the planning and liquor licence approval.
- Increasing the operating hours of the 'Tavern' will not result in any parking or traffic related concerns as nearly all of the other uses at the premises will be closed at this time and no additional floor space is proposed which means the parking calculations remain the same.

In considering the initial proposed change of use to allow the tavern, the City's Responsible Authority Report noted that Clause 6.2.8 of the Iluka Structure Plan specifically identifies the land use 'Tavern' as incompatible with the local centre, and raised concerns that the land use would have detrimental impacts on the amenity of the surrounding residential area, which would not align with the objectives of the Iluka Structure Plan, being:

- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality; and*
- *To ensure any commercial uses are reflective of the local scale of the centre, primarily serving the needs of the local community.*

It is considered that, notwithstanding the previous approval, evidence suggests via ongoing complaints that there has been a level of detrimental impact to surrounding residents through anti-social behaviour and noise related to the operation of the tavern. Any extension to operating hours, specifically late at night, has the potential to exacerbate these existing impacts.

The retention of Condition 22 of DA20/0452 as currently written is recommended for the following reasons:

- When considering the style and operation of the tavern as part of the change of use application, the applicant presented that the venue would be a family style bistro and that it would be keeping within the character of the area, and thereby not have any impact on the amenity of the area. Notwithstanding, it is evident that the operation of the venue has not been in accordance with the style previously presented, with numerous larger scale events, sporting and music events being held at the venue.

The extension of the tavern operating hours until midnight is not considered to be in keeping with the intended character and intensity of this local centre and does not meet the objectives of the 'Commercial' zone under LPS3 or the Iluka Structure Plan.

The noise that is generated from the development, notwithstanding the potential compliance with the noise regulations as discussed below, is not in keeping with the character of the area which consists of a local centre and residential development. Submissions raised that the noise was audible from surrounding properties leading to nuisance. Any exacerbation of noise impacts or approving an extension to the duration of noise from the tavern, particularly later into the night, is not supported.

- The applicant notes that there is a conflict between the tavern operating hours stated on the liquor licence and those stated as a condition of the development approval, and these should be made consistent. Whilst the difference between the two is acknowledged, separate legislation governs the granting of a liquor licence and the granting of a development approval.

The trading hours associated with a liquor licence do not impinge on the ability of a development approval to condition the hours of trading as appropriate to the local context and the preservation of amenity. Therefore, achieving consistency between the liquor licence and development approval trading hours is not considered a relevant justification to increase the operating hours to midnight. If the goal is to achieve consistency between the liquor licence and planning approval in relation to tavern trading hours, it is also possible for the liquor licence to be amended to match the planning approval (ie. to 11.00pm).

- Submissions received during the consultation process as well as through complaints and comments made to the City outside of the development application process indicate that the tavern has not been operating in accordance with the approval issued, contributing to anti-social behaviour and amenity impacts in the area. The City's investigations have identified that the tavern is regularly operating outside of the prescribed operating hours, including using the premises for events. Any additional late night trading hours for the tavern is likely to exacerbate or at least continue the amenity issues later in the night.

The change of use approval for the tavern included a restriction on the hours of operation to manage any impact from the use on the surrounding area. It is considered that the applicant has not provided sufficient justification to demonstrate that the extension to the operating hours would demonstrate how the extension would not worsen current issues being experienced.

Removal of the bulkhead within the Calis Avenue access ramp

Through the public consultation process on the initial commercial development application (DA18/1336), an issue was raised regarding the potential headlight glare from the first floor car park accessed from Calis Avenue into the residence located opposite the car park access. In response to these concerns, the application was modified to include a larger bulkhead structure over the access ramp which would protect against the direct visual impact of headlight glare to adjoining properties.

The development was constructed as per the original approved plans, however has been subsequently modified with the bulkhead structure being removed and replaced by a height restriction bar. The applicant is seeking to formalise this modification and gain approval for the height restriction bar in lieu of the bulkhead structure.

The applicant has justified the change to the entry to the car park as follows:

- Headlight glare will only be directly to one property. This property is considered to have an inactive frontage to Calis Avenue by virtue of their solid double garage, front wall and heavily landscaped front yard. As a result the frontage is largely impermeable and consequently there is not considered to be any amenity impact resulting from the headlight glare from vehicles exiting the development.
- The removal of the bulkhead is required under separate legislation – the *Emergency Management Act 2005* as the first floor medical centre is required to provide access for St John of God ambulances which didn't fit under the installed bulkhead.

- The removal of the bulkhead will not allow deliveries to occur to the first floor as this is controlled through the approved Delivery Management Plan. Further, the ramp to the first floor parking area is not rated to accommodate delivery vehicles and as such it is imperative that property management enforce the approved Delivery Management Plan.

The City recommends the retention of the development as previously approved for the following reasons:

- While it is noted that the façade of the affected residence incorporates a garage, and notwithstanding that the landowner has implemented other measures to minimise headlight glare, including landscaping, it is not considered appropriate that the responsibility for the protection of amenity from nuisance generated from the subject site be borne solely by the adjoining owners. In addition, submissions received through the consultation process identified that headlight glare has impacted other residential properties.
- It is unclear how the clauses from the *Emergency Management Act 2005* as noted by the applicant specifically relate to ambulance access to the upper level given the clauses relate to the actions of authorised persons in an emergency situation (e.g. the power of authorised persons to close roads during a bush fire event). No further justification has been provided identifying specific emergency requirements that would require an increase of the height restriction from that required under the relevant Australian Standards for off street car parking (AS2890.01).
- The applicant acknowledges that the removal of this bulkhead will result in additional headlight glare, and although no technical assessment is provided, the Technical Memorandum submitted notes that a bulkhead at 3.2 metres would not offer any protection from headlight glare. No other mitigation measures have been offered, noting that the applicant has stated that other options have been considered, although no detail on these options has been provided.
- While it is acknowledged that the management of deliveries is outlined and controlled by a Delivery Management Plan, the presence of the bulkhead does serve to assist that management by not allowing large vehicles to access the first floor car park.

It is not considered that sufficient justification has been provided as to how the inclusion of the height bar, in lieu of the bulkhead approved, would achieve an improved outcome to that approved, or not exacerbate issues of headlight glare. It is therefore recommended that this element of the proposal not be supported.

Operation of first floor car park at night

Through the consultation process for the initial commercial development application (DA18/1336), an issue was raised regarding the potential impact from the use of the first floor car park, specifically at night. A condition was imposed, after discussion with the applicant, relating to a traffic management plan that would restrict the entry by vehicles to the first floor car park between 10.00pm and 5.30am. A gate would allow egress (i.e. allow vehicles already in the car park to leave, but not allow additional vehicles to enter) during this time.

A gate was constructed, however has broken on numerous occasions. When reported, the applicant has attempted to rectify, however has advised the expense of this is significant, and, after fixing the gate on two occasions, has not rectified the damage, leaving the first floor car park open at all times.

The applicant is seeking to formalise an open access arrangement and allow unrestricted use of the first floor car park. The applicant has justified the formal removal of the gate as follows:

- The closure of the parking area in the evenings has resulted in local residents driving around looking for street parking and at times parking illegally when there is a large parking area that is vacant and could be utilised. The illegal parking is considered to have a more profound impact on the amenity of the surrounding properties than the use of the parking area as it has been demonstrated above that headlight glare resulting from cars accessing the first floor parking area in the evening is not considered to be an issue.
- As part of securing the first floor parking area a boom gate was installed to prevent access. Unfortunately there has been numerous instances where members of the public simply break this boom gate and access the first floor parking area.
- The additional first floor parking contributes to the available amenity in the area as it is likely to be used by residents attending local community events such as the Burns Beach Night Markets. This would reduce the extent of illegal parking when events such as the Night Markets are on which Council are required to manage.

In addition to the above, the applicant has provided a technical memorandum investigating the parking usage on 11 and 12 March 2022 (Attachment 6 refers). The parking utilisation noted that between 10.00pm and 11.00pm on these days, there was a maximum of 28 cars in the lower car park (which caters for up to 75 vehicles), five vehicles (including cars and mopeds) on the first floor and four cars parked within on-street parking bays.

The City recommends the retention of Condition 21 as written for the following reasons:

- The restriction of access to the first floor car park was to prevent the use of vehicles within this car park after hours to manage issues of headlight glare, noise and general amenity impacts for surrounding residents. Submissions received by the City, both during consultation and prior to the lodgement of the application, have identified that vehicles have access to this area into the early hours of the morning, and therefore the restriction on access continues to be required to manage this behaviour.
- While the City has received a number of complaints regarding parking within the area, these have not been related to a lack of parking in the area and therefore making additional parking available between 10.00pm and 5.30am is unlikely to address the nature of complaints received.

- Evidence indicates that the area is used for anti-social behaviour. While anti-social behaviour cannot be specially controlled by a development approval, there is the ability for building or approval conditions to incorporate designing out crime principles to assist in limiting the opportunities for crime and anti-social behaviour, including limiting the access hours to spaces where such activities are likely to occur. Limiting vehicle access to the first floor car park is considered to assist in limiting the opportunity for anti-social behaviour and the consequential impact on local amenity.
- The restriction was designed to allow vehicles to exit the parking area if required, and therefore only impacts vehicles seeking to enter after 10.00pm. It is considered to be unlikely that the availability of the first floor car park after 10.00pm, would have any influence on the operation of the Burns Beach night markets or other similar community events.
- The parking study provided indicates that ground and first floor car parking were underutilised on the survey dates. It can be concluded therefore that there are no anticipated issues with people finding parking between 10.00pm and midnight, and the use of the first floor car park is not required to meet demand after 10.00pm.
- The vandalism of the boom gate, while unfortunate, is not a relevant planning consideration. It is recommended that other methods to comply with the requirements of the approval is investigated by the applicant.

It is not considered that sufficient justification or evidence has been provided to demonstrate how the issues resulting in imposition of the condition 22 would be managed, nor how issues would not be exacerbated should the condition be removed. It is therefore recommended that this element of the proposal not be supported.

Advice note regarding live music

The impact of noise was considered as part of the initial commercial development application as well as the tavern change of use application. The applicant provided a technical report for each application stating that the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) could be met, and a condition of approval was applied which required the submission of additional details to substantiate the findings.

The technical report provided in support of the tavern change of use application identified specific measures needed to comply with the noise regulations, including the restriction on live music.

Advice note 9 relates to condition 14 of DA20/0452 which requires a detailed acoustic report be provided, including the details of implementation within various land uses/tenancies of the commercial development (i.e. how were the operations going to be undertaken to comply with the relevant noise regulations). The advice note refers to management strategies taken directly from the technical report, such as restrictions of outdoor areas, music to be of an ambient nature, and live performances being prohibited.

The purpose of the advice note was to provide guidance in relation to the expected management strategies to be outlined in the detailed acoustic report required by the condition.

The applicant has justified the use of live music as follows:

- An acoustic report has been prepared by Stantec which examines the operation of the proposed development and the noise produced by the Tavern (during operation), including the provision of live music and the background music. Stantec determined that the noise received at the closest sensitive premises from the DJ and background music was inaudible with traffic and ocean noise being the dominant sound heard at these premises.

As Stantec examined the applicable noise sensitive period (after 7pm) and determined compliance with the *Environmental Protection (Noise) Regulations 1997*, extending the operating hours by 1 hour and allowing live music will not impact the amenity of adjoining sensitive premises.

The applicant has provided an acoustic report as part of this application (Attachment 4 refers), however it is noted that this is an existing acoustic report that was specifically prepared to respond to a separate condition imposed on the liquor licence which also restricts music and entertainment levels. The report identifies that a DJ could perform internally with no audibility of music external to the venue, and that noise emissions must be continued to be managed. As part of its review the City raised issue with a lack of guidance and detail in the acoustic report as to what settings were in place to achieve the outcomes observed in the acoustic report and therefore what management strategies would be required in the event live music were to be permitted. The applicant subsequently obtained a peer review of the acoustic report in response to the City's concern and to confirm compliance and address other matters raised as part of the current application (Attachment 5 refers).

The City has reviewed the acoustic reports and considers that the level of detail provided within the reports is not sufficient to demonstrate that live music can occur within the relevant assigned noise levels. Unless correctly assessed against different scenarios, including different types of music with different operating conditions, and appropriate implementation and ongoing management, concern remains that live music and other forms of entertainment may not comply with the Noise Regulations. Specific management regarding the use of noise restriction devices, management of live music (i.e. acoustic drum kits) and operation of doors by staff are all required to work to ensure compliance with the noise levels.

In light of any detailed information or modelling incorporating a more robust assessment of the impacts in line with the Noise Regulations, it is recommended that the advice note remains.

Modification to the entry location of the development

The applicant has proposed a modification to the layout of the development to relocate the entrance door to the tavern from Burns Beach Road to face O'Mara Boulevard. It is understood that this modification is intended to reduce the impact of noise on residents within the apartment building to the north of the development.

The applicant has not demonstrated that relocating the entrance would alleviate issues affecting residents to the north, and no formal modelling has been undertaken to determine the benefit or impact of the change. The relocation of the entrance may serve to shift issues to a future development area to the south as well as existing residents located along O'Mara Boulevard and Santos Vista. The proposed relocation of the entrance door is not considered to enhance the merits of the application and would also require further consideration or amendment to the operation management plan.

Options/Alternatives:

In accordance with clause 17(1)(c) of the DAP Regulations the JDAP may elect to:

- consider that the proposed amendments substantially change the development approved and are therefore not able to be considered under regulation 17(1)(c) of the DAP Regulations; or
- consider that the proposed amendments do not substantially change the development approved and are therefore able to be considered under regulation 17(1)(c) of the DAP Regulations.

In the event the JDAP considers that the application does substantially change the approved development, then the applicant will need to lodge a separate application.

In the event the JDAP considers that that the application does not substantially change the approved development then, in accordance with clause 17(4) of the Regulations, the JDAP may approve (with or without conditions) or refuse the application.

Should the JDAP resolve to 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.

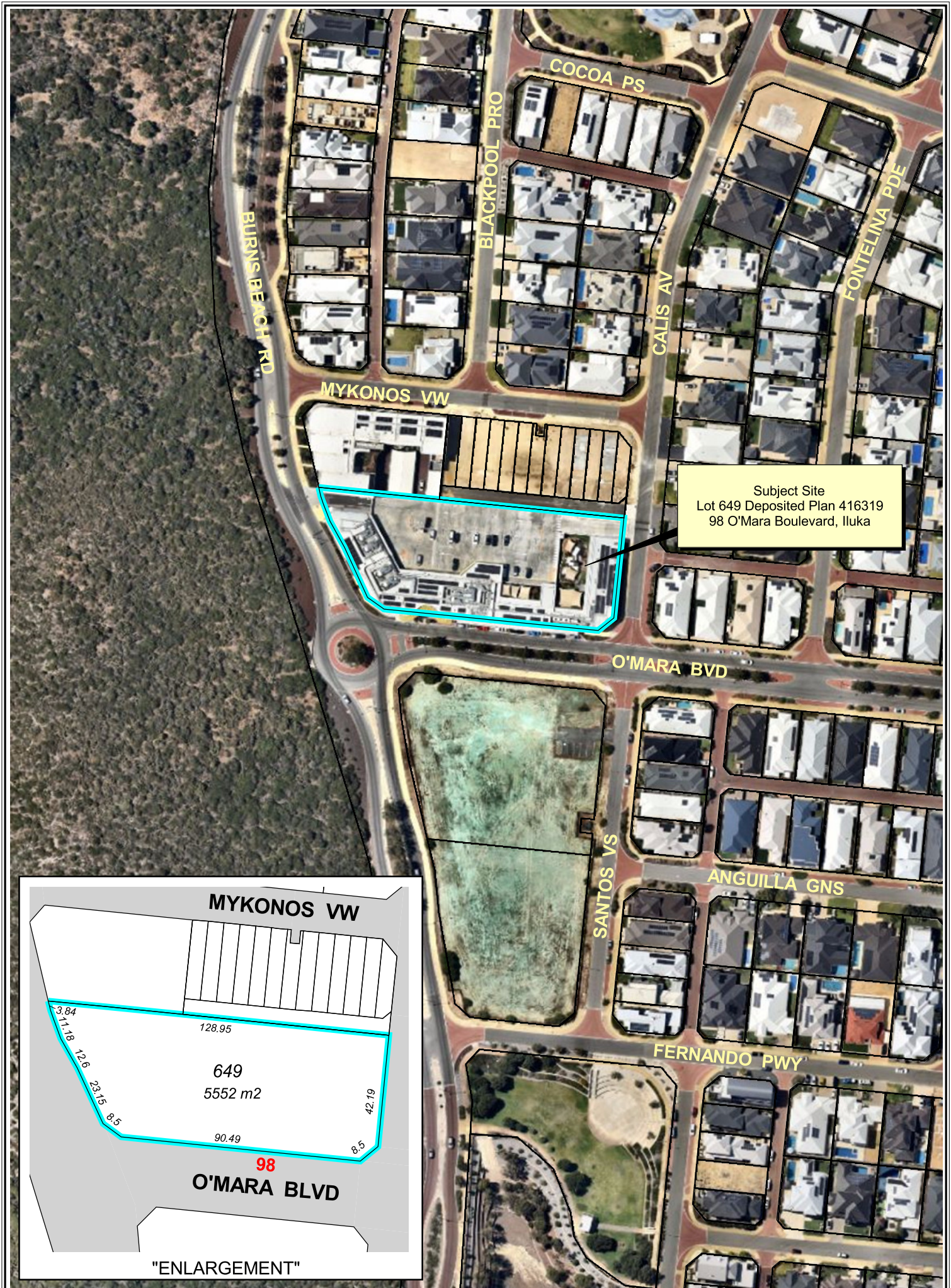
If the applicant is aggrieved by the decision or any aspect of the decision, the applicant has a right of review in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

Conclusion:

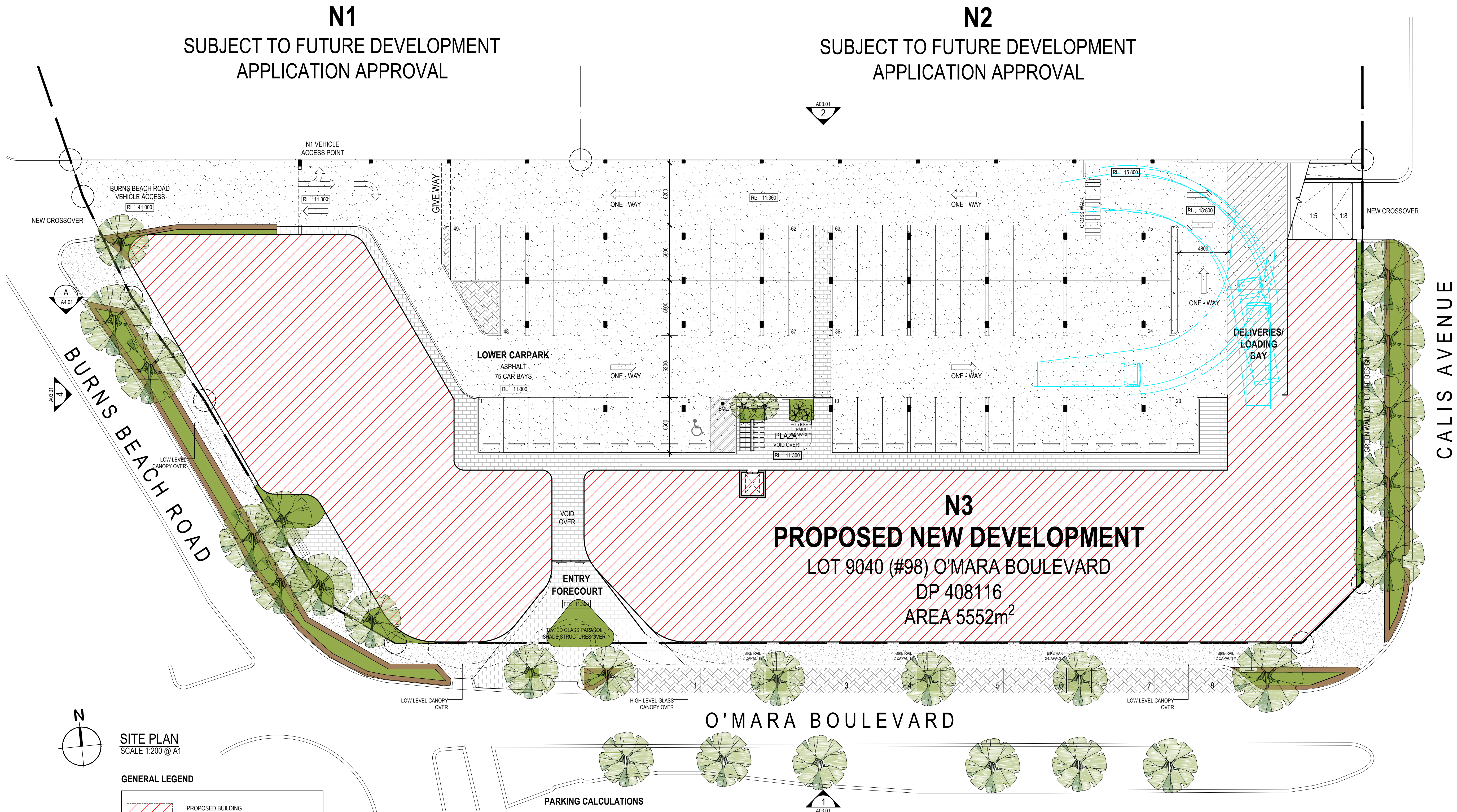
As outlined in the Planning Assessment section of the report, it is considered that the development is appropriate to consider under regulation 17 of the DAP Regulations.

However, it is considered that it has not been adequately demonstrated as to how the proposed amendments appropriately respond to the matters of concern that the conditions of the development approval seek to address.

As such, it is considered that the proposed amendments will have a greater detrimental impact on the amenity of the adjoining owners and residential properties in the locality than the current approvals for the site and therefore do not meet the objectives under Table 2 of LPS3 or the objectives of the *Iluka Local Structure Plan*. The proposed amendments are therefore not supported, and refusal is recommended.



NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing.
All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



F	18/03/19	JDAP REVISIONS	LM	LA
E	26/02/19	DRP REVISIONS	LM	LA
D	20/02/19	DRP REVISIONS	LM	LA
C	18/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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DEVELOPMENT APPROVAL

dmg ARCHITECTURE

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PROJECT

ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE

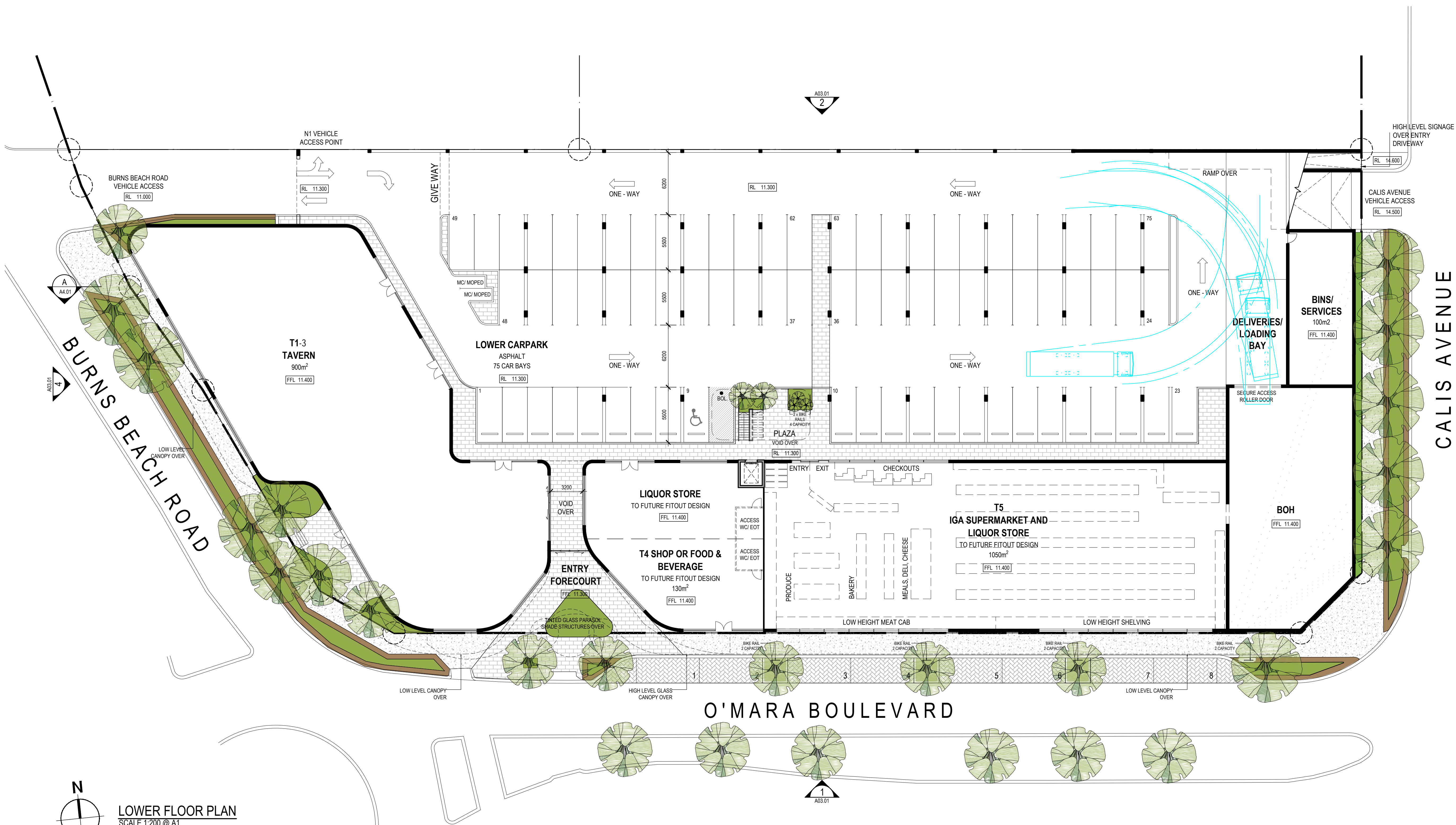
SITE PLAN

SCALE	DRAWN	CHECKED
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PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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ILUKA, WA 6028

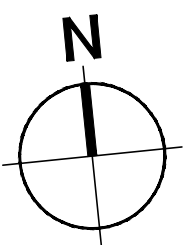
TITLE

LOWER FLOOR PLAN

SCALE	DRAWN	CHECKED
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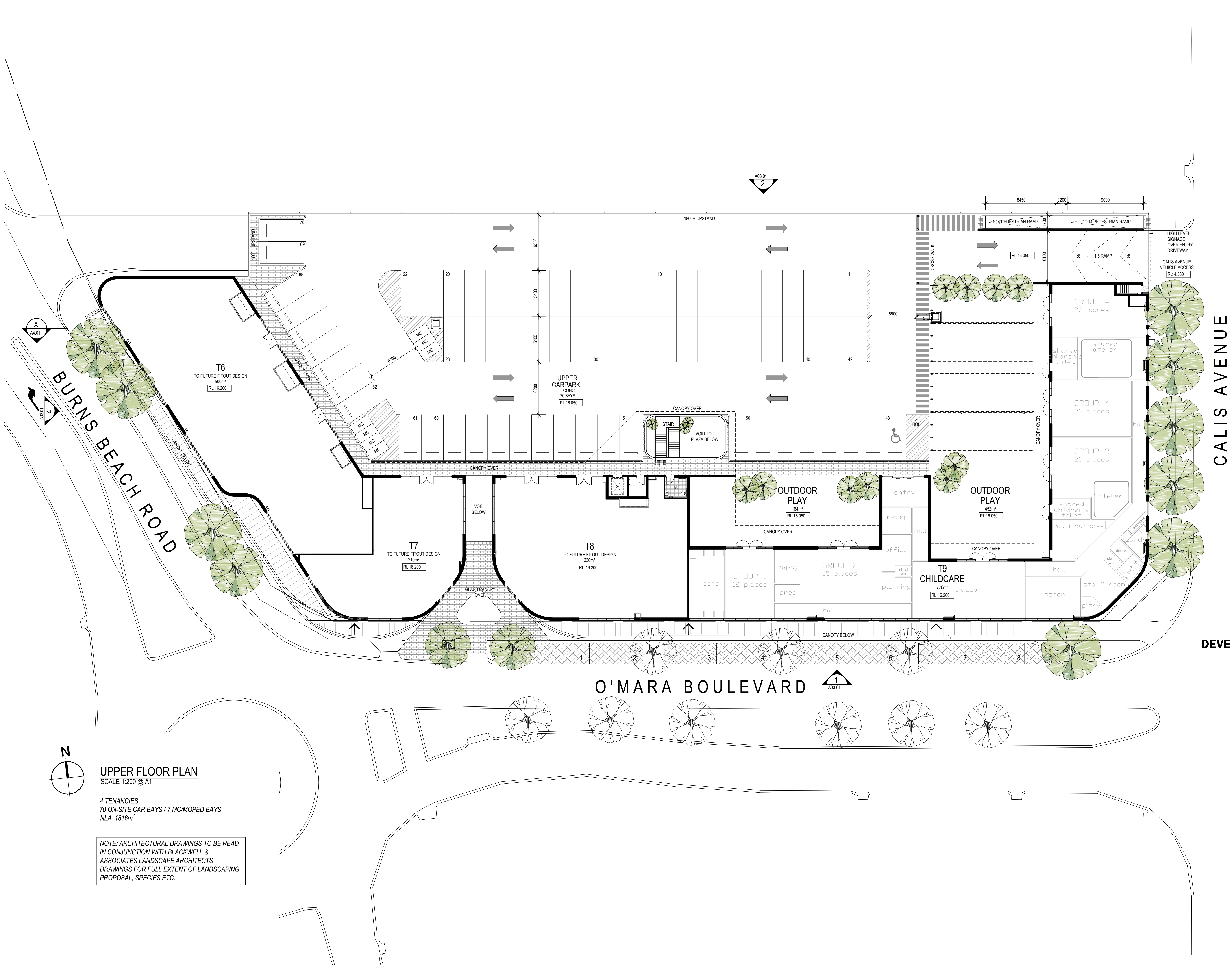
LOWER FLOOR PLAN

SCALE 1:200 @ A1

6 TENANCIES
75 ON-SITE CAR BAYS / 2 M/C/MOPED BAYS
8 STREET CAR BAYS
6 BICYCLE RACKS (12 CAPACITY)
NLA: 2080m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH BLACKWELL & ASSOCIATES LANDSCAPE ARCHITECTS DRAWINGS FOR FULL EXTENT OF LANDSCAPING PROPOSAL, SPECIES ETC.

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A 30/07/19	DA - REVISION	CS	IH
ISSUE DATE	DESCRIPTION	DRN.	APP

DEVELOPMENT APPROVAL



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PROJECT

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ILUKA, WA 6028

TITLE

UPPER FLOOR PLAN

SCALE	DRAWN	CHECKED
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18031	SD02.02	A

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All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



SOUTH ELEVATION (O'MARA BOULEVARD)

SCALE 1:200 @ A1

0 5m 10m



NORTH ELEVATION

SCALE 1:200 @ A1

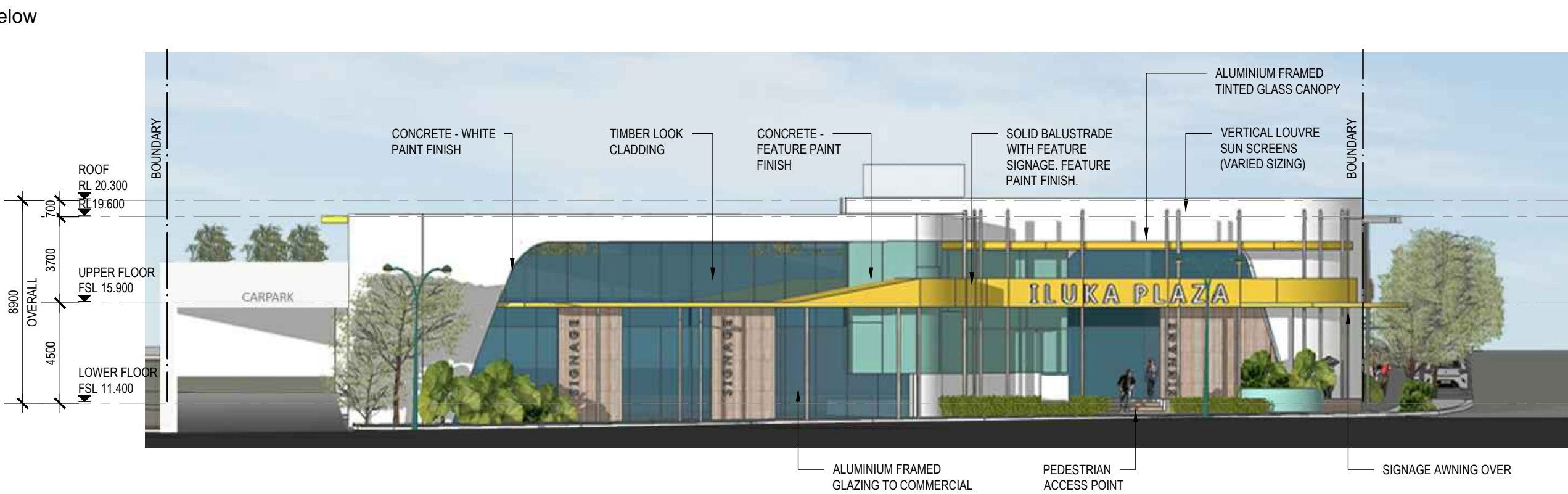
0 5m 10m



EAST ELEVATION (CALIS AVENUE)

SCALE 1:200 @ A1

0 5m 10m



WEST ELEVATION (BURNS BEACH ROAD)

SCALE 1:200 @ A1

0 5m 10m

D	18/03/19	JDAP REVISIONS	LM	LA
C	20/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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DEVELOPMENT APPROVAL

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PROJECT

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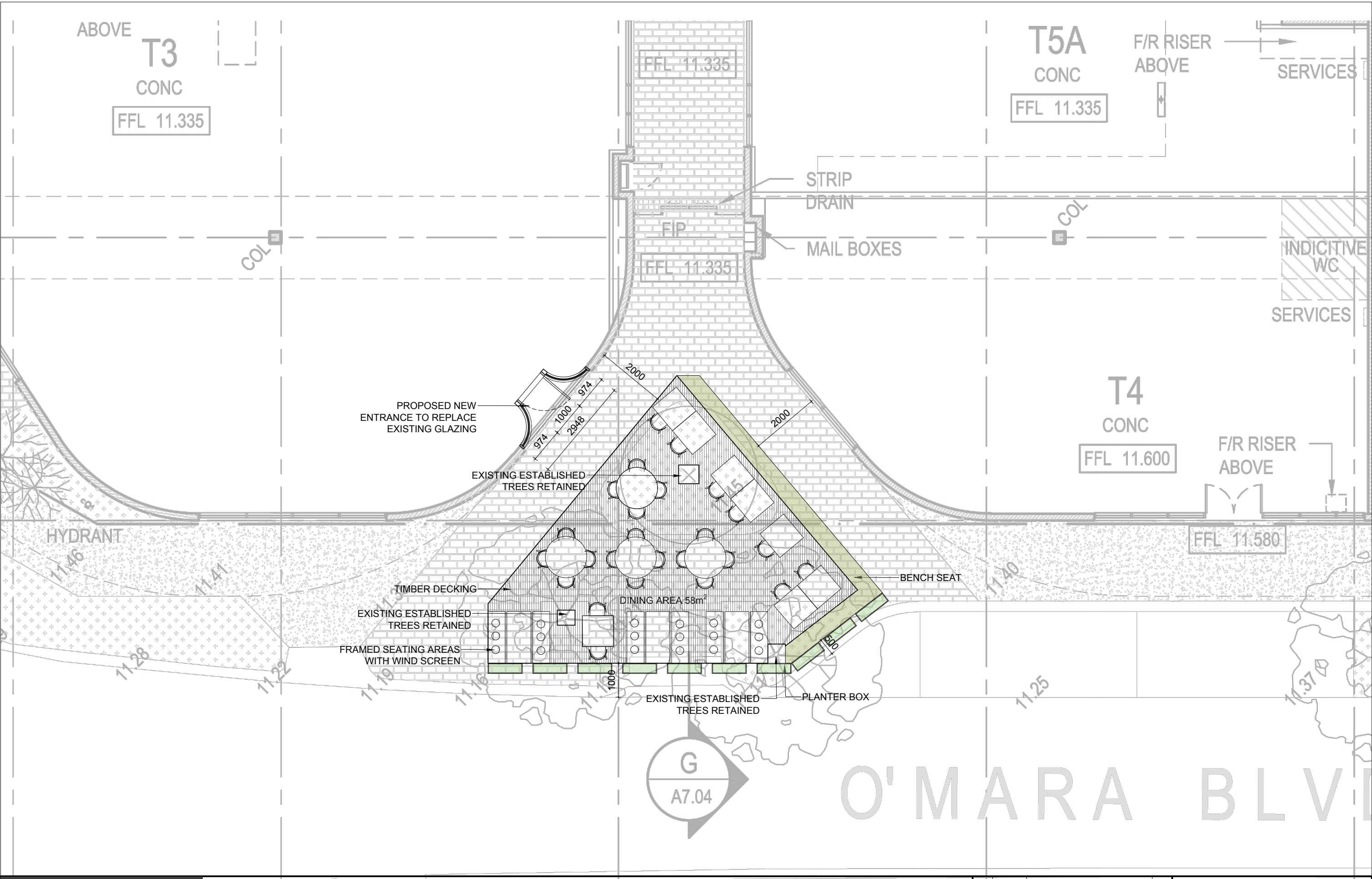
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ELEVATIONS

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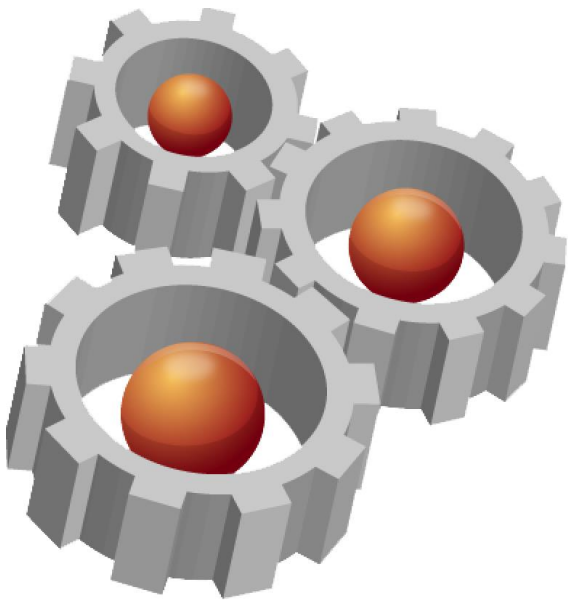
Matthew Crawford
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EMAIL contact@mcarchitects.com.au

Iluka

NEW ALFRESCO AREA ON THE CORNER OF BURNS BEACH
ROAD & O'MARA BLVD

SITE PLAN			
• Check all dimensions on site • Do not scale this drawing • This drawing is copyright •			
DATE	November 2021	DRAWING No.	SK.03
SCALE	1:100 @ A3	REVISION	2
ISSUE	INFORMATION		
REV:	DATE:	NOTE:	APPR:
2	16/03/2022	PLANNING	
1	20/07/2021	INFORMATION	



DYNAMIC PLANNING AND DEVELOPMENTS

Town Planning Development Application Report

Lot 649 (No. 98) O'Mara Boulevard, Iluka



Prepared for
AGEM Property Group



AGEM
PROPERTY GROUP

Project No: 840
November 2021

Prepared for
AGEM Property Group
1/10 Geddes Street
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History and Status of this Document

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FIGURES

- Figure 1: Regional Context Plan
Figure 2: Local Context Plan
Figure 3: 6 Calis Avenue Frontage

APPENDICES

- Appendix 1: Certificate of Title
Appendix 2: Development Plans
Appendix 3: Medical Centre Letter

1.0 INTRODUCTION

Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of AGEM PG 33 Pty Ltd, the registered proprietor of Lot 649 (No. 98) O'Mara Boulevard, Iluka (herein referred to as the 'subject site').

DPD has prepared the following report in support of a retrospective application to amend a prior planning approval for the site which related to a mixed use commercial complex known as 'Iluka Plaza'.

The following report will discuss various issues pertinent to the proposal, such as:

- Existing and surrounding land uses;
- Zoning details;
- Background to the prior approval process; and
- Relevant planning considerations.

The subject site forms part of the Iluka Structure Plan and is located adjacent to the Iluka Foreshore Reserve which fronts the Indian Ocean. Surrounding the subject site is a rapidly growing residential area in a popular coastal suburb.

The subject site includes one (1) existing freehold lot with an area of 5,552m². Surrounding the development to the north is a recently constructed apartment development and a number of townhouses currently under construction.

The reason for the proposed retrospective application to amend an earlier approval is to address compliance matters associated with the operating hours of the approved 'Tavern', the restrictions associated with the available parking on the upper floor and also the height restriction bulkhead associated with the ramp to the upper floor parking area.

The request for these amendments is largely a result of operational issues that have arisen since the development commenced operation. It is considered that approval of the proposed amendments will reduce any perceived negative impacts on the surrounding residential development.

2.0 SITE DETAILS

2.1 Legal Description

Lot 649 (No. 98) O'Mara Boulevard, Iluka is legally described as 'Lot 649 on Plan 416319' and is wholly contained on Volume 2964; Folio 542.

The area of the subject site is 5,552m².

A copy of the Certificate of Title pertinent to the subject site is contained in Appendix 1.

2.2 Locational and Land Use Context

2.2.1 Regional and Local Context

The subject site is located within the City of Joondalup municipal area, approximately 30 kilometres north of the Perth Central Business District and 5 kilometres west-north-west of the Joondalup City Centre.

The subject site is serviced via Burns Beach Road which provides further connections to other regional roads such as Marmion Avenue and the Mitchell Freeway. These road networks ensure that the subject site has excellent regional road access and egress which is essential for a vibrant Local Centre.

At a local level, the subject site fronts Burns Beach Road, O'Mara Boulevard and Calis Avenue. Access to existing commercial centre occurs from Burns Beach Road and Calis Avenue.

Figures 1 and 2 depicts the subject site in its regional and local context, respectively.

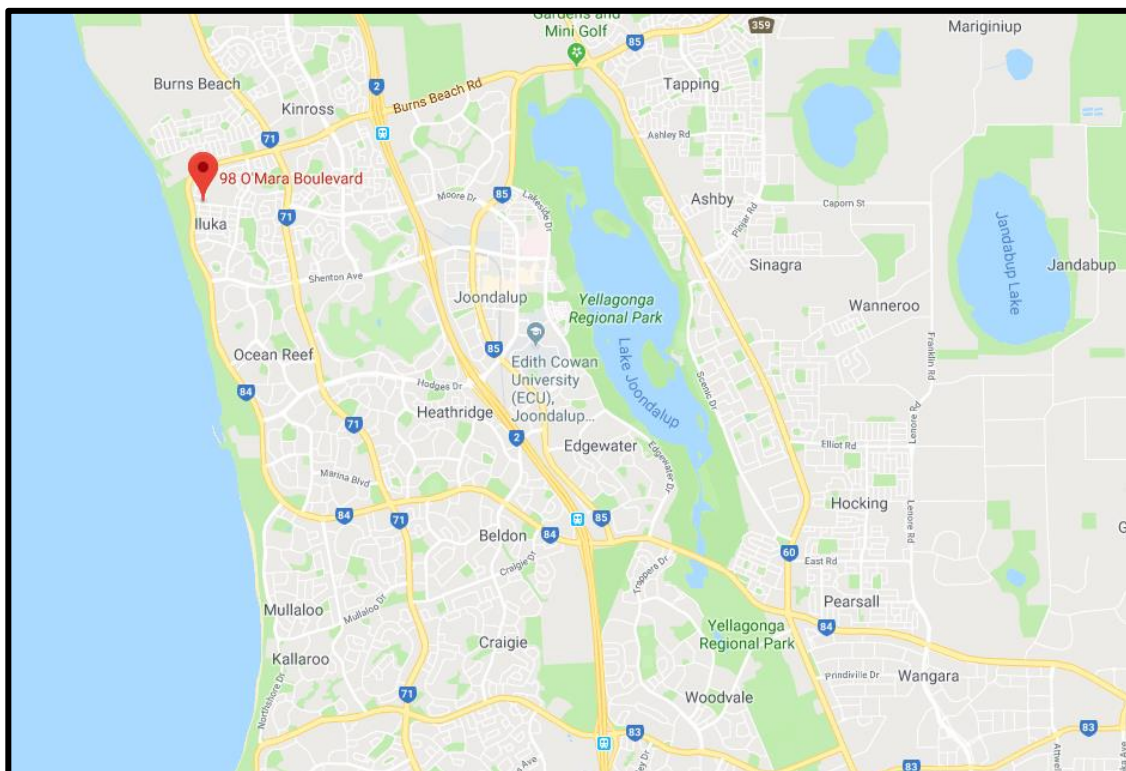


Figure 1 – Regional Context (Source: Google Maps)



Figure 2 – Iluka Plaza Local Context

3.0 BACKGROUND

In May of 2019, approval was granted for the 'Mixed Commercial Centre' via the State Administrative Tribunal. Since the original approval a number of subsequent applications have also been approved for:

1. Modified hours of operation associated with the IGA;
2. A proposed signage strategy; and
3. A change of use approval for a proposed 'Tavern' in Tenancies 1-3.

As part of the approval process for the above-mentioned development applications, requirements existed through conditions of approval and approved plans to:

- Restrict the ability to access the first floor parking area between 10pm and 5.30am Monday to Sunday;
- Install a height restriction bulkhead across the ramp to the first floor in order to block headlight glare; and
- Restrict the operating hours of the 'Tavern' land use to between 6am and 11pm.

The imposition of the abovementioned requirements has resulted in the following operational concerns:

1. Customers and local residents driving around late in the evening looking for street parking and parking on verges as a result of the restrictions to the operating hours of the first floor parking area. This has led to a number of complaints to property management.
2. The boom gate to restrict access to the first floor parking area is regularly being broken by members of the public manually lifting it and accessing the first floor parking area outside of the designated operating hours.
3. The first floor medical centre is required, under separate legislation, to provide access for an ambulance which was unable to fit under the installed bulkhead.
4. The approved 'Tavern' has been granted a liquor licence which permits trade up to 12am. To achieve this the following process were applicable:
 - An occupancy permit application with a 12am close time specified was lodged and approved by the City of Joondalup.
 - Lodgement of a Section 39 Certificate of Local Government with a 12am closing time which was approved by the City of Joondalup. This together with the Section 40 Certificate (confirmation of planning approval) enabled a liquor license application to be lodged with the Department of Racing Gaming and Liquor (DGRL).
 - DGRL resolve to issue a Restricted Tavern Licence with trading ceasing at 12am in line with the Certificate of Local Government approved by the City of Joondalup.

As a result, a number of changes have been made to the approved development that aren't in compliance with the conditions of approval or approved plans and consequently this application seeks to resolve these matters.

4.0 PROPOSED DEVELOPMENT

As outlined above, the proposed application seeks to resolve a number of compliance matters resulting from operational issues that are occurring at the subject site. Specifically the application seeks approval for:

1. The removal of the bulkhead across the ramp to the first floor parking area in order to facilitate ambulance access to the first floor medical centre.
2. The modification of Condition 21 of DAP/18/01543 to allow access to the first floor parking area at all times. The revised condition will read in accordance with the below:

'A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the commencement of the development. The Traffic and Parking Management Plan shall include, but not be limited to the following:

- *Demonstrate safe access and egress including vehicular and pedestrian access; and*
- *Consideration of mirrors at the exit on Calis Avenue.'*

Should the application be approved the Traffic and Parking Management Plan that has been endorsed by the City will also need to be modified.

3. The modification of Condition 22 of DAP/18/01543 to allow the operation of the 'Tavern' to be in accordance with the hours approved in the applicable liquor license. The revised condition will read in accordance with the below:

'The hours of operation shall be no more than:

- a) *T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- T1/T2/T3 (Tavern) 6am to 12am Monday to Sunday.'*

4. Amend advice note 9 to enable live music within the Tavern. The amended advice note will read:

Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions, and any openings to the indoor area).

It is considered that the abovementioned changes will resolve all compliance matters on site and will ensure the centre is able to continue operating without conflict between various legislation governing the operation of a range of use approved at the site. Approval will also limit the developments impact on the amenity of the surrounding properties.

5.0 TOWN PLANNING CONSIDERATIONS & JUSTIFICATION

5.1 Removal of Height Bar – Headlight Glare

As part of the original development application, a bulkhead was proposed and constructed over the first floor ramp in order to reduce or limit the impact of headlight glare on the properties on the opposite side of Calis Avenue. Whilst it is acknowledged that removal of this bulkhead will result in additional headlight glare, this is considered justified for the following reasons:

1. The removal of the bulkhead is required under separate legislation – the *Emergency Management Act 2005* as the first floor medical centre is required to provide access for St John of God ambulances which didn't fit under the installed bulkhead. Correspondence from the medical centre articulating this requirement has been provided in **Attachment 3** of this report.
2. The removal of the bulkhead will not allow deliveries to occur to the first floor as this is controlled through the approved Delivery Management Plan. Further, the ramp to the first floor parking area is not rated to accommodate delivery vehicles and as such it is imperative that property management enforce the approved Delivery Management Plan.
3. The headlight glare will only be directed to one property – 6 Calis Avenue. This property is considered to have an inactive frontage to Calis Avenue (as viewed below in Figure 3) by virtue of their solid double garage, front wall and heavily landscaped front yard. As a result the frontage is largely impermeable and consequently there is not considered to be any amenity impacts resulting from headlight glare from vehicles exiting the development.



Figure 3 – 6 Calis Avenue Frontage

With the above points in mind, it is considered that the removal of the bulkhead will have no negative impacts on surrounding development and will enable compliance with the *Emergency Management Act 2005* and as such approval for this matter is warranted.

5.2 Access to First Floor Parking – Headlight Glare/Traffic Impacts

Also related to limiting the amenity impacts on the surrounding residential properties was the imposition of Condition 21 to restrict access to the first floor parking area between the hours of 10pm and 5.30am. To achieve this a boom gate was installed which would close off the parking area between those times. It is considered that the removal of this parking restriction is justified for the following reasons:

1. The closure of the parking area in the evenings has resulted in local residents driving around looking for street parking and at times parking illegally when there is a large parking area that is vacant and could be utilised. The illegal parking is considered to have a more profound impact on the amenity of the surrounding properties than the use of the parking area as it has been demonstrated above that headlight glare resulting from cars accessing the first floor parking area in the evening is not considered to be an issue
2. As part of securing the first floor parking area a boom gate was installed to prevent access. Unfortunately there has been numerous instances where members of the public simply break this boom gate and access the first floor parking area.
3. The additional first floor parking contributes to the available amenity in the area as it is likely to be used by residents attending local community events such as the Burns Beach Night Markets. This would reduce the extent of illegal parking when events such as the Night Markets are on which Council are required to manage.

With regard to the above points, providing access to the first floor parking area at all hours will alleviate a perceived parking shortfall in the area at little to no detriment to the surrounding development and as such approval to remove that condition is warranted.

5.3 Tavern Operating Hours and Live Music – Amenity Impacts

The request to amend the approved 'Tavern' operating hours is a result of a conflict with the approved liquor license which allows operation until 12am. As this is inconsistent with the planning approval we are seeking approval for amended operating hours to ensure consistency across both the planning and liquor licence approval. Also related to the amenity impacts (or lack thereof) of the Tavern is the request to amend advice note 9 to allow live music. We consider these requests to be appropriate for approval for the following reasons:

1. An acoustic report has been prepared by Stantec (Appendix 4) which examined the operation of the proposed development and the noise produced by the Tavern (during operation), including the provision of live music and the background music. Stantec determined that the noise received at the closest sensitive premises from the DJ and background music was inaudible with traffic and ocean noise being the dominant sound heard at these premises.

As Stantec examined the applicable noise sensitive period (after 7pm) and determined compliance with the *Environmental Protection (Noise) Regulations 1997*, extending the operating hours by 1 hour and allowing live music will not impact the amenity of adjoining sensitive premises.

2. Increasing the operating hours of the 'Tavern' will not result in any parking or traffic related concerns as nearly all of the other uses at the premises will be closed at this time and no additional floor space is proposed which means the parking calculations remain the same.

With the above two points in mind, we see no reason why the permitted operating hours of the proposed Tavern couldn't be increased from 11pm to 12am with live music to also be permitted.

6.0 CONCLUSION

In light of the above, the proposed application warrants favourable consideration and approval, as the proposed changes will resolve a number of outstanding matters and operational issues at the proposed development.

Specifically, the proposed development warrants approval for the following reasons:

1. The proposal does not seek to modify the approved land uses nor the approved floor area.
2. The proposed application will resolve operational issues that are presently occurring at the site.
3. The proposed application will not result in any amenity impacts on the surrounding development.

It is hoped that JDAP resolve to support the ongoing operation of what is a successful local centre development.



Iluka Medical Centre

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reception@ilukamedical.com.au

23/05/2021

To

Joondalup Council

Reg- 98 O'mara Boulevard, Iluka (iluka Plaza)

I am writing to confirm and clarify that the height restriction originally put in place for the upper carpark at Iluka Plaza was not fit for purpose and posed a threat to not only my business, but to patients and medical staff, and therefore needed to be rectified to enable Ambulances to access the Iluka Medical Centre.

For reference, the horizontal height restriction bar that was originally installed was too low to enable some models of ambulance to access the upper car park at Iluka Plaza, ultimately meaning that ambulances could not reach our medical centers front door. Apart from the obvious risk of a patient's wellbeing, on a number of occasions we have had to place the patient in a stretcher bed and wheel them across the carpark, down the ramp and into the awaiting ambulance. This solution is a breach of the patient's privacy, unprofessional, unethical and dangerous. As you can imagine this left a lot of my Doctors and other employees extremely distressed about the safety to work and level of patient care within the center due to this issue. The removal of this horizontal bar has now eradicated any access issues and allowed us to treat patients safely and properly.

I am aware that the Building Code states a height of 2.7m for most emergency vehicles, this allows for only some models of Ambulance to access the upper carpark. However, St John have ambulances up to 3.2m in height which were not able to access our premises, and in an emergency situation, neither we or St John can dictate which ambulance is deployed. . Replacing any kind of horizontal bar similar to what was originally installed will bring back to light all the issues in which the removal resolved.

As well as transporting patients, we had issues with the delivery of medical supplies to our premises. BOC who supply oxygen and other medical supplies were not able to reach the medical centers front door. BOC are not allowed by law, under the Dangerous Goods Act, to leave the van on the side of the road. Additionally, we questioned if they could use the lifts and park in the undercover car park, again this was not acceptable. This is due to the van not being in sight, leaving dangerous goods unsupervised, plus the goods being of high risk when using a lift. As a result, the clinic has been denied its delivery of supplies on multiple occasions.

I would like to refer to the Emergency Act 2005 and the following clauses;

67. Powers concerning movement and evacuation

For the purpose of emergency management during an emergency situation or state of emergency, a hazard management officer or authorised officer may do all or any of the following —

- a) direct or, by direction, prohibit, the movement of persons, animals and vehicles within, into, out of or around an emergency area or any part of the emergency area;
- b) direct the evacuation and removal of persons or animals from the emergency area or any part of the emergency area;
- c) close any road, access route or area of water in or leading to the emergency area;
- d) direct that any road, access route or area of water in or leading to the emergency area be closed.

[Section 67 amended: No. 11 of 2020 s. 4.]

68. Use of vehicles

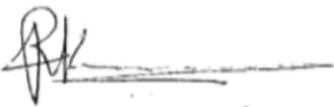
For the purposes of emergency management during an emergency situation or state of emergency, a hazard management officer or authorised officer may use a vehicle in any place and in any circumstance despite any provision of the Road Traffic (Vehicles) Act 2012 that requires a permit for the use of that vehicle or for the use of that vehicle in that place or in that circumstance.

[Section 68 amended: No. 8 of 2012 s. 98.]

As you are aware the removal of the bar was far from a quick and easy process, requiring a crane which subsequently requires traffic management and a road closure. Also noting that land next door where the crane was placed has now be on sold and prepared for houses. This coordination and implementation would not be possible to be acted upon quick enough in the instance of an emergency, which again would not correlate with the above Clauses stated within the Emergency Act 2005.

I trust the above is sufficient to justify the significance of maintaining sufficient unobstructed height clearance to the upper carpark in order to facilitate safe patient transport and delivery of essential medical supplies.

Kind Regards,



Dr Kiran Puttappa

Director, GP West Perth

The Iluka

Acoustic Report

Prepared for: Daresq Hospitality Group Pty Ltd

Attention: Ryan Esqulant

Date: 05 November 2021

Prepared by: Ben Martis and Imran Khan

Ref: 301270033

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Revision

Revision	Date	Comment	Prepared By	Approved By
001	19/10/2021	Issued for Review	BEM	IK
002	05/11/2021	Issued for Use	BEM	IK

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Executive Summary

Stantec have been engaged by Daresq Hospitality Group Pty Ltd to assess noise emissions from The Iluka tavern, located at 98 O'Mara Boulevard, Iluka WA within the City of Joondalup.

The objective of the report is to determine whether the removal of Condition 9 on the venue's liquor licence would have a measurable impact on the acoustic amenity of nearby residents. The condition states that "*Music and entertainment played at the premises must be at a background level to allow normal conversation to occur*".

A site inspection and attended noise monitoring were conducted on the night of Friday 15th October 2021 to determine noise levels at the nearest noise sensitive premises and their most likely cause.

Measured noise levels were compared against the Assigned Levels of the Western Australian *Environmental Protection (Noise) Regulations 1997* (EPNR).

The outcomes of the site visit and noise monitoring were:

- It has been demonstrated that a DJ can perform internally, including after 10pm, with no audibility of music external to the venue. These operating conditions must be maintained; and
- Music noise emissions must continue to be actively managed so as not to become audible at nearby sensitive receivers.

Based on the site inspection and acoustic assessment, received noise levels were ultimately not dominated by the tavern emissions during the site survey.

The following management measures are recommended to mitigate the impact of removing Condition 9:

- For DJ performances, ensure that all music noise (including bass) is inaudible at the nearest receiver locations. Inaudibility of music at the nearest apartments should be verified on site by venue staff if music levels are changed or as traffic dies down later in the evenings;
- When a DJ is playing, external doors (including back of house doors) should remain closed as much as is practicable. Disposal of rubbish to be undertaken during daytime hours where practicable. The venue operator should continue to keep their front door manned and closed as often as possible;
- When a DJ is playing, windows should be fully shut with no visible air gaps underneath; and
- The venue operator should continue to maintain their open communication with local residents regarding control of noise emissions.



1. Introduction

Stantec were engaged by Daresq Hospitality Group Pty Ltd to assess noise emissions from the The Iluka tavern in Iluka WA.

A site inspection and attended noise monitoring were conducted on the night of Friday 15th October 2021 to determine noise levels at the nearest noise sensitive premises and their most likely cause.

Measured noise levels were compared against the Assigned Levels of the Western Australian *Environmental Protection (Noise) Regulations 1997* (EPNR).

This report provides the test results and recommendations based on the outcomes of the acoustic assessment.

1.1 Site Description

The project site is at 98 O'Mara Boulevard, Iluka WA (Figure 1), within the City of Joondalup. The tavern is located in an area zoned for Urban Development, within the Iluka Plaza which contains an IGA grocery store and other commercial and health & fitness tenancies. The project surrounds are primarily residential, with the vacant block to the south of the site zoned for further commercial use (refer Figure 2). The area to the west is bushland to the nearby coast.



Source: Nearmaps / Google Maps

Figure 1: Project Location

2. Acoustic Criteria

2.1 Environmental Protection (Noise) Regulations 1997

Environmental noise impacts resulting from the noise emissions from the project are addressed through the Environmental Protection Act 1986, with the regulatory requirements detailed in the Environmental Protection (Noise) Regulations 1997 (EPNR).

The EPNR establishes the maximum permissible noise emission levels (assigned levels) to be received at all adjacent noise-sensitive premises during specific periods of the day as a result of the cumulative noise emissions from all sources proposed for the project site. Compliance to relevant noise limits outlined in the EPNR is compulsory.

The EPNR states noise emissions from any premises are considered not to *significantly contribute to* the noise at a receiver if the noise emissions are 5 dB or below the assigned levels.

In brief, the assigned levels are determined by considering of the amount of commercial and industrial zones, as well as main transport corridors and sporting venues surrounding the noise sensitive premises. The assigned levels apply at premises receiving the noise (noise sensitive receiver) and not to areas within the project site or lot. In addition, the Environmental Protection (Noise) Regulations 1997 identify the following in Schedule 3, clause 2A:

“If the land within either of the circles is categorised on the land use map as land in respect of which mixed uses are permitted, the use of that land that results in the highest influencing factor is to be used in the determination of the influencing factor.”

The nearest noise sensitive receivers to the project lot are located at:

- 11 Mykonos View (One Iluka Apartments), Iluka WA; and
- 22 Santos Vista, Iluka WA.

The current Local Planning Scheme No. 3 and Metropolitan Region Scheme were accessed via the City of Joondalup online mapping system (Intramaps). As the surrounds of the project site are zoned for Urban Development, the Iluka Structure Plan No. 26 dated 29th June 2018 was used to establish zoning in the area.

Traffic data was obtained from the Main Roads Western Australia (MRWA) website on the 18th October 2021, presented in Table 1. As the venue is situated between two points of traffic data measurement, actual traffic volumes on Burns Beach Road past the venue will be between 4,000 – 10,000 vehicles per day, with the most appropriate classification being a Secondary Road.

Table 1: Traffic vehicle counts (MRWA)

Transport Corridors	EPNR Classification ¹	Average Daily Traffic Volumes					
		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Burns Beach Rd (N of Shenton Ave)	—	—	—	—	4,374	—	—
Burns Beach Rd (W of Marmion Ave)	Secondary Road	—	—	10,373	—	—	—

Note 1: Classification of transport corridors per the EPNR. ‘Major roads’ have > 15,000 vehicles per day, while ‘Secondary Roads’ have 6,000 – 15,000 vehicles per day.

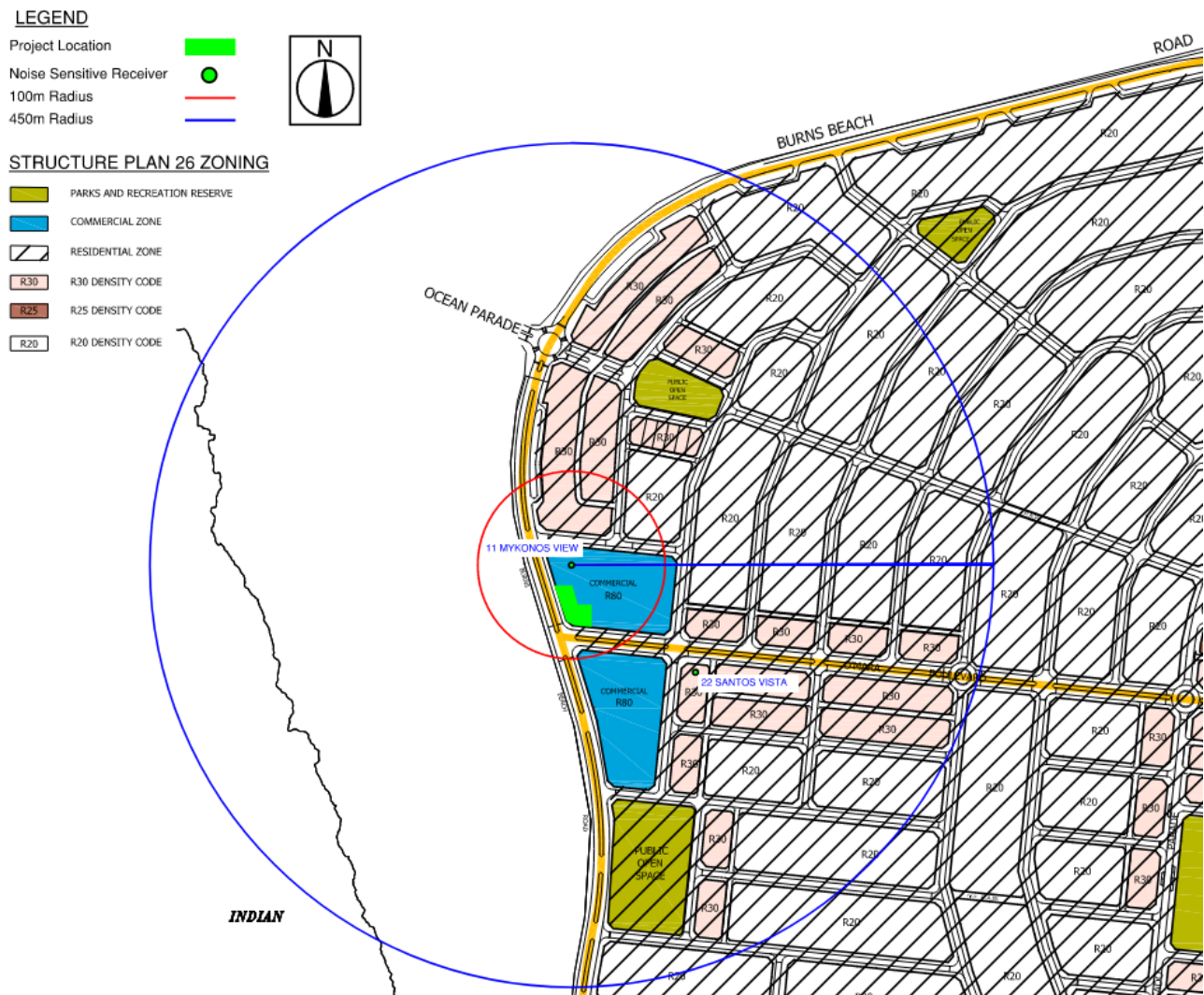
2.1.1 Influencing Factor

The influencing factor for the nearby residential receivers results from identifying major roads, commercial and industrial areas for all nearest noise sensitive receivers is 1 – 4 dB, as summarised in Table 2.

Table 2: Influencing factor (IF)

Noise Sensitive Premises	Commercial Zones	Industrial Zones	Transport Corridors	Influencing Factor
11 Mykonos View, Iluka WA	30 % within a 100 m radius 5 % within a 450 m radius	0 % within a 100 m radius 0 % within a 450 m radius	Burns Beach Rd (Secondary Rd) within 100m radius	4 dB
22 Santos Vista, Iluka WA	25 % within a 100 m radius 4 % within a 450 m radius	0 % within a 100 m radius 0 % within a 450 m radius	Burns Beach Rd (Secondary Rd) within 450m radius	1 dB

Figure 2 indicates the land use zones surrounding the closest noise sensitive receivers.



Source: City of Joondalup Structure Plan No. 26, dated 29 June 2018.

Figure 2: Influencing Factor Map

2.1.2 Assigned Noise Levels for Nearest Sensitive Receivers

Table 3 summarises the assigned levels at the nearest noise sensitive premises, which is added to the influencing factor calculated for the receiver detailed in Table 2.

It is required that all noise emissions received from other premises are below the assigned level for all defined periods of the day at the lot boundary of the receiver. It is noted that the EPNR assigned levels only apply at the premises receiving the noise only and not to noise within the site.

Table 3: Assigned levels for the nearest sensitive receivers – 11 Mykonos View

Type of premises receiving noise	Time of day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: Highly sensitive area	0700 to 1900 hours Monday to Saturday	49	59	69
	0900 to 1900 hours Sunday & public holidays	44	54	69
	1900 to 2200 hours all days	44	54	59
	2200 hours on any day to 0700 hours Monday to Saturday, and 0900 hours Sunday & public holidays	39	49	59
Noise sensitive premises: any area other than highly sensitive areas	All Hours	60	75	80
Commercial premises	All Hours	60	75	80
Industrial and utility premises	All Hours	65	80	90

2.1.3 Noise Character Adjustment

Regulation 7 states that the noise character must be “free” of intrusive or dominant characteristics, namely —

- Tonality, e.g. whining, droning;
- Modulation, e.g. like a siren; and
- Impulsiveness, e.g. banging, thumping.

Regulation 9 (1) establishes the methodology for determining noise characteristics. If these characteristics cannot be reasonably and practicably removed, a series of adjustments to the measured levels are required, indicated in Table 4.

Table 4: Noise character adjustment

Adjustment where noise emission is not music (Cumulative to a maximum of 15 dB)			Adjustment where noise emission is music	
Where tonality is present	Where modulation is present	Where impulsiveness is present	Where impulsiveness is not present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

Regulation 9 defines these characteristics as:

- Tonality means the presence in the noise emission of tonal characteristics where the difference between —
 - the A-weighted sound pressure level in any one-third octave band; and

- 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.
- Modulation means a variation in the emission of noise that —
 - is more than 3 dB $L_{A\ Fast}$ or is more than 3 dB $L_{A\ Fast}$ in any one-third octave band; and
 - is present for at least 10% of the representative assessment period; and
 - is regular, cyclic and audible;
- Impulsiveness means a variation in the emission of a noise where the difference between $L_{A\ peak}$ and $L_{A\ Slow\ max}$ is more than 15 dB when determined for a single representative event.

3. Noise Survey

Attended noise measurements were undertaken at the nearest noise sensitive receivers to identify the dominant sources of noise and undertake an assessment against the criteria of the EPNR.

Measurements were undertaken on the night of Friday 15th October 2021.

3.1 Attended Environmental Noise Measurements

3.1.1 Test Methodology

Attended measurements were performed using instrumentation equivalent to an integrating sound level meter equipped with one octave and one-third octave band filter, and an omni-directional condenser microphone. All instrumentation meets Type 1 specifications as per ANSI S1.4 and ANSI S1.43.

The Sound Level Meter was calibrated by an authorised NATA (National Association of Testing Authorities) laboratory less than 2 years ago and successfully passed all IEC 61672- 2019, IEC 61260-2019, DIN 45657-2005, and ISO/IEC 17025-2018 standards and specifications.

The time constant for the RMS detector was set to a slow response (1000 ms) for environmental noise measurements and a fast response (125 ms) for measurements within the venue. The Sound Level Meter was field calibrated before and after the measurement session using a Type 1 acoustic calibrator. The calibrator was also calibrated less than 2 years ago and is in compliance with AS IEC 60942-2004. Equipment details are provided in Table 5. A copy of calibration certificates for the relevant instrumentation are available upon request.

Table 5: Equipment and calibration details

Make / Model	Serial Number
Brüel & Kjær 4231 – Calibrator	3005155
Brüel & Kjær 2250 – Sound Level Meter	3002096

3.1.2 Measurement Locations

The representative receiver locations selected were the verge of the nearest noise sensitive receivers to the venue, identified as 11 Mykonos View (One Iluka Apartments) and 22 Santos Vista in Figure 1.

Figure 3 shows the setup of the noise monitor at each of these locations, with line of sight to the venue.



Figure 3: Measurement Locations – Left, 11 Mykonos View at Burns Beach Rd. Right, 22 Santos Vista at O'Mara Blvd

4. Results and Discussion

4.1 Measured Noise Levels

A summary of the environmental noise measurement results is presented in Table 6 below. Annotated spectral data from the measurements is shown in Figure 4. All environmental noise measurements were at least 15 minutes in duration, after excluding transient noise events such as local traffic where possible.

Measurements were conducted during different stages of typical Friday night operations of the Tavern, being;

- Background music within the venue prior to 9.30 pm; and
- DJ playing within the venue after 9.30 pm.

Table 6: Measured Noise Levels and Observations

Ref	Address	Music Description	Start & End Time	L _{A90}	L _{Aeq}	L _{A10}	L _{A1}	Music Observation
1	22 Santos Vista	Background music	2046 – 2121 hr	42	45	46	52	Inaudible
2	11 Mykonos View	DJ internal	2131 – 2216 hr	42	46	48	54	Inaudible

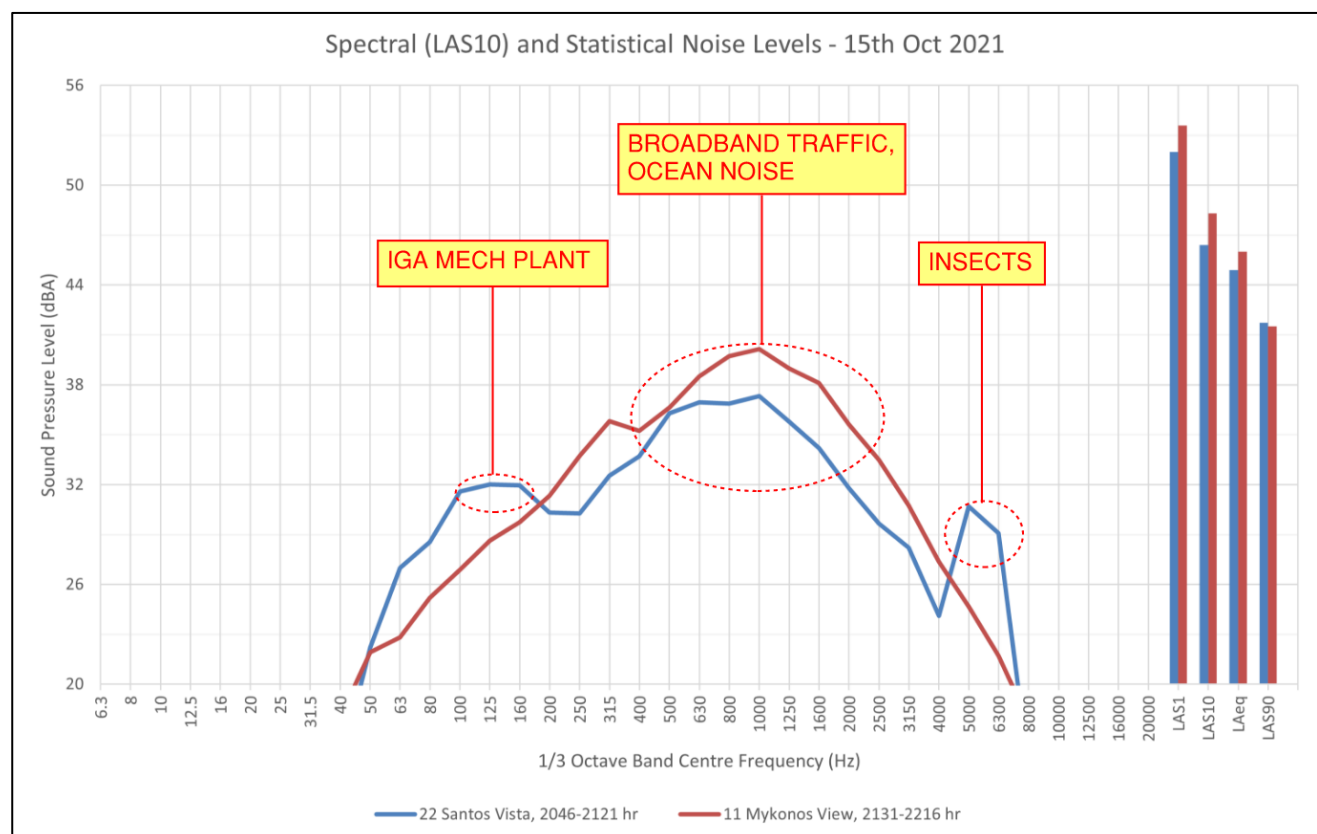


Figure 4: Attended Noise Measurement Results

4.2 Observations

The following was observed and/or noted during the site visit and measurements:

- At the tavern;
 - Music noise was inaudible at the receiver locations prior to approximately 10.30pm, including with the DJ playing internally from 9.30pm. A small alfresco area was present with no external speakers;
 - At 10.40pm it was noticed that the back of house door had been temporarily propped open with a bin while staff were cleaning up and disposing of rubbish (Figure 5). This is a weak path for music noise transmission out of the venue;
 - While on site, a dedicated door person was observed making sure that the external doors were closed as soon as anyone passed through. When doors were opened, internal DJ music was audible for a few seconds; and
 - After measurements it was noted that some of the windows were not fully shut, with a small air gap of a few millimetres underneath the bottom seal (Figure 6). Windows were noted to be of standard glass, estimated 4 – 6mm thick.
- Broadband traffic noise (Burns Beach Rd) and ocean noise generally dominated measured noise levels at both measurement locations. Traffic was frequent, with distant traffic noise unable to be excluded;
 - Individual car passing events were observed to have Sound Pressure Levels of 60 – 65 dBA at the receiver locations. The decreasing noise levels throughout the night correlate with observed decreasing traffic volumes along Burns Beach Rd;
 - Local traffic events were excluded where possible, in order to assess any music noise emissions from the venue. Based on the time taken to record 15 minutes of representative data (28 – 46 minutes), local traffic events were estimated to be occurring approximately 50 – 67% of the time; and
 - Wind speeds at 1.5m above ground level averaged less than 0.8 m/s from an easterly to north-easterly direction, with a temperature of 19 – 21 °C, measured using a handheld anemometer (Kestrel 3000). No rainfall was observed.
- At the 11 Mykonos View location;
 - Traffic and ocean noise were clearly audible;
 - Residents talking on the balconies of the apartments were audible;
 - Tavern patrons were occasionally audible in the small alfresco area, generally just prior to leaving the venue;
 - Music noise was inaudible prior to approx. 10.30pm, including with the DJ playing internally.
- At the 22 Santos Vista location;
 - IGA mechanical plant noise and high frequency insect noise were clearly audible; and
 - Music noise was inaudible prior to approx. 10.30pm, including with the DJ playing internally.



Figure 5: Back of House Door Propped Open

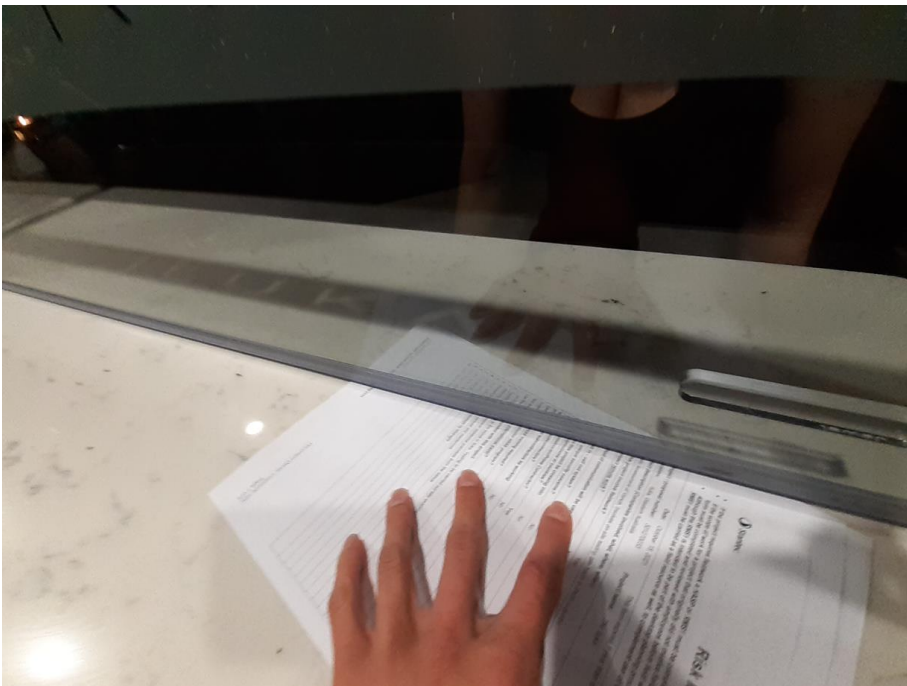


Figure 6: Window Seals Not Engaged

4.3 EPNR Assessment

The most relevant statistical noise levels to continuous patron and music emissions are the L_{10} assigned levels. L_1 and L_{max} measured levels have been strongly influenced by local transient events (traffic noise).

Measured results are presented in Table 7 below. As the tavern operates during evenings and at night-time, the most stringent Assigned Levels (Table 3) would be applicable for the assessment.

The “background noise” (L_{A90} or level exceeded 90% of the time) was generally higher than the L_{A10} Assigned Level, being dominated by traffic noise, insects and IGA mechanical plant, which were unable to be excluded. As a result, tavern noise emissions could not be assessed.

Although noise levels were generally dominated by extraneous noise sources, compliance is deemed to be achieved where tavern noise emissions are completely inaudible.

Amplified music (especially bass) has the potential to be audible above the existing acoustic environment.

Operating conditions must be maintained as per prior to 10.30pm on the night of Friday 15th October 2021, such that music noise emissions do not become audible. Noise management measures per Section 4.4 are recommended.

Table 7: Comparison to EPNR Assigned Levels

Ref	EPNR Assessment Period	L_{A10} Assigned Level	L_{A90} Measured Level	Tavern Complies? ¹
1	1900-2200 hr all days; and 0900-1900 hr Sunday & Public Holidays	41	42	Yes
2		44	42	Yes

Note (1): Traffic noise, ocean noise and IGA mech plant dominated received levels. Compliance deemed to be achieved where venue noise emissions are completely inaudible.

No adjustments were made to the received noise levels as:

- Music was inaudible for the majority of the time;
- No tonal characteristics were observed at the receiver location; and
- No modulating or impulsive characteristics were observed.

4.4 Recommendations

While tavern noise emissions were not the dominant source of noise at the receiving premises during the site survey, recommendations are provided in this section to mitigate tavern noise, should Condition 9 (music and entertainment at a background level) be removed.

It has been demonstrated that a DJ can perform internally, including after 10pm, with no audibility of music external to the venue. These operating conditions must be maintained.

Music noise emissions must continue to be actively managed so as not to become audible at nearby sensitive receivers.

The following noise management measures are recommended to mitigate the impact of removing Condition 9:

- For DJ performances, ensure that all music noise (including bass) is inaudible at the nearest receive locations. Inaudibility of music at the nearest apartments should be verified on site by venue staff if music levels are changed or as traffic dies down later in the evenings;
- When a DJ is playing, external doors (including back of house doors) should remain closed as much as is practicable. Disposal of rubbish to be undertaken during daytime hours where practicable. The venue operator should continue to keep their front door manned and closed as often as possible;
- When a DJ is playing, windows should be fully shut with no visible air gaps underneath; and
- The venue operator should continue to maintain their open communication with local residents regarding control of noise emissions.

5. Conclusion

Stantec were engaged by Daresq Hospitality Group Pty Ltd to assess noise emissions from The Iluka tavern.

The objective of the report was to determine whether the removal of Condition 9 on the venue's liquor licence (music and entertainment at a background level) would have a measurable impact on the acoustic amenity of nearby residents.

Attended noise monitoring was conducted on the 15th October 2021 to determine noise levels at the nearest noise sensitive receivers.

Measured noise levels were compared against the Assigned Levels of the Western Australian *Environmental Protection (Noise) Regulations 1997* (EPNR).

The measurement results show that:

- It has been demonstrated that a DJ can perform internally, including after 10pm, with no audibility of music external to the venue. These operating conditions must be maintained; and
- Music noise emissions must continue to be actively managed so as not to become audible at nearby sensitive receivers.

Recommendations to mitigate tavern noise emissions have been provided should Condition 9 be removed.

Appendix A Glossary of Acoustic Terms

NOISE	
Acceptable Noise Level:	The acceptable L_{Aeq} noise level from industrial sources, recommended by the EPA (Table 2.1, INP). Note that this noise level refers to all industrial sources at the receiver location, and not only noise due to a specific project under consideration.
Adverse Weather:	Weather conditions that affect noise (wind and temperature inversions) that occur at a particular site for a significant period of time. The previous conditions are for wind occurring more than 30% of the time in any assessment period in any season and/or for temperature inversions occurring more than 30% of the nights in winter).
Acoustic Barrier:	Solid walls or partitions, solid fences, earth mounds, earth berms, buildings, etc. used to reduce noise.
Ambient Noise:	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
Assessment Period:	The period in a day over which assessments are made.
Assessment Location	The position at which noise measurements are undertaken or estimated.
Background Noise:	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L_{A90} noise level.
Decibel [dB]:	The units of sound pressure level.
dB(A):	A-weighted decibels. Noise measured using the A-filter.
Extraneous Noise:	Noise resulting from activities that are not typical of the area. Atypical activities include construction, and traffic generated by holidays period and by special events such as concert or sporting events. Normal daily traffic is not considered to be extraneous.
Free Field:	An environment in which there are no acoustic reflective surfaces. Free field noise measurements are carried out outdoors at least 3.5m from any acoustic reflecting structures other than the ground
Frequency:	Frequency is synonymous to pitch. Frequency or pitch can be measured on a scale in units of Hertz (Hz).
Impulsive Noise:	Noise having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.
Intermittent Noise:	Level that drops to the background noise level several times during the period of observation.
L_{Amax}	The maximum A-weighted sound pressure level measured over a period.
L_{Amin}	The minimum A-weighted sound pressure level measured over a period.
L_{A1}	The A-weighted sound pressure level that is exceeded for 1% of the time for which the sound is measured.
L_{A10}	The A-weighted sound pressure level that is exceeded for 10% of the time for which the sound is measured.
L_{A90}	The A-weighted level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L_{A90} noise level expressed in units of dB(A).
L_{Aeq}	The A-weighted "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
$L_{Aeq,T}$	The constant A-weighted sound which has the same energy as the fluctuating sound of the traffic, averaged over time T.
Reflection:	Sound wave changed in direction of propagation due to a solid object met on its path.

R _w :	The Sound Insulation Rating R _w is a measure of the noise reduction performance of the partition.
SEL:	Sound Exposure Level is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain L _{eq} sound levels over any period of time and can be used for predicting noise at various locations.
Sound Absorption:	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound Level Meter:	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound Pressure Level:	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound Power Level:	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise:	Containing a prominent frequency and characterised by a definite pitch.

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EMAIL TRANSMITTAL

REF: 29206-2-22001-002
ATTN: Dynamic Planning and Development Pty Ltd
TO: Reegan Cake
ADDRESS: reegan.cake@dynamicplanning.net.au
FROM: George Watts
DATE: 21 March 2022
SUBJECT: **LOT 649 (98) O'MARA BOULEVARD, ILUKA**
ACOUSTIC CONSULTANCY FEE PROPOSAL

Reegan,

It is understood that the tavern located at the above address is seeking to amend the operating hours from 11pm to 12am (midnight).

Additionally, a condition of approval stating that "Music and entertainment played at the premises must be at a background level to allow normal conversation to occur" is sought to be removed/altered, with an acoustic report undertaken to support this application.

A report supporting the above, titled "The Iluka Acoustic Report" and had been prepared by Stantec (Stantec reference 301270033) – to assist in reporting, this has been referred to as the Stantec Report in this document. This Stantec Report is attached for reference.

We have been requested to provide a technical note addressing a query from the City of Joondalup, listed below :

"The acoustic report provided gives no clarity or direction to additional management measures that are required in order to ensure no negative impact. The report also only covers one scenario (DJ) on one day. There is no information provided on how live bands or other events will impact or how the relevant regulations can be always complied with."

REVIEW OF STANTEC REPORT

The findings of the Stantec Report are that the tavern complies with the relevant assigned noise levels stipulated by the Environmental Protection (Noise) Regulations 1997 at the nearest noise sensitive premises, whilst a DJ is performing internally.

The methodology to arrive at this conclusion is in accordance with what would be as expected of such an assessment, and the findings are considered to align with expectations, based on the noise levels and method presented.

We note that the noise emission from both a DJ and live bands would be similar. Thus, the outcomes of the Stantec report relating to DJ's would also be applicable for live bands.

CLARITY OF MANAGEMENT MEASURES REQUIRED TO BE IMPLEMENTED

The management measures that are required to be implemented, when the DJ is performing internally, based on the findings of the Stantec Report, are listed below :

- External doors (including back of house) to remain closed as far as practicable. This is to be managed by the venue, to ensure that doors remain normally closed (i.e. not propped open, and only utilised for egress/ingress).
- All windows to be fully shut whilst a DJ is playing.

The Stantec Report lists a management measure, paraphrased as follows :

- Music to be inaudible at the nearest receiver locations (including bass).

This management measure is technically correct, as if music is inaudible at neighbouring premises, it is – by default – complies with the assigned noise levels stipulated by the Environmental Protection (Noise) Regulations 1997.

In the context of providing a reasonably guide for management on site to ascertain quickly if they have a potential issue with noise emissions – this is sound advice – however, for the purposes of establishing conditions under which the tavern can operate, it is suggested that it would be more appropriate to determine an internal noise level that the DJ (or other music performance) can play at, and meet the above measure (i.e. inaudible outside).

RESPONSE TO CITY OF JOONDALUP QUERY

The clarity of measures that are required to be implemented by the tavern are listed above, however, it is noted that an internal noise level that is to be set for music internally would typically be required to be set.

The setting of an internal noise level would also be able to address the additional query that the City of Joondalup has presented, where an internal noise level setting could also be applied to other scenarios – other than just the DJ performances.

Typically, this would take the form of a “dB(A)” noise level setting for either a particular location in the venue, or, throughout the venue.

As the Stantec Report has indicated, the absence of bass in external noise levels is also important to be managed. This can be addressed with the inclusion of a “dB(C)” noise level setting – at the same location as above – as the dB(C) weighted noise level more readily reflects the low frequency content of the noise level.

The above internal noise levels that were present during the course of the measurements undertaken for the Stantec Report are considered likely to be available from Stantec – as there is reference in the Stantec Report as to the methodology of measurements undertaken within the venue.

The methodology as to how the venue will maintain the internal noise level at the above is typically listed in an operational noise management plan, and can take the form of either “all music being played through the in house speaker system, set to the correct levels, with volume control accessible only to management” – to more sophisticated systems where a limiter is included in the amplification/speaker system, which is set to ensure that no matter what signal is “sent” to the system, noise levels at the required level only are emitted. With the inclusion of the above, the settings would be equally applicable to all entertainment (ie DJ or live bands etc).

RELOCATED ENTRY DOOR

The current entry point and alfresco area on Burns Beach Road, which is understood to have been how the venue operated for the testing undertaken as part of the Stantec Report, is proposed to be relocated to front O’Mara Boulevard.

The relocation of these areas would reduce noise impacts on the area.

CONCLUSION

The addition of an internal noise level that the venue can operate at and meet the assigned noise levels stipulated by the Environmental Protection (Noise) Regulations 1997 is recommended to be included in any change of operating conditions.

The level that can be operated at – and comply with the Regulations – should be available from Stantec, on the basis what is intimated in the Stantec Report.

If this information is not available, the process of ascertaining what noise level can be operated at internally, and meet the Regulations externally, is a reasonably straight forward process.

It is noted that the inclusion of an internal noise level also addresses the query from council in regards to other scenarios in the venue – namely live music.

Trust the above addresses the queries on this matter.

Yours faithfully,
for **HERRING STORER ACOUSTICS**

George Watts

Att.

To	Dynamic Planning and Developments	From	Cardno (WA) Pty Ltd (now Stantec)
CC		Date	17 March 2022
Project	CW1070500 – AEGM Iluka Plaza	Location/Time	
Subject	Development Application Amendments and Compliance		
Action Required	JD	Attachments	SJL

1 Introduction

Cardno (now Stantec) has been engaged by the Dynamic Planning and Developments (“the Client”) to assess issues and amendments considered for the AEGM Iluka Plaza Development Application (“the DA”), located at Lot 649 (98) O’ Mara Boulevard, Iluka. This technical memorandum aims to address the following concerns highlighted in the City’s assessment:

- > *Removal of the requirement for a large bulkhead over the ramp to the first-floor parking and replacing it with a simple height bar. This is to ensure ambulances are able to access the medical centre.*
- > *Removal of the boom gate that restricts access to the upper floor car parking between 10pm and 5.30am to enable access to the upper floor parking at all times.*

2 Removal of the Boom Gate

2.1 Background

- > *The condition was placed on the development by the JDAP to minimise perceived impacts from the upper deck car park on surrounding residential properties from vehicles accessing from a residential street. The gate has not been in operation for the majority of the time and the upper floor is used by hoons/others late at night as a recreational space. When vehicles (and notably trailers) exit late at night they make a significant noise.*
- > *The current condition only restricts use of the upper carpark after 10.00pm when the only operating use would be the Tavern. Other uses would not benefit from this, and the ground floor car park should be free at that time. This car park would not be used for the night markets as these close by 10.00pm*
- > *No alternative solutions have been provided (i.e., chain on a timer, use of signage, extra security etc) with an ‘all or nothing approach’. The applicants have used operational concerns as justification for the modifications, however these should not be considered relevant planning considerations.*
- > *Cars parked in the verge and not within the upper floor car park occur prior to 10.pm. Given the gate has been inoperable for the majority of the taverns opening, this should not be used as a reason to keep the gate open.*

Source: Summary of Iluka Consultation

2.2 Findings

A parking count survey was conducted on Friday the 11 & Saturday 12 March 2022 at from 10:00pm to 11:00pm each night. The results of the survey can be seen in the table below.

Table 2-1 Parking Utilization

Date/ Time	Location		
	Upper car park	On Street	Lower car park
Friday, 11 March 2022			
10:00 pm	2 cars, 3 mopeds	4 cars	24 cars
10:15 pm	2 cars, 2 mopeds	2 cars	22 cars
10:30 pm	3 cars, 2 mopeds	2 cars	16 cars
10:45 pm	3 cars, 2 mopeds	None	13 cars
11:00 pm	1 car, 2 scooters	None	10 cars
Saturday, 12 March 2022			
10:00 pm	4 cars	3 cars	28 cars
10:15 pm	3 cars	1 car	21 cars
10:30 pm	2 cars	1 car	19 cars
10:45 pm	2 cars	None	17 cars
11:00 pm	1 car	None	13 cars



Upper car park – Friday night



Lower car park – Friday night

Based on the findings of the parking count, the parking utilization in the parking area during the said time period is considerably 'low' ranging from 1 to 4 cars at a maximum at the upper floor and 10-24 cars at the lower floor. The counts show a maximum utilization of 24% (with a total parking of 143 bays) at 10:00pm which further drops to 10% at 11:00pm. This suggests that the activity after 10:00pm is low and majority of the vehicle movements at this time are going out of the Site.

Further observations from the site surveys;

- All of cars and mopeds observed on the upper car park on the Friday evening were associated with Gym activity
- Majority of cars observed on the upper car park on the Saturday evening were associated with tavern activity. This may suggest that, in the several hours prior to 10pm, parking availability within the lower car park may be limited due to the IGA, resulting in a few tavern patrons parking on the upper deck. There was some activity noted with the gym at the end of the Saturday survey, which may have been linked to the single remaining car within the car park,
- General observations noted for the surrounding streets during the survey periods were that overall, traffic activity was low around the site, with no hoon activity observed or heard.

3 Removal of the Large Bulkhead

3.1 Background

The provision of a bulkhead, with 2.3m height clearance, at the access to the upper car park was considered as a method to reduce impact on neighbouring properties from vehicle headlights when leaving the site. It was noted that the property directly opposite the access driveway is an elevated site with a full height wall with thick vegetation located behind and window shutters fitted. It is therefore unlikely that the property would be significantly impacted from headlight spill from the upper car park.



Previously installed bulkhead with 2.3m clearance – source: Google Street View

- > *The justification from the Emergency Management Act 2005 does not provide any specific reasoning why the bulkhead is to be in place. In addition, as raised through the submission the height of the emergency vehicles and weight have a discrepancy.*
- > *Previous planning showed a section and the impact of the bulk head on the adjoining property.*



Residential property opposite upper car park access – source: Google Street View

3.2 Assessment

According to the St. John Ambulance Western Australia, the ambulance fleet used within the region are predominately Mercedes Benz Sprinter vans which have an operating height ranging from 2.8m to 3.2m. As such, it should be noted that the bulkhead would need to be higher than 3.2m to accommodate the largest ambulance fleet to the Site. A bulkhead of this height would have no impact on headlight spill from the upper car park area.

4 Summary and Conclusion

- The parking count over the weekend shows that the vehicle activity on Site after 10:00pm during evenings where the tavern activity would typically be at its highest, is very low. As such, it is expected that any traffic activity from the upper car park resulting from access being open at all times, would have a negligible impact on the nearby residential area.
- The largest ambulance vehicles within the fleet have an operating height of about 3.2m in height and as such the previously installed bulkhead was not appropriate for purpose. A higher mounted bulkhead would serve no purpose with regard to reducing headlight spill from the site and should therefore be replaced with a standard height bar (installed) designed to suit the largest ambulance vehicles within the fleet likely to need to attend the Site.

Summary of issues DA18/1336.01

Summary of issues	Applicants Response
Operating Hours	
The tavern is in a predominantly residential area; this use type is not appropriate. The tavern was established after residents moved in; residents should not be the ones required to adapt their lifestyle to fit the tavern. It is the responsibility of the subject site to control noise, not the surrounding land owners.	The use has already received approval and noise has been determined as falling within allowed levels under the Environmental Protection (Noise) Regulations 1997.
Music can already be heard from a substantial distance away, impacting on people's lives. This should not be increased to from 11pm till midnight, when surrounding residents will be sleeping.	Noise levels have been determined to comply with the Environmental Protection (Noise) Regulations 1997 in the evening period. Increasing operating hours from 11pm to 12pm will not impact this compliance.
The tavern use was originally objected to by surrounding residents fearing its impact residents; these fears have become reality. The development is not the family restaurant type venue that was promised as part of the original change of use application. Live music or extension of hours to midnight are not needed for such a venue. This should not be a nightclub so background music should be sufficient.	The music being played at the premises has been demonstrated to comply with the Environmental Protection (Noise) Regulations 1997 with respect to impact on surrounding residential premises suggesting there are limited to no amenity impacts from the proposal.
Extended hours will create more noise and other anti-social behaviour later into the evening. This is affecting the amenity of the surrounding residents. The conditions imposed by JDAP were to limit the impacts on amenity and these have not gone away; increasing operating hours will increase the impact. The applicant's videos of past events demonstrate how loud these can be.	The noise from the premises has been determined to comply with the evening noise limits noted in the Environmental Protection (Noise) Regulations 1997, increasing the operating hours from 11pm to midnight will not change this.
The City of Joondalup, as part of the original assessment, identified that the tavern would not meet the objectives of the Iluka Structure Plan. Increasing hours will exacerbate this impact and be further from meeting the objectives.	The land use has been approved. Increasing the operating hours will not impact compliance with the structure plan objectives.
Impacts of the current operating situation (noise, anti-social behaviour and drunken pedestrians, public urination and vomiting) regularly disrupt peoples sleep, with patrons leaving late at night. These are current impacts, speculation of the impacts of expanded operating hours are not required. This is impacting residents and making people feel unsafe.	This application is not considering the management measures of the Tavern, rather it is considering the increasing of the proposed operating hours which has been demonstrated to have no negative impacts with respect to noise with the acoustic report demonstrating compliance with the Environmental Protection (Noise) Regulations 1997.
The venue operators have shown little regard for surrounding residents or the previous approval. Operators have promoted on social media for support for the proposal, even offering incentives. A large number of those who support the application will not be locals as the venue attracts clientele from outside of the area who are not impacted by the development.	Submission are regularly received by the City from people not within the immediate vicinity of the site.
The development will benefit the profits of the tavern at the cost of the surrounding residents. There is no benefit to the area from operating from 11.00pm to midnight. The applicants have used operational concerns as justification for the	Increasing the operating hours has been proposed to ensure consistency with the granted liquor license application and it has been demonstrated that this increase in operating hours will not result in any non-compliances with

modifications, however these should not be considered relevant planning considerations.	the Environmental Protection (Noise) Regulations 1997.
Apartments and surrounding houses cannot leave windows open at night to access cooling breeze, due to the noise, and instead rely on air-conditions which is not sustainable.	The conflicts with the technical expertise of the acoustic report which demonstrates compliance with the Environmental Protection (Noise) Regulations 1997.
There are plenty of other venues, not within residential areas that can cater for later opening hours.	Whilst this might be the case, it doesn't prohibit this venue from operating to 12am if it can be demonstrated that noise etc. is appropriate.
If increased operating hours were sought they should have been applied for at the start.	A different tenant/business was in mind when the original approval was sought.
The approval process for a liquor licence is a separate approval process to the development application. Inconsistent advice from the planning approval is not a valid reason to then grant the extension of the development application.	It is within our rights to seek an amendment to the imposed operating hours and approval is warranted where it can be demonstrated no negative impacts from noise etc. are noted.
Traffic issues are caused by the late operating hours, including ubers pulling in the middle of the road to let passengers out. There is also increased noise from the traffic associated with people leaving late at night (people revving engines and speeding away)	We cannot control the behaviour of drivers and are not responsible for their actions.
People leaving late at night walk through Sir James McCusker Park and impact the wildlife including birds.	Similar to the above, we cannot control what people do outside of the site.
Acoustic Report	
The original acoustic assessment considered the Aged and Dependant Persons dwellings to the south of O'Mara Boulevard a noise sensitive location. The further acoustic assessment does not include this land as noise sensitive and has utilised two different methodologies. There is no explanation why the original report identified no live music, with the revised stating that DJ's are appropriate.	The original report was considered for a different tenant with different operations and had to model proposed operations. The recent acoustic report considered the specific operation of the tenant operating from the site now with the DJ considered to be the loudest noise source. The new acoustic report concluded that the operation complies with the Environmental Protection (Noise) Regulations 1997.
Any acoustic report that is placed on Burns Beach Road would exaggerate background noise of traffic or ocean compared to placement further away from the road/ocean. These noises are also generally not as impactful as music.	The acoustic report was carried out in accordance with the Environmental Protection (Noise) Regulations 1997 and it was determined that the noise received at adjoining premises complied with allowed limits.
The report relies on doors and windows being shut, but acknowledges that noise emissions will occur when the door is open. It is inevitable that the door will open frequently for patrons to enter and exit (if closed at all). Other mitigation measures are vague and non-specific and impossible to enforce. These should not be relied on to determine and clear parameters are required for activity especially when the operators have disregarded conditions of approval.	Noise measurements as per the regulations need to be longer lasting then the time it takes for a door to open and close. Consequently compliance with the Environmental Protection (Noise) Regulations 1997 is able to be achieved.
There are no sufficient barriers to stop noise getting to residential properties.	Barries in place being doors and windows have been determined as being appropriate.
Removal of bulkhead	
The removal of all restrictions will allow any vehicle to access the upper floor, including delivery vehicles. While the applicants said this	The existing bulkhead/height restriction will remain which restricts vehicles accessing the upper floor.

was not to be used for deliveries, trucks and vans do use it for that purpose.	
Leave the existing bulk head/height restriction bar as they are to protect against more use of the upper floor for deliveries.	The existing height restriction bar will remain.
Ambulances that require the extra clearances would exceed the weight limit of 3 tonnes for the upper floor area. Other emergency services would be well in excess of 3 tonnes (fire trucks). It is not clear how the clause 67 & 68 of the Emergency Management Act 2005 relate to this application.	It will relate to ambulances only and their weight will comply with structural engineering allowances for the ramp. The existing height restriction bar will remain to prevent fire truck access and other larger vehicles.
The access to the upper floor by emergency services (fire truck/ambulance) was raised at previous JDAP meetings by members of the public, with the applicants stating these could be, in an emergency, used from the ground floor.	Upper floor access is only required for ambulances to the medical centre. Other emergency vehicle access can occur from the ground floor.
The bulkhead was put in place to protect residents from headlight glare. Removing it forces people to keep their blinds closed and install screens to protect themselves; this should be the responsibility of the commercial development.	It has been demonstrated previously that there will be no impacts from headlight glare.
Alternative options should be looked into regarding the bulkhead to allow emergency access but also protecting neighbours from headlight glare.	We have considered a range of options and consider the current height restriction bar appropriate given there will be no headlight glare impacts.
The lessee (medical centre) should have been aware of the requirements, including the bulk head, when signing the lease and should have made appropriate decisions at that time.	Regardless of the decisions of the tenant removal of the bulk head will have no negative impacts on surrounding residents and will enable ambulance access to the site.
Dangerous goods being driven past a child care premises is a concern. All deliveries should be in accordance with the management plan, with numerous examples where such goods would need to gain access via lifts (any medical centre/hospital on an upper floor).	Deliveries will be in accordance with the management plan. The ramp will not be used for deliveries.
Deliveries to the medical centre in vehicles greater than 3 tonnes would contravene BCA and Department of Health regulations based on reducing risk of building or structural collapse. Other Department of Health and BCA regulations would also need to be considered in the licencing process and would have to be provided by the application	Deliveries will be in accordance with the management plan. The ramp will not be used for deliveries.
Additional costs associated with meeting the condition to reduce impacts on surrounding residents is not a valid planning consideration.	Removing the bulk head will not impact surrounding residents as has been demonstrated previously.
Other factors and guidelines provide requirements for access to medical centres. Were these factors considered as part of the licencing process as this information would have been required to be provided by the applicant.	These factors don't seem relevant to the proposed application.
Upper floor car park	
The condition was placed on by the JDAP to stop impacts from the car park on surrounding residential properties and vehicles accessing from a residential street. The gate has not been in operation for the majority of the time and the	Without access to the upper floor car park, vehicles will utilise verges and other illegal means to park their vehicle. The upper floor car park is considered to alleviate likely parking issues in the surrounding area.

upper floor is used by hoons/others late at night as a recreational space. When vehicles (and notably trailers) exit late at night they make a significant noise.	
The current condition only restricts use of the upper carpark after 10.00pm when the only operating use would be the Tavern. Other uses would not benefit from this, and the ground floor car park should be free at that time. This car park would not be used for the night markets as these close by 10.00pm.	The intent is simply to alleviate the parking demand and risk of unauthorised parking in the area. Whilst attempts have been made to install a boom gate, this is regularly damaged and not functional. Given there are no detrimental impacts of having the parking open, we don't see any concerns with allowing parking in the evening.
No alternative solutions have been provided (i.e., chain on a timer, use of signage, extra security etc) with an 'all or nothing approach'. The applicants have used operational concerns as justification for the modifications, however these should not be considered relevant planning considerations.	Despite the operational concerns, the amenity impact of parking on verges in the evening is an amenity consideration that access to the upper floor parking would alleviate.
Cars parked in the verge and not within the upper floor car park occur prior to 10.pm. Given the gate has been inoperable for the majority of the taverns opening, this should not be used as a reason to keep the gate open.	Our assumption is that parking within the upper floor car park would be a preference to surrounding verges.
Removal/Alteration of advice note	
Noise travels especially near the coast. Live bands do not always adhere to noise restrictions until it is reported.	Noise levels have been determined to comply with the Environmental Protection (Noise) Regulations 1997.
Venues for live music should not be abutting residential properties.	
Live music is not consistent with what was promised as part of the development application.	
The venue is loud enough already.	
The results of the acoustic report should be queried as music can be heard regularly from surrounding properties.	
Other	
The conditions have not been adhered to with hours already going later than midnight, the bulkhead already removed and gate never working. The City of Joondalup have done nothing to enforce these conditions.	The intent of this application is to resolve the non-compliances.
Other conditions of the original approval, like the green wall were never completed.	The green wall has been installed and is awaiting growth.



LG Ref: DA8/1336
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

State Administrative Tribunal
565 Hay Street
PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR 061/2019

Property Location:	Portion of 9040 (34) Kallatina Drive, Iluka
Application Details:	Mixed Commercial Centre

Please be advised that the Metro North-West Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR 061/2019, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 13 May 2019.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

21 May 2019

Encl: Amended DAP Determination Notice

Cc:
AGEM PG 33 PTY LTD C/- LSV Borello Lawyers
State Solicitor's Office
Mr Jeremy Thompson
City of Joondalup
Planning Appeals



Planning and Development Act 2005

City of Joondalup Local Planning Scheme No.3

Metro North-West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Portion of 9040 (34) Kallatina Drive, Iluka

Application Details: Mixed Commercial Centre

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro North-West JDAP, at its meeting on 13 May 2019, has reconsidered its decision dated 11 March 2019 in respect to the above application, SAT Ref. DR 061/2019 and has resolved to:

Approve DAP Application reference DAP18/01543 and amended plans (Attachment 4) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Joondalup Local Planning Scheme No. 3 and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This approval relates to the commercial development and associated works only. It does not relate to any other development on the lot.
2. The car parking bays, driveways and access points shall be designed, constructed, drained and marked to the specification of the City and in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays, driveways and access points shall thereafter be maintained to the satisfaction of the City.
3. The Burns Beach Road access shall be upgraded to a full movement access point at the expense of the applicant, to the specifications of the City of Joondalup. These upgrades shall be inclusive of design, review, approval and construction to the cost of the developer.
4. Eight on-street parking bays on O'Mara Boulevard shall be constructed by the developer, at the developer's expense, prior to the occupation of the development. The detailed design is to be approved by the City prior to construction.
5. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.



6. An easement in gross for the shared driveway shall be placed on the certificates of title for the subject lot to the satisfaction of the City. The easement shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificates of titles, prior to the occupation of development.
7. A notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'.
8. Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied. Details shall be submitted to and approved by the City prior to the commencement of development. Lighting shall be installed in accordance with the lighting plan to the satisfaction of the City.
9. Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatments of the subject site and the adjoining road verges, and shall:
 - provide a minimum of 12 street trees along Burns Beach Road, O'Mara Boulevard and Calis Avenue.
 - the trees along the Calis Avenue frontage should be of a size and scale that will suitably screen the Calis Avenue façade;
 - provide plant species, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - provide all details relating to paving, treatment of verges and tree planting;
 - be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - show spot levels and/or contours of the site;
 - any specific requirements for the 'landscaped wall'; and
 - be drawn at an appropriate scale of either 1:100, 1:200 or 1:500.
 - relocate the footpath along Calis Avenue to the back of the kerb to allow for landscaping between the development and the road verge.
10. 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.
11. A Waste Management Plan, indicating the method of rubbish collection, shall be submitted to and approved by the City prior to the commencement of development. All waste collection shall be in accordance with the approved Waste Management Plan.



12. A Delivery Management Plan, indicating the timing of deliveries to minimise the conflict between customers and service vehicles, shall be submitted prior to the commencement of development and approved by the City prior to the development first being occupied. Delivery management shall then be undertaken in accordance with the approved plan.
13. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - all forward works for the site;
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements and access for the contractors and subcontractors;
 - the management of dust during the construction process;
 - other matters likely to impact on the surrounding properties;

and works shall be undertaken in accordance with the approved Construction Management Plan.

14. A detailed acoustic report shall be submitted to the City's satisfaction, prior to the commencement of development. The acoustic report shall demonstrate that the design of the building can ensure that all activities, including those occurring within the gymnasium and child care, comply with the *Environmental Protection (Noise) Regulations 1997*. This is to be demonstrated through an implementation section of the report which shall identify appropriate management of the proposal, including, but not limited to, time restrictions on children in outdoor play areas and any restrictions of gymnasium activities or service vehicle movements. The acoustic report shall also consider any impacts to the adjoining residential development to the north.
15. A full schedule of colours and materials for all exterior parts to the development shall be submitted to and approved by the City prior to the commencement of development. With regards to boundary walls on the northern lot boundaries, these are to be aesthetically treated to minimise the visual impact. If constructed in stages, development with exposed boundary walls are to be aesthetically treated to minimise their visual impact until such time as the later stages are constructed. 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.
16. 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. 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.
17. The nett lettable area for the site shall not exceed 2,991m², without prior approval from the City first being obtained.
18. All stormwater shall be collected onsite and disposed of in a manner acceptable to the City.



19. All development shall be contained within the property boundaries.
20. Glazing shall be visually permeable with no signage or internal fixtures, attached to or placed in front of glazing restricting the view unless otherwise approved by the City.
21. The applicant is to provide a Traffic and Parking Management Plan prior to commencement of development, to allow safe access and egress including vehicular and pedestrian access and egress to the site and to reconsider the use of mirrors at the exit on Calis Avenue to the satisfaction of the City.
22. The hours of operation shall be:
 - a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
 - b) T5 (IGA Supermarket and Liquor Store) 8am to 9pm Monday to Sunday

The remainder of tenancies will not be restricted to hours of operation.
23. The applicant is to submit revised drawings to the Eastern Boundary detailing a setback of at least 300mm and green wall structures prior to commencement of the development to the satisfaction of the City.

Advice Notes

1. With respect to the marking of the car park areas, line marking and signage shall adequately convey the one-way configuration of the lower car park.
2. With respect to the upgrades to Burns Beach Road, the detailed design is to include a cross-section with all relevant information to ensure the intersection treatment is designed adequately and all infrastructure (including light poles and storm water drainage pits) can be relocated and meet relevant standards. It is also recommended consultation be undertaken with Main Roads WA for any approvals that may be required for upgrades to Burns Beach Road.
3. The owner/applicant is advised that the subject site has been identified as being within a bushfire prone area as designated by the Fire and Emergency Services Commissioner. As a result:
 - a. a notification on the certificate of title is required in accordance with clause 6.10 of *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* (SPP3.7); and
 - b. additional construction methods may be required as part of the Building Permit.

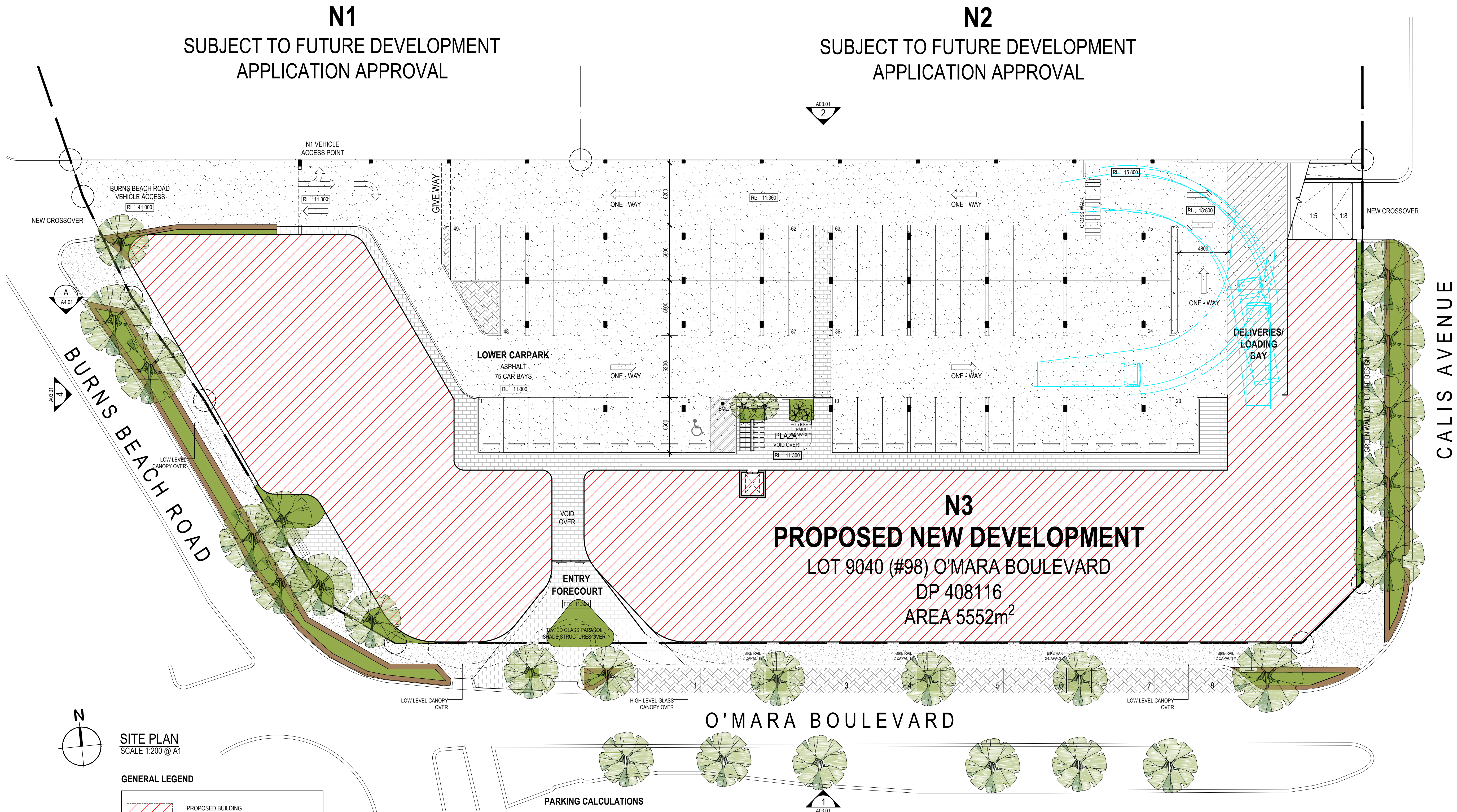
Further information about the designated bushfire prone areas and SPP3.7 can be found on the Department of Fire and Emergency Services website: <https://www.dfes.wa.gov.au/> and the Department of Planning website: <http://www.planning.wa.gov.au/>



4. With respect to the schedule of colours and materials, the City encourages the developer to incorporate materials and colours to the external surface of the building and associated structures, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
5. The bin store area shall be provided with a concrete floor that grades evenly to an industrial floor waste that is connected to sewer. A hose cock is to be provided to the bin store area.
6. Each food business is required to be Registered under the *Food Act 2008*.
7. Any existing footpaths and kerbing are to be retained and protected during construction of the development, except where otherwise approved by the City. Should the footpath/kerb be damaged during the construction of the development, it should be reinstated to the satisfaction of the City.
8. The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



F	18/03/19	JDAP REVISIONS	LM	LA
E	26/02/19	DRP REVISIONS	LM	LA
D	20/02/19	DRP REVISIONS	LM	LA
C	18/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL



PROJECT
ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
SITE PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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SITE PLAN
SCALE 1:200 @ A1

GENERAL LEGEND

	PROPOSED BUILDING ENVELOPE
	PROPOSED CARPARK BITUMEN
	PROPOSED PAVING
	PROPOSED LANDSCAPING
	PROPOSED VEGETATION
	PROPOSED COLUMN LOCATIONS
RL 23.00	RELATIVE LEVEL
FFL 23.00	FINISHED FLOOR LEVEL

LANDSCAPING CALCULATIONS

TOTAL SITE AREA	5552m²
REQUIRED LANDSCAPING	445m²
DISTRICT PLANNING SCHEME	8%
PROPOSED	
HARD & SOFT LANDSCAPING	205m²
CHILDCARE OUTDOOR AREA	507m²
PROPOSED LANDSCAPING	712m² (12%)

PARKING CALCULATIONS

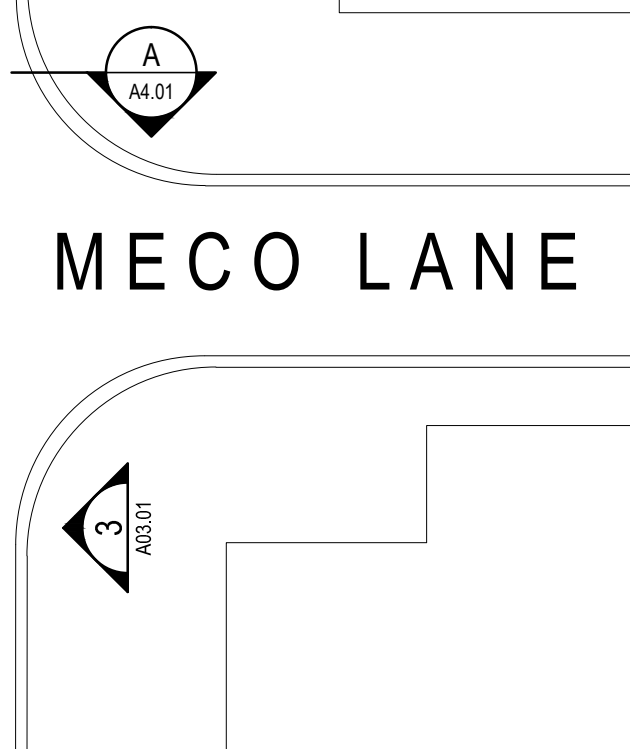
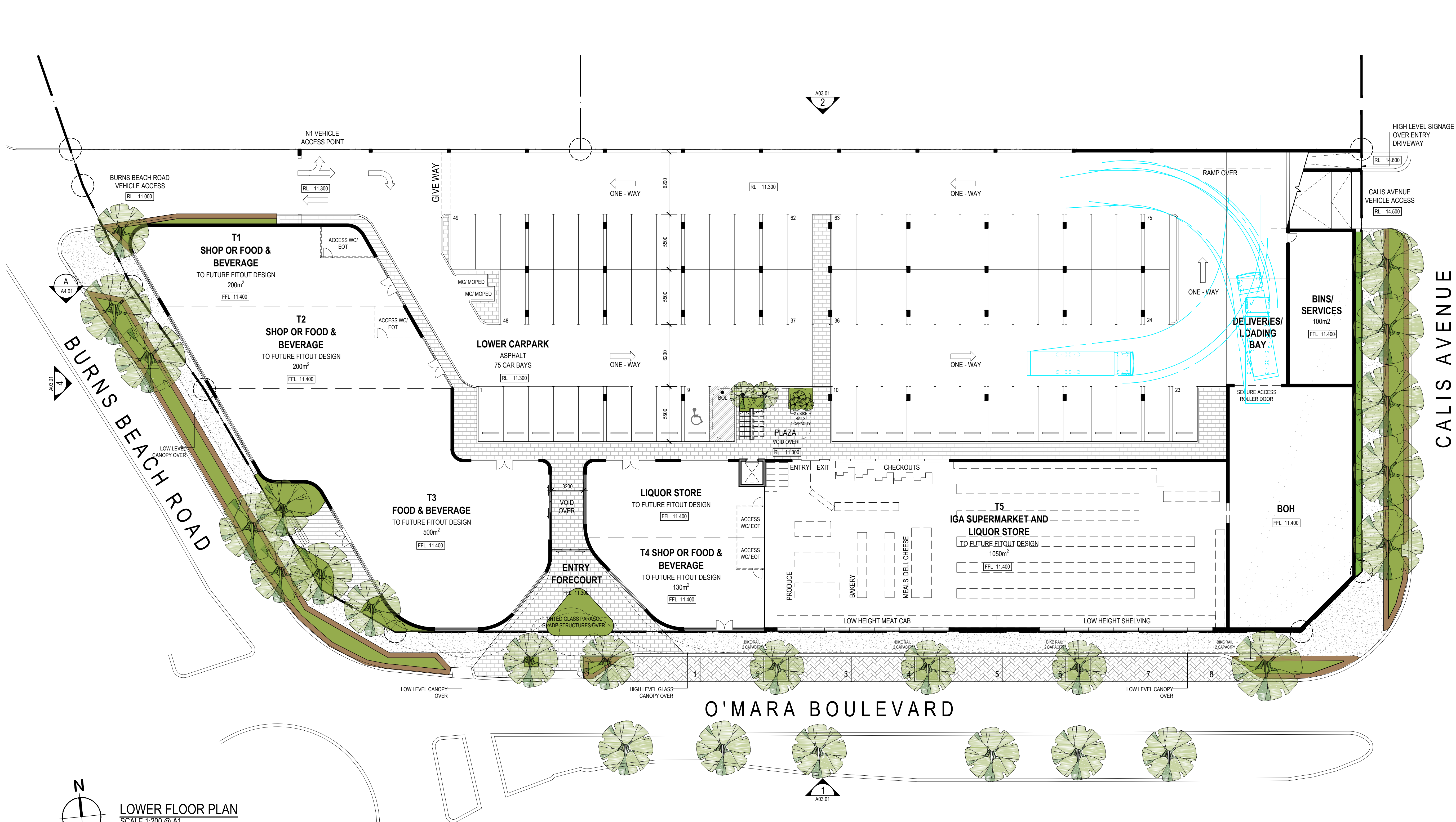
TOTAL LOWER FLOOR GLA			2080m²
TOTAL UPPER FLOOR GLA			2590m²
T1 - SHOP	GLA	200m²	7 BAYS
T2 - SHOP	GLA	200m²	7 BAYS
T3 - FOOD	GLA	500m²	36 BAYS
T4 - SHOP	GLA	130m²	4 BAYS
T5 - SHOPPING CENTRE & LIQUOR STORE			
	GLA	1050m²	40 BAYS
T6 - OFFICE	GLA	410m²	8 BAYS
T7 - OFFICE	GLA	300m²	5 BAYS
T8 - GYM	GLA	350m²	10 BAYS
T9 - CHILDCARE	GLA	1530m²	
STAFF (1:5)			16 BAYS
80 CHILDREN			10 BAYS
REQUIRED BAYS			143 BAYS
PROPOSED BAYS			142 BAYS
+ 8 STREET BAYS			
+ 5 MOTORCYCLE / MOPED BAYS			

DEVELOPMENT
ASSESSMENT PANEL

APPROVED

13-May-2019

NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing.
All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



F	18/03/19	JDAP REVISIONS	LM	LA
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A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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DEVELOPMENT APPROVAL



PROJECT

ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD
ILUKA, WA 6028

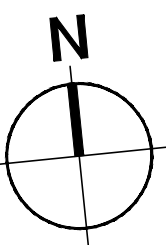
TITLE

LOWER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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LOWER FLOOR PLAN

SCALE 1:200 @ A1

6 TENANCIES
75 ON-SITE CAR BAYS / 2 MC/MOPED BAYS
8 STREET CAR BAYS
6 BICYCLE RACKS (12 CAPACITY)
NLA: 2080m²

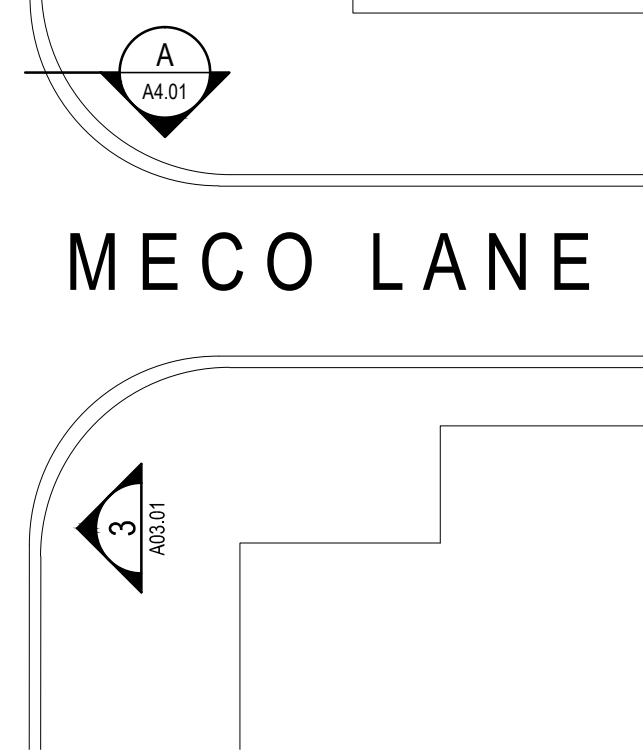
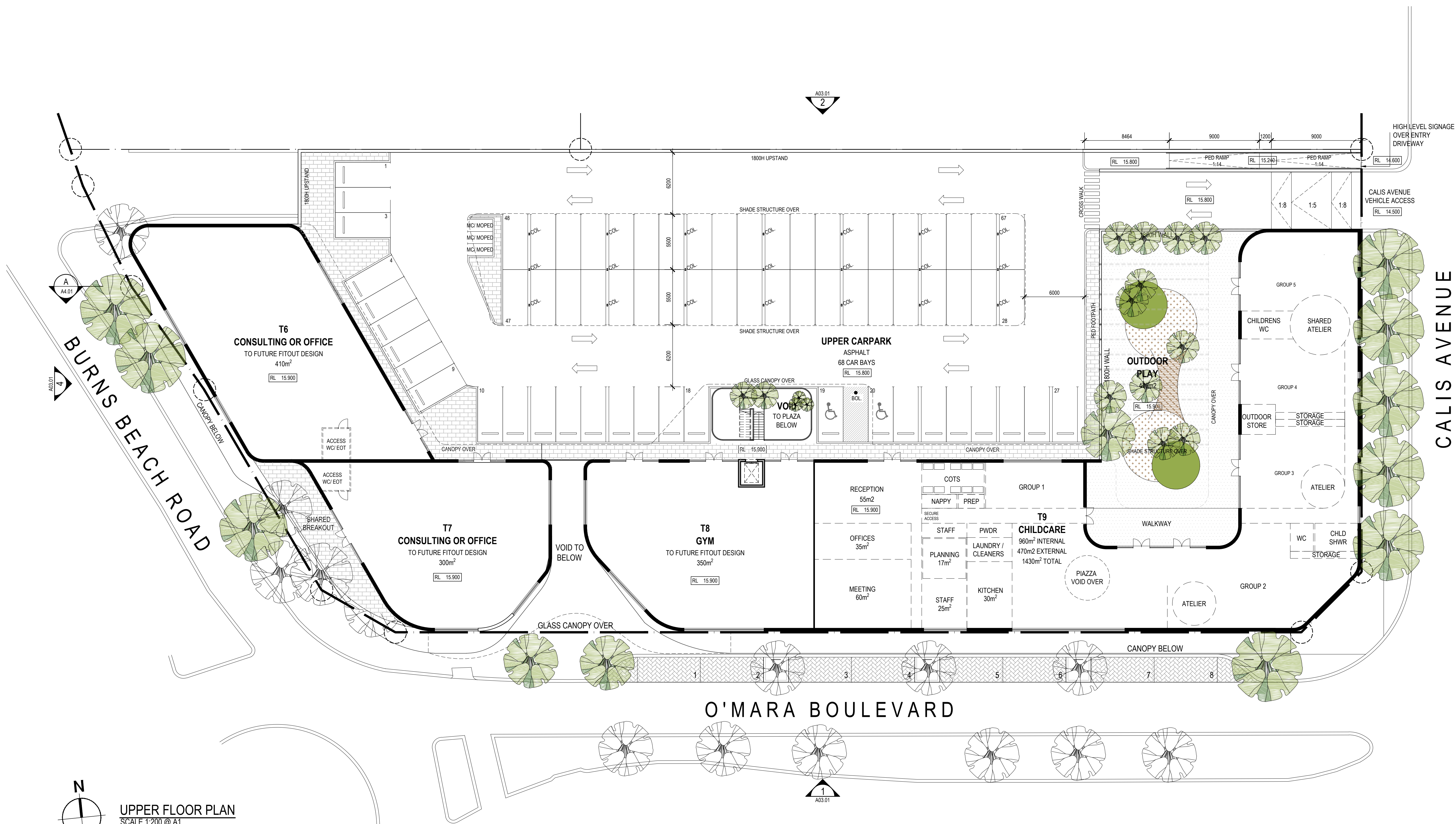
NOTE: ARCHITECTURAL DRAWINGS TO BE READ
IN CONJUNCTION WITH BLACKWELL &
ASSOCIATES LANDSCAPE ARCHITECTS
DRAWINGS FOR FULL EXTENT OF LANDSCAPING
PROPOSAL, SPECIES ETC.

DEVELOPMENT
ASSESSMENT PANEL

APPROVED

13-May-2019

NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



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A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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DEVELOPMENT APPROVAL



PROJECT

ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD
ILUKA, WA 6028

TITLE

UPPER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.02	F

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NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing.
All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



SOUTH ELEVATION (O'MARA BOULEVARD)

SCALE 1:200 @ A1

0 5m 10m



NORTH ELEVATION

SCALE 1:200 @ A1

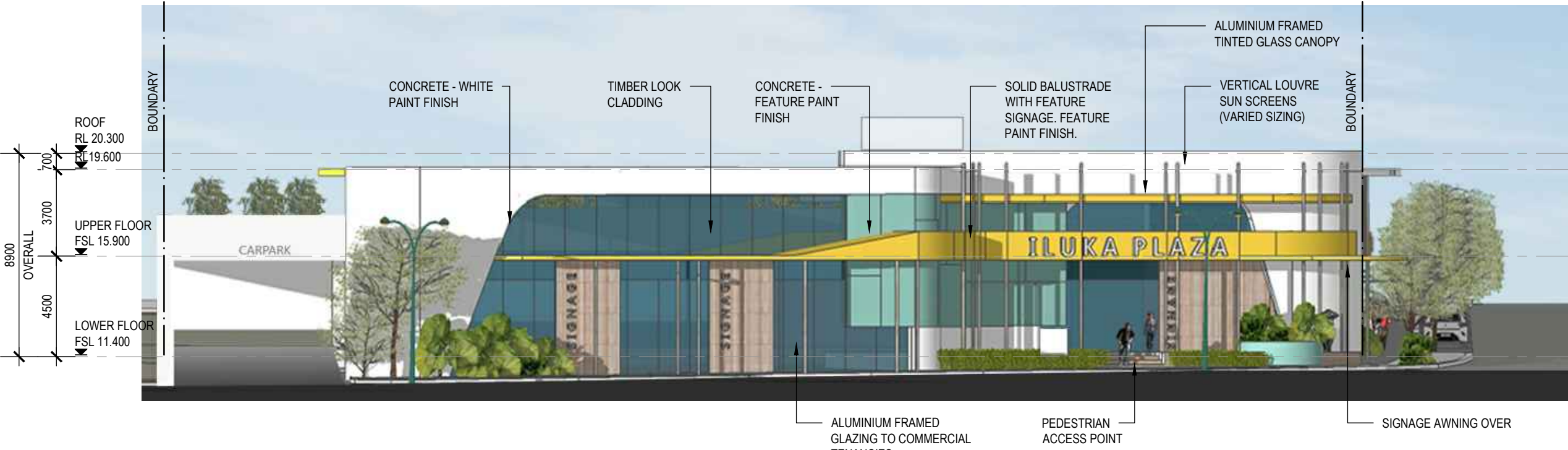
0 5m 10m



EAST ELEVATION (CALIS AVENUE)

SCALE 1:200 @ A1

0 5m 10m



**DEVELOPMENT
ASSESSMENT PANEL**

APPROVED

13-May-2019

D	18/03/19	JDAP REVISIONS	LM	LA
C	20/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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DEVELOPMENT APPROVAL



PROJECT

ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE

ELEVATIONS

SCALE	DRAWN	CHECKED
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1:200 @ A1 LM LA

PROJECT #	DRAWING #	ISSUE
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18031 **A03.01** **D**

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LG Ref: DA8/1336
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

State Administrative Tribunal
565 Hay Street
PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR 061/2019

Property Location:	Portion of 9040 (34) Kallatina Drive, Iluka
Application Details:	Commercial Development

Please be advised that the Metro North-West Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR 061/2019, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 28 June 2019.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

9 July 2019

Encl: Amended DAP Determination Notice

Cc:
AGEM PG 33 PTY LTD C/- LSV Borello Lawyers
State Solicitor's Office
Mr Jeremy Thompson
City of Joondalup
Planning Appeals



Planning and Development Act 2005

City of Joondalup Local Planning Scheme No.3

Metro North-West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Portion of 9040 (34) Kallatina Drive, Iluka

Application Details: Commercial Development

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro North-West JDAP, at its meeting on 28 June 2019, has reconsidered its decision dated 13 May 2019 in respect to the above application, SAT Ref. DR 061/2019 and has resolved to:

Approve DAP Application reference DAP/18/01543 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Metropolitan Region Scheme* and the City of Joondalup *Local Planning Scheme No. 3* and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme*, subject to the following amended conditions:

Conditions

11. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of development. The Waste Management Plan shall include, but not be limited to, the following;
 - Days, times and frequency of pick up;
 - Type and size of waste vehicle to be used;
 - Type and size of bins to be used; and
 - Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.

12. A Delivery Management Plan shall be submitted to and approved by the City prior to commencement of the development. The Delivery Management Plan shall include, but not be limited to, the following;
 - Restricting deliveries by semi-rigid vehicles of 12.5m or more in length to between hours of 7am to 7pm;
 - Instruction to drivers for the use of Burns Beach Road access only and not to use Calis Avenue or Mykonos View when approaching or accessing the site;
 - Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
 - Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.



21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the commencement of the development. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
- a. T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
 - b. T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.

All other conditions and advice notes remain as per the decision of 13 May 2019.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



LG Ref: DA20/0452
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

Mr Reegan Cake
Dynamic Planning & Developments
PO Box 688, Inglewood WA 6932

Dear Mr Cake

**METRO OUTER JDAP - CITY OF JOONDALUP - DAP APPLICATION - DA20/0452
- DETERMINATION**

Property Location:	Lot 649 (98) O'Mara Boulevard, Iluka
Application Details:	Mixed Commercial Centre (Iluka Plaza)
Amendment Details:	Form 2.1 - Change of use of tenancies 1 - 3 to 'Tavern'.

Thank you for your Form 2.1 Development Assessment Panel (DAP) application and plans submitted to the City of Joondalup on 3 June 2020 for the above-mentioned development.

The application was considered by the Metro Outer JDAP at its meeting held on 31 August 2020, where in accordance with the provisions of the City of Joondalup Local Planning Scheme No.3, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also 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 conditions of approval, please contact Mr Jeremy Thompson on behalf of the City of Joondalup on 9400 4400.

Yours sincerely,

DAP Secretariat

9 September 2020

Encl. DAP Determination Notice
Approved Plans

Cc: Mr Jeremy Thompson
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 649 (98) O'Mara Boulevard, Iluka

Application Details: Mixed Commercial Centre (Iluka Plaza)

Amendment Details: Form 2.1 - Change of use of tenancies 1 - 3 to 'Tavern'.

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 31 August 2020, subject to the following:

1. **Accept** that the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 dated 28 May 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP application reference DAP/18/01543, 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 proposed change of use to the approved commercial development at Lot 649 (98) O'Mara Boulevard, Iluka, subject to:

Amended Conditions of JDAP decision dated 13 May 2019

14. A detailed acoustic report shall be submitted to the City's satisfaction, prior to the Occupation of Tenancy 1, 2 and 3. The acoustic report shall demonstrate that the design of the building can ensure that all activities, including those occurring within the gymnasium and child care, and tavern comply with the Environmental Protection (Noise) Regulations 1997. The acoustic report shall also consider any impacts to the adjoining residential development to the north.

Additional Advice note of JDAP decision dated 13 May 2019

9. Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions, prohibition of music and any openings to the indoor area) and music to be of an ambient nature with live performances to be prohibited.



Amended Conditions of JDAP decision dated 28 June 2019

11. A Waste Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Waste Management Plan shall include, but not be limited to, the following;
- Days, times and frequency of pick up;
 - Type and size of waste vehicle to be used;
 - Type and size of bins to be used; and
 - Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.

12. A Delivery Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Delivery Management Plan shall include, but not be limited to, the following;
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 - Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.

The Delivery Management Plan shall include the revised Tavern land use.

21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
 - T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
 - T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday.



Additional Advice note of JDAP decision dated 28 June 2019

10. Revised condition 11 is required to address the change of use of Tenancy 1, 2 and 3 including any additional waste required from the Tavern land use.
11. Revised condition 12 is required to address the change of use of Tenancy 1, 2 and 3 including any additional delivery requirements from the Tavern land use.
12. Revised condition 21 is required to address the change of use of Tenancy 1, 2 and 3 including the impacts of the Tavern use on vehicular and pedestrian access.

New Condition

23. An Operations Management Plan shall be submitted to and approved by the City prior to commencement of the use. The Operations Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the tavern use.

All other conditions, footnotes and advice notes remain as per the decision of 13 May 2019 and 28 June 2019.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



Amended Conditions of JDAP decision dated 28 June 2019

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12. Revised condition 21 is required to address the change of use of Tenancy 1, 2 and 3 including the impacts of the Tavern use on vehicular and pedestrian access.

New Condition

23. An Operations Management Plan shall be submitted to and approved by the City prior to commencement of the use. The Operations Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the tavern use.

All other conditions and advice notes remain as per the decision of 13 May 2019.

All other conditions, footnotes and advice notes remain as per the decision of 13 May 2019 and DAPs' original decision from the SAT application finalised on 10 July 2019.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

DEVELOPMENT
ASSESSMENT PANEL

APPROVED

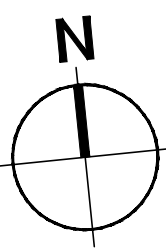
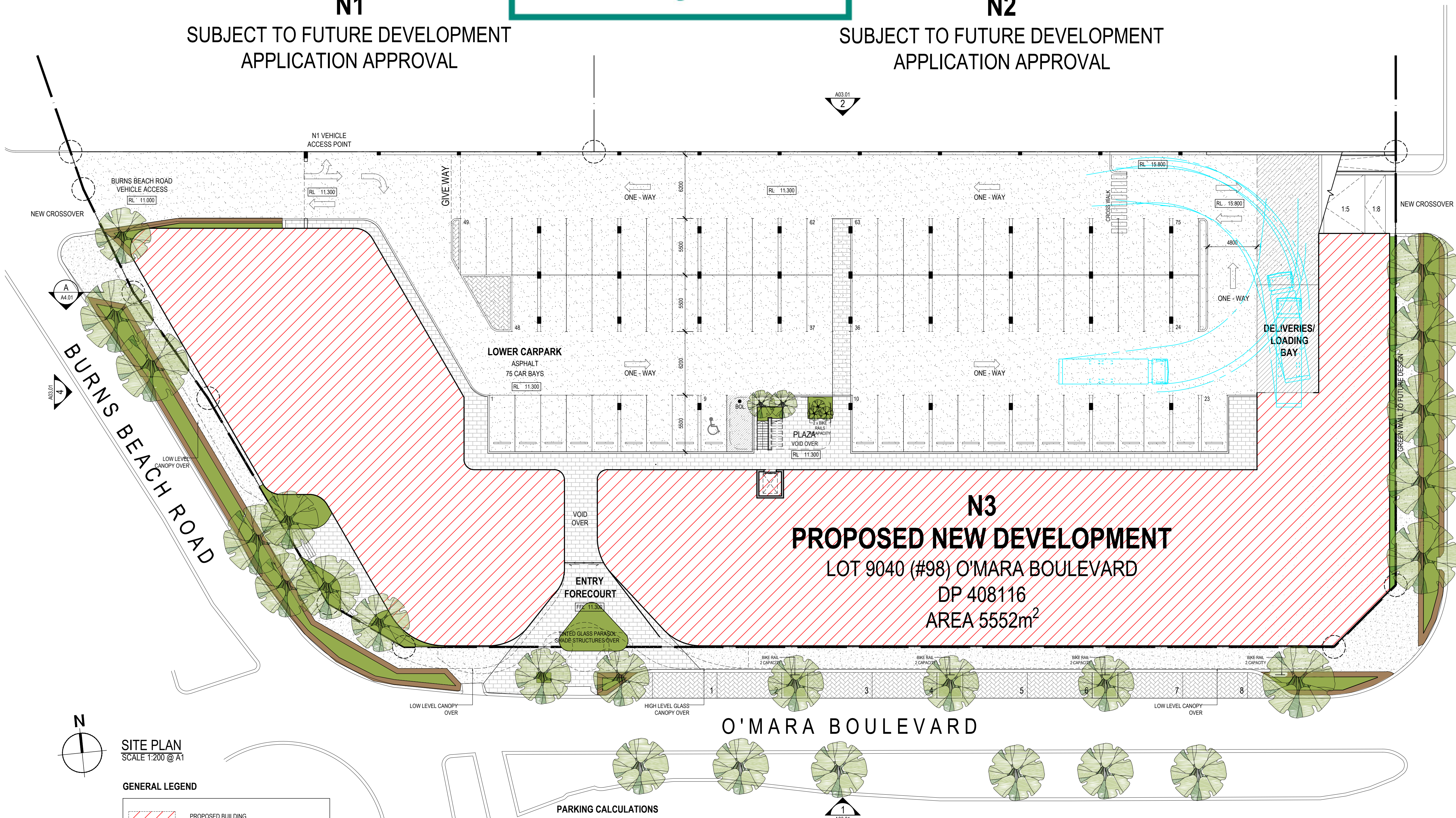
31-Aug-2020

N1

SUBJECT TO FUTURE DEVELOPMENT
APPLICATION APPROVAL

N2

SUBJECT TO FUTURE DEVELOPMENT
APPLICATION APPROVAL



SITE PLAN
SCALE 1:200 @ A1

GENERAL LEGEND

	PROPOSED BUILDING ENVELOPE
	PROPOSED CARPARK BITUMEN
	PROPOSED PAVING
	PROPOSED LANDSCAPING
	PROPOSED VEGETATION
	PROPOSED COLUMN LOCATIONS
RL 23.00	RELATIVE LEVEL
FFL 23.00	FINISHED FLOOR LEVEL

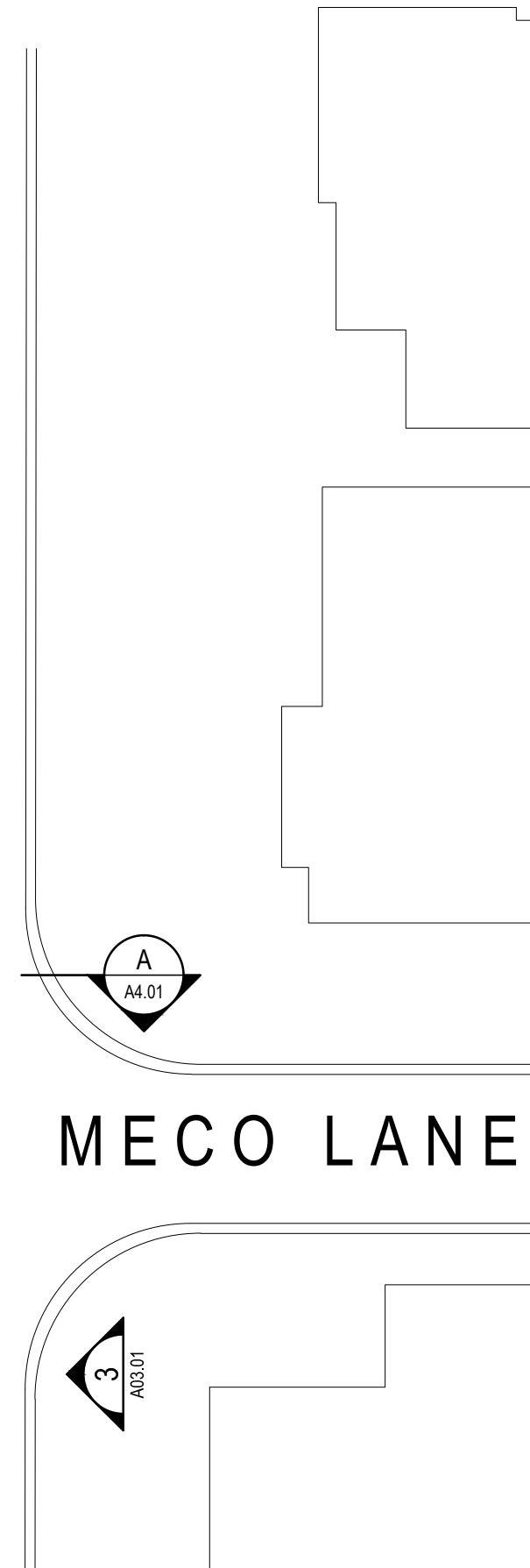
LANDSCAPING CALCULATIONS

TOTAL SITE AREA	5552m²
REQUIRED LANDSCAPING DISTRICT PLANNING SCHEME	445m²
PROPOSED HARD & SOFT LANDSCAPING	8%
CHILD CARE OUTDOOR AREA	205m²
PROPOSED LANDSCAPING	507m²
PROPOSED LANDSCAPING	712m² (12%)

PARKING CALCULATIONS

TOTAL LOWER FLOOR GLA			2080m²
TOTAL UPPER FLOOR GLA			2590m²
T1 - SHOP	GLA	200m²	7 BAYS
T2 - SHOP	GLA	200m²	7 BAYS
T3 - FOOD	GLA	500m²	36 BAYS
T4 - SHOP	GLA	130m²	4 BAYS
T5 - SHOPPING CENTRE & LIQUOR STORE			
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T9 - CHILDCARE	GLA	1530m²	
STAFF (1:5)			16 BAYS
80 CHILDREN			10 BAYS
REQUIRED BAYS			143 BAYS
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+ 8 STREET BAYS			
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A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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DEVELOPMENT APPROVAL



DESIGN MANAGEMENT GROUP Level 2 1008 Hay Street Perth 6000
telephone +61 8 9212 8888 | facsimile +61 8 9212 8822
info@dmgastralia.com.au | www.dmgastralia.com.au

PROJECT

ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD
ILUKA, WA 6028

TITLE

SITE PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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TOTAL AREA:	
TENANCY 1	190sqm
TENANCY 2	195sqm
TENANCY 3	490sqm
TOTAL COMBINED	875sqm

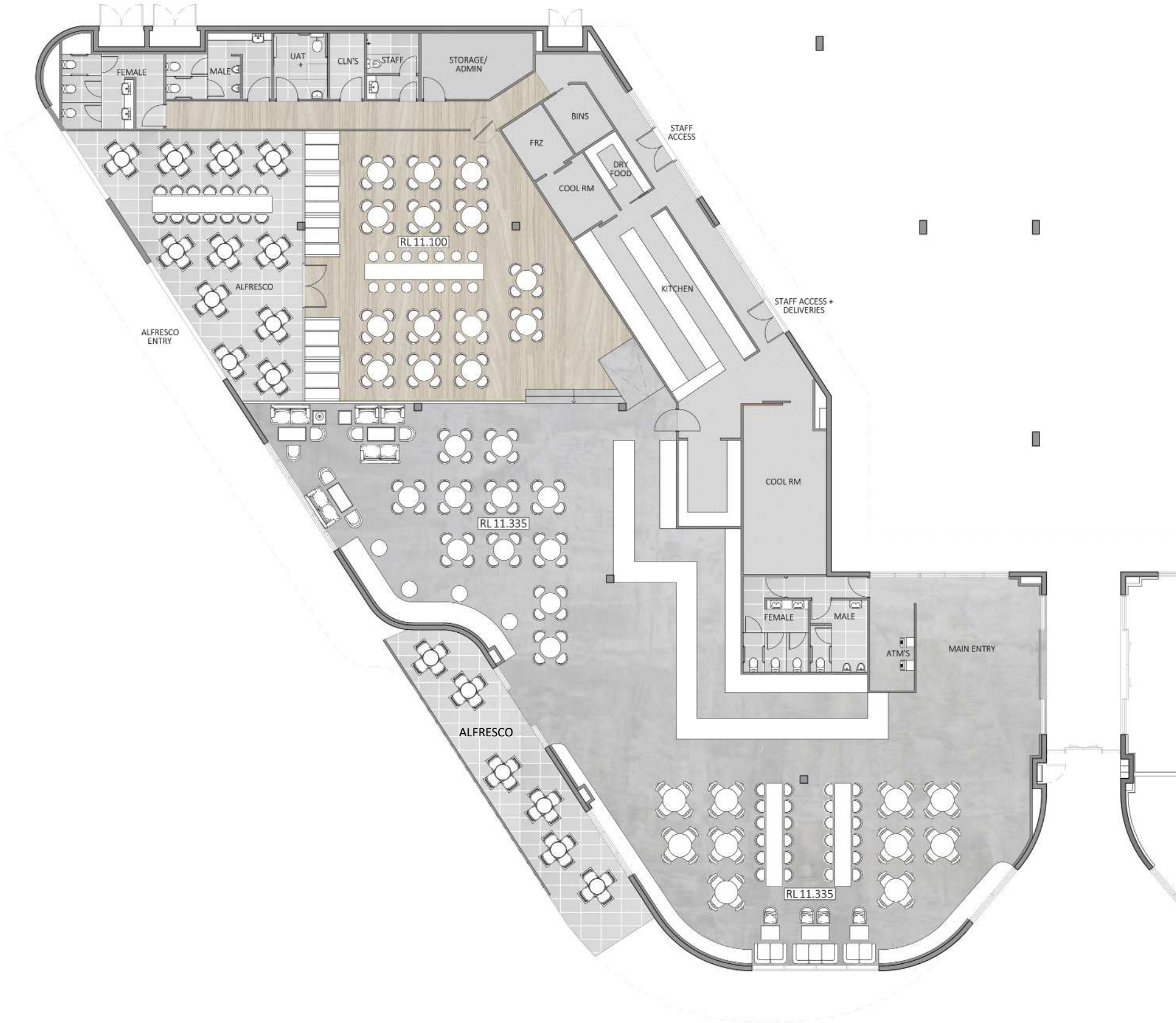
PROPOSED GENERAL ARRANGEMENT:	
INTERNAL SEATING	490sqm
ALFRESCO	125sqm
BACK OF HOUSE	310sqm

AMENITIES:		
<u>FEMALE</u>		
6 CLOSET PANS	4 WASH BASINS	
<u>MALE</u>		
3 CLOSET PANS	2 WASH BASINS	4 URINALS
<u>UAT</u>		
1 PROVIDED		
<u>STAFF</u>		
DEDICATED STAFF EOT FACILITY		

DEVELOPMENT
ASSESSMENT PANEL

APPROVED

31-Aug-2020



GENERAL ARRANGEMENT PLAN 1:200@A3

DEVELOPMENT
ASSESSMENT PANEL

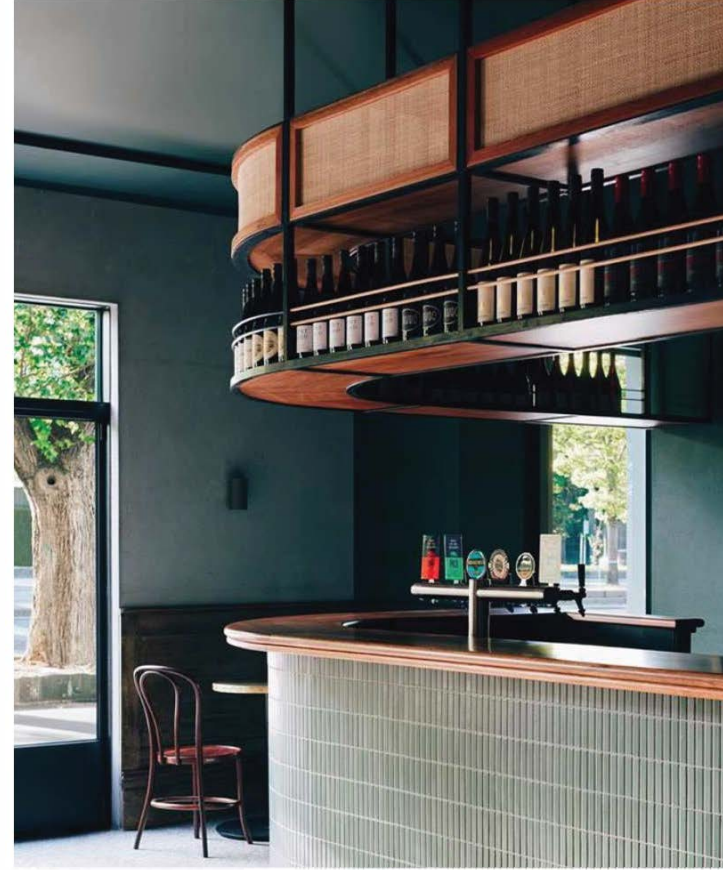
APPROVED
31-Aug-2020

ILUKA



DEVELOPMENT
ASSESSMENT PANEL

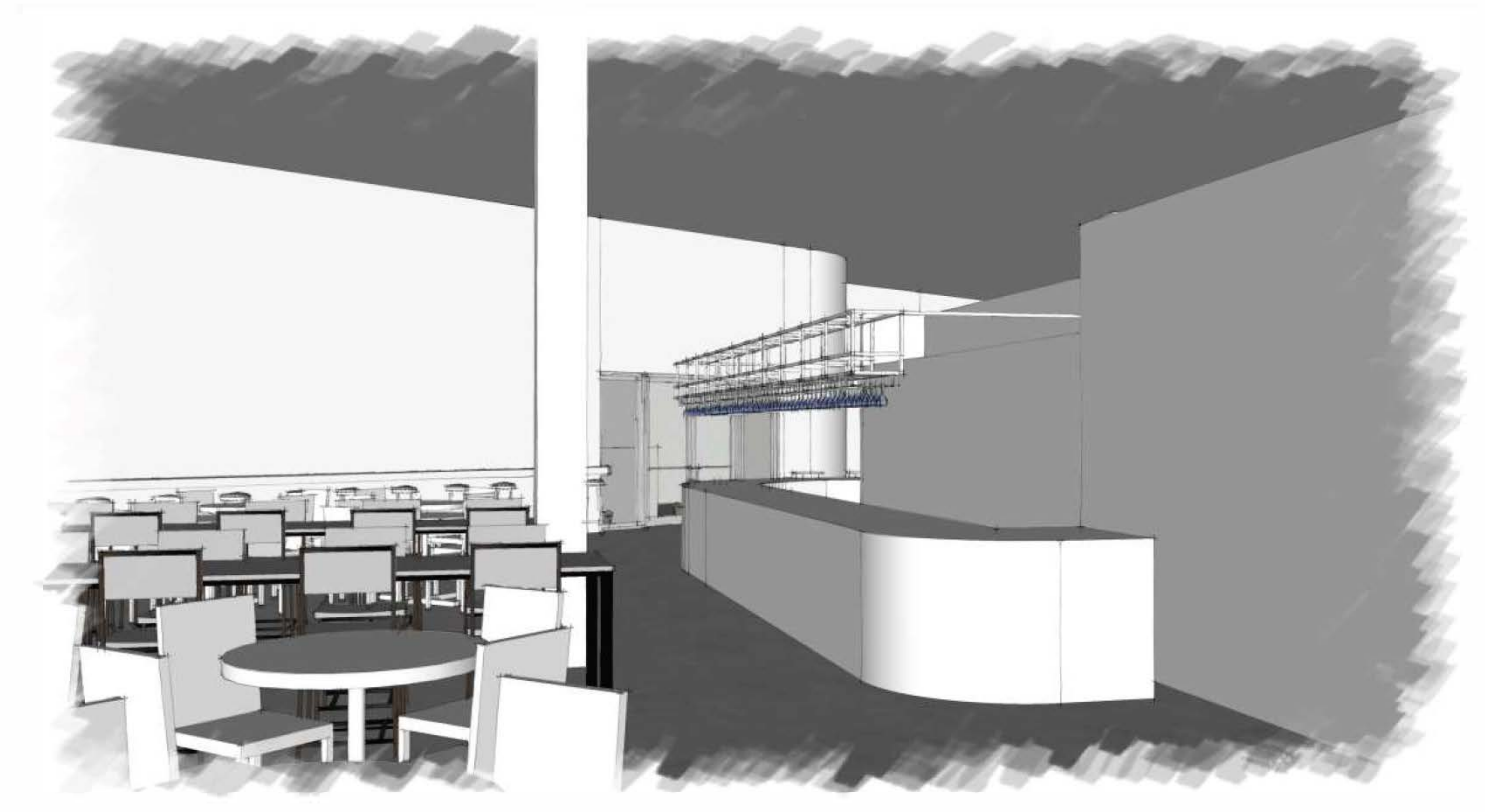
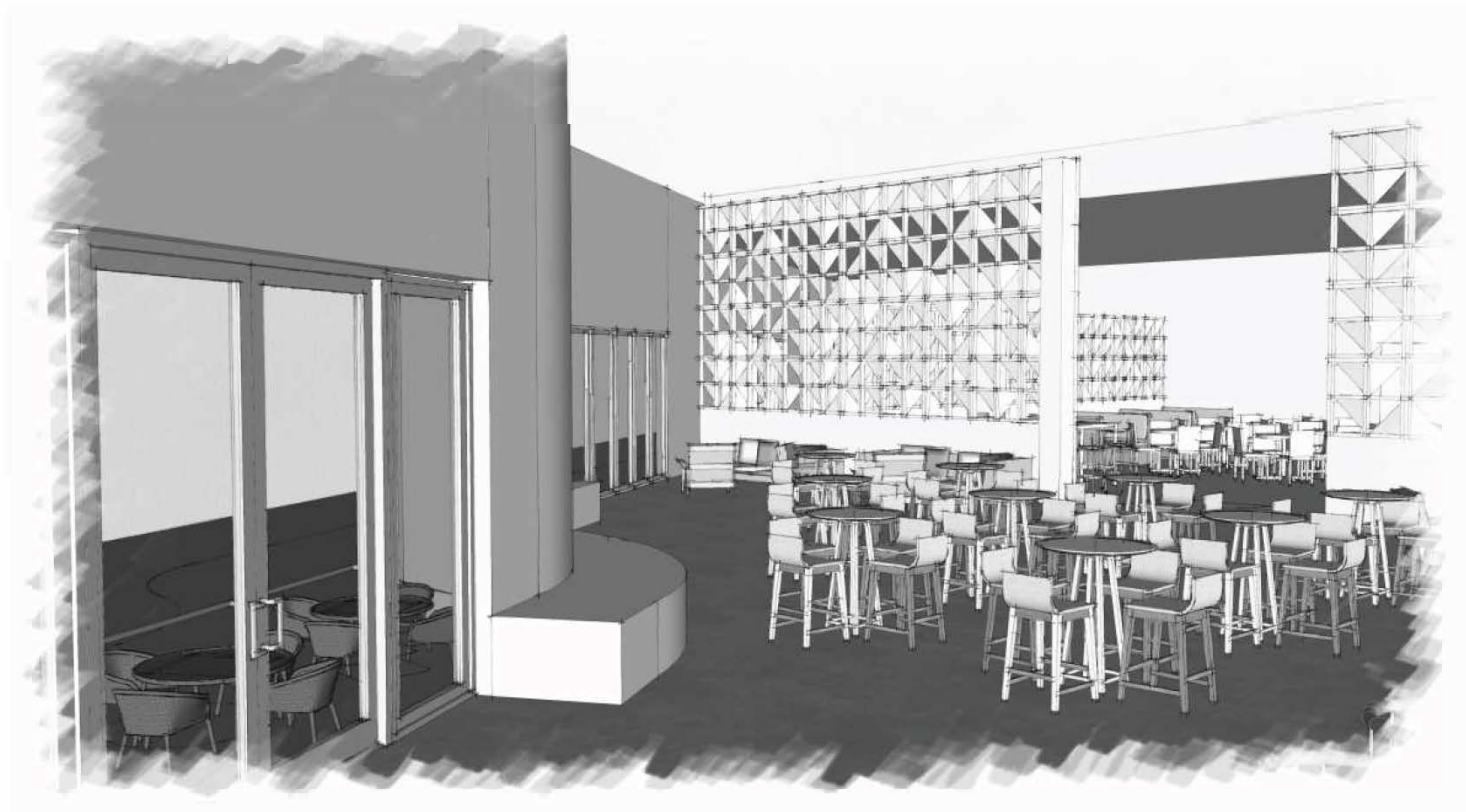
APPROVED
31-Aug-2020



DEVELOPMENT
ASSESSMENT PANEL

APPROVED

31-Aug-2020



i L U K A B E A C H

bar & kitchen

Daresq Hospitality Group PTY
LTD. T/A iLuka Beach Bar &
Kitchen.

Management Plan

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Objectives of Management Plan and Interpretation

This Management Plan contains details of the means by which the Licensee intends to implement the provisions of the Licensee's *House Policy* and *Code of Conduct*, and the strategies and procedures which the Licensee will put and keep in place at the Premises to adopt and reinforce the principles of responsible service of liquor, pursuant to the Director of Liquor Licensing's *Policy Guideline on Harm Minimisation* insofar as it relates to the licensed premises.

It is an aim of the Licensee, in adopting the provisions of this Management Plan and the principles of responsible service of liquor, to minimise incidents of harm or ill health that may be caused to people or any group of people due to the use of liquor within the Premises.

Management accepts that the minimising of harm not only applies to our patrons but also to the residents of homes located within the vicinity of the Premises and to others who are also members of our local community.

It is not an aim of this Management Plan to create legal obligations on the part of the Licensee in replacement of or additional to those legal obligations imposed upon the Licensee pursuant to the *Liquor Control Act 1988* and subsidiary legislation (as amended from time to time) and any other State or Commonwealth legislation relevant or having application to the business carried on by the Licensee at the Premises or the fact of the Licensee's proprietorship, occupation or use of the Premises, or to create obligations or liability on the part of the Licensee, whether contractual or tortious in nature, towards any person or entity at common law or otherwise.

In this Management Plan, unless the context demands otherwise, the following words and phrases shall have the following meanings:

"Premises"	shall mean the licensed premises to which this Management Plan relates and is in force;
"Management"	shall mean and include the Licensee, Licensed Approved Manager and any other person or persons directly involved in the practical management of the Premises;
"Licensee"	shall mean the person or entity legally entitled to hold and operate the licence relating to the Premises, and by whom this Management Plan is adopted.

Training

Management believes that the proper and regular training of all bar staff in the responsible service of liquor is essential for the success of its business.

Management requires all staff to undertake appropriate training to a level that corresponds with their roles and duties at the Premises.

In order to demonstrate its commitment to training, Management will adopt the following training requirements:

Licensee

The Licensee or at least one director of the Licensee company will undergo training in accordance with Western Australia's liquor laws as well as responsible service of alcohol training. **The courses which are recognised by the licensing authority are:-**

- ***Course in Liquor Licensing (52065, 51544 or 51136) and***
- ***Course in Management of Licensed Premises 52473WA (MLP1)***

Approved Manager

All Approved managers will hold a current approved managers licence as required under the *Liquor Control Act 1988* and subsidiary legislation (as amended from time to time).

All Approved Manager's must complete the mandatory training as recognised by the licensing authority.

The courses which are recognised by the licensing authority are:-

- ***Course in Liquor Licensing (52065, 51544 or 51136) and***
- ***Course in Management of Licensed Premises 52473WA (MLP1)***

Supervisors

Supervisors will be required to undertake an accredited approved course in responsible service of alcohol and/or training in Western Australia's liquor laws

Bar Staff/Bottle Department Staff

Bar staff / Bottle Department staff will be required to undertake an approved course in responsible service of alcohol

Ongoing Training

There will be regular meetings and training sessions convened by Management involving all staff. Training will be provided by in-house personnel, outside experts and others and will cover all matters relating to the responsible service of liquor and its implementation within the hotel.

Customer Service

There is a firm commitment by Management to provide a well-run and friendly licensed premise. Patrons may be expected to feel confident that the sale of liquor and the provision of other services at the Premises will be provided by staff who are professional in their manner and who understand their responsibilities under the law as it applies to the sale of liquor in Western Australia.

The *Liquor Control Act 1988* allows staff at this Premise to sell liquor on the licensed premises at any time that the Premises are open for trade unless they have reasonable cause to refuse to sell liquor to a particular person. Refusal of service is necessary at times and is obligatory in certain circumstances.

For example, it is obligatory to:

- Refuse to sell or supply liquor to a drunken person.
- Not allow a drunken person to consume liquor on licensed premises.
- Not allow violent, quarrelsome, disorderly or indecent behaviour to take place on licensed premises.
- Not permit drunkenness on licensed premises.
- Refuse to sell or supply liquor to a juvenile, or refuse to allow a juvenile to remain on licensed premises (see the section on *Juveniles* in this Management Plan).

In order to identify and emphasise the professionalism and commitment of staff the following staff dress code and conduct will be adopted.

Dress Code

- Staff will wear a distinctive uniform whilst on duty.
- Staff will wear name badges whilst on duty.

Conduct

- Staff will carry out their duties at all times in a friendly and professional manner.
- Staff will not drink liquor whilst they are on duty.
- Staff will discourage any activity by patrons that may lead to the irresponsible consumption of liquor.
- Staff will not perform any act or engage in any activity that is immodest or lewd.

Refusal of Service

Refusal of service to a patron in appropriate circumstances is a fundamental aspect of the responsible service of liquor. The refusal of service in circumstances where the law requires refusal can be difficult. Individual patrons and some sections of the public do not readily accept that such refusals are obligatory and that the failure of the Licensee to apply the law could place the licence in jeopardy or result in charges being laid against the Licensee, its employees or agents.

To minimise any potential hostility or anti-social behaviour on the part of a patron who has been refused service, such refusals should always be done in a professional, polite, discreet but firm manner and where appropriate the reasons for refusal of service should be explained to the patron.

Where refusal of service takes place the person or persons who have been refused service should be requested to leave the Premises. If the person/s refuse to leave at the request of the Licensee, Approved Manager or other staff member, other persons can be asked to remove the person using such force as may be necessary.

Under the *Liquor Control Act 1988* it is the duty and obligation of a Police Officer at the request of the Licensee, Approved Manager or other staff member, to remove a drunken, quarrelsome or disorderly person, or juvenile person, from the Premises or the vicinity of the Premises.

Management will support staff in the refusal of service by providing:

- Senior and supervisory staff available to assist bar staff in the refusal of service.
- Adequate and qualified security staff on immediate call when required.
- Diversionary and alternative strategies to minimise conflict when service is refused.
- Appropriate signage prominently displayed within the Premises emphasising the Licensee's and the staff's duties under the law to refuse service.

No staff will be directed to sell or supply liquor to a person if the staff member reasonably believes that the person is drunk. The *Liquor Control Act 1988* provides in Section **3A**;

1. "A person is "**drunk**" for the purposes of this Act if;
 - a) The person is on a licensed premises or regulated premises; *and*
 - b) The person's speech, balance, co-ordination or behaviour appears to be noticeably impaired; *and*
 - c) It is reasonable in the circumstances to believe that that impairment results from the consumption of liquor
2. If an authorised officer or a person on whom a duty is imposed ... decides... that a person is drunk at a particular time, then, in the absence of proof to the contrary, that person is to be taken to be drunk at that time.

Staff who consider that a patron is drunk or suspect that a person may be drunk should bring the matter to the attention of a supervisor prior to the refusal of service.

Staff will monitor patrons in regards to their consumption of liquor whilst on the Premises. Patrons who are observed to be approaching a level of intoxication, may be offered refreshment alternatives such as non-alcoholic drinks, coffee, food and water as a means to assist in preventing intoxication, and the matter will be communicated to a supervisor.

Staff who observe that patrons are becoming violent, quarrelsome or disorderly will, where possible, bring the matter to the attention of a supervisor prior to taking steps to having the activity stopped.

It is important that patrons who are refused service or who are asked to leave are dealt with in a professional but firm manner. The patron should be directed to the provisions of the *House Policy* and *Code of Conduct* in force at the Premises. Alternative transport options may also be offered at the time of refusal.

Juveniles

Under the Liquor Control Act 1988, '**juvenile**' means a person under the age of 18 years.

In addition, the *Liquor Control Act 1988* prohibits juveniles being present on licensed premises except in certain circumstances.

A juvenile will only be permitted to be present on the Premises if:

- the juvenile is at all times accompanied by and under the supervision of a responsible adult;
- the juvenile is on the Premises for the purpose of obtaining a meal; or
- the juvenile is on part of the Premises which has been approved by the Licensing Authority for the provision of entertainment mainly for juveniles and where liquor is not being sold, supplied or consumed.
- other such legitimate reasons as determined by the Director of Liquor Licensing

Management undertakes that it will support staff refusing service to and/or denying a patron access to the Premises, and will facilitate that patron's removal from the Premises, if the staff member has reason to believe that the patron is a juvenile. The Licensee, Approved Manager and staff will have reason to remove a patron from the Premises whom they suspect to be a juvenile if that patron cannot produce acceptable ID verifying their age, or if the patron is confirmed to be a juvenile and does not fall within one of the exceptions listed above.

An acceptable ID will only include the following documents:

- ❖ Any current Australian driver's licence with photograph;
- ❖ Any current passport;
- ❖ A current Australian learner's driver permit with photograph;
- ❖ WA Proof of Age Card;
- ❖ Proof of Age card or equivalent issued in an Australian state or territory;
- ❖ A current WA Photo Card;
- ❖ A current NSW Photo Card;
- ❖ A Photo Card issued by any Australian state or Territory similar to the NSW/WA Photo Card.

Management will display appropriate signage on the Premises which explains the law in respect of juveniles being on licensed premises.

The Licensee, Approved Manager and a staff member or agent of the Licensee is an "authorised person" under the *Liquor Control Act 1988* and as such is authorised to ask a suspected juvenile to produce evidence of their age. If the juvenile does not satisfy the Licensee, Approved Manager, staff member or agent as to their age, or if the ID produced is not acceptable, the staff member is legally entitled to ask the suspected juvenile to leave the Premises and can remove the juvenile (or ask any other person to do so) using such force as may be necessary. The juvenile commits an offence if he or she does not leave the Premises and the vicinity of the Premises.

Staff should be aware that although there may be controlled access to the Premises and ID is required for entry to the Premises, there is still an obligation on serving staff to be sure that no juvenile is sold or supplied with liquor.

Staff who suspect that:

- a juvenile (who does not fall within one of the exceptions listed above) is present on the Premises; or
- a juvenile has attempted to purchase liquor or is consuming liquor; should request the production of an acceptable form of ID by the suspected juvenile, and if no acceptable ID is produced the suspected juvenile should be immediately refused service and

asked to leave the Premises. The assistance of supervisory staff or security staff if any should be obtained if the suspected juvenile refuses to leave.

Staff must not:

- sell or supply liquor to juveniles either on or off the Premises;
- permit a juvenile to consume liquor on the Premises; or
- permit liquor to be sold or supplied to a juvenile on the Premises.

Entertainment

The provision of entertainment, which is appropriate and suitable to the Premises, is an important part of our business.

The entertainment provided has to be of a kind that is acceptable to our patrons but at the same time does not cause undue offence, noise or disturbance to persons who live in close proximity to the Premises.

In order to minimise any undue offence, noise or disturbance:

- Entertainment will be of a kind that complies with the law and any conditions imposed on the license by the Licensing Authority, or any requirements of or directions given by other relevant authorities.
- The providers of entertainment will be made aware by the Approved Manager of requirements both general and special that are in place concerning the provision of entertainment at the Premises.
- Any complaint by a member of the public that they are experiencing undue offence, noise or disturbance as a result of entertainment being provided at the Premises will be brought to the attention of the Duty Manager who will take reasonable steps to resolve the matter (if possible). All complaints are to be recorded in the appropriate register.

Crowd Control

Over-crowding at licensed premises can lead to disruptive behaviour within licensed premises and a subsequent loss of proper control by Management and staff.

Appropriate authorities and management can determine the maximum number of patrons permitted to be on the Premises at any one time.

If appropriate, Management will provide adequate numbers of licensed crowd controllers or security staff to properly control the conduct and behaviour of patrons within the Premises and in its immediate vicinity.

It will be the responsibility of Management and security staff to control and monitor the number of persons on the Premises to ensure that numbers are kept within acceptable limits.

Management understands that if a licensed crowd controller is employed to carry out the duties as required by Management, and if that duty requires the crowd controller to physically remove a patron from the venue; then either that individual crowd controller or the crowd controller agent is required to be authorised to remove a patron from a venue.

Where a crowd controller authorisation form is completed; it will be signed and kept in an easily accessible area.

Banning Notices

Barring notices are designed to target individuals who have displayed anti-social behaviour on licensed premises; to prohibit them from entering a specific licensed premises or a particular class of licensed premises (e.g. a nightclub).

Anti-social behaviour includes a person who:-

- is violent or disorderly;
- is engaged in indecent behaviour; or
- has contravened a provision of any written law

Barring notices can only be issued for a period of up to 12 months and can be issued by any member of the Police Force of or above the rank of Inspector.

It is important for all staff at the venue to be aware of potential barred patrons, especially where photo ID is available.

Relevant staff should view these barring notices on the DRGL website.

http://www.rgl.wa.gov.au/ResourceFiles/Publications/login_info_for_managers.pdf

It is an offence for a barred person to enter or remain on the licensed premises to which the barring refers to – penalty of \$10,000.

It is also an offence if a responsible person knows that a barring notice has been issued and permits the barred person to enter or remain on the licensed premises contrary to the barring notice – penalty of \$10,000.

Responsible Person in relation to licensed premises means the licensee or occupier of the premises, a manager of the premises or an employee or agent of the licensee or occupier.

How to view Barring Notices (Approved Managers)

⇒ Select **Log In** on the top right hand corner of the home page – www.rgl.wa.gov.au

Log In

Username:

Password:

Forgotten password? Reset it here

Not Registered? Create a user.

Log In

⇒ Enter your username and password and click on **Log In**

⇒ From the **My Account** list select **Barring Notices**

Latest News

You are logged in

My Account

Manage Applications

Change Password


Manage Licenses

Manage Returns

Historical Returns

Barring Notices

Log out

⇒ Enter the licence number of the licensed premises where you are employed and click on 

⇒ A list of Barring Notices which apply to that licensed premises will be displayed

Please enter the liquor licence number of the premises for which you want to see current barring notices.

Liquor licence no:



Photo	Id	Given names	Surname	Suburb	Effective from	Effective to	Barred from
	10101010	Barring	Test3	TestingTown	01/02/2011	30/11/2011	All premises of type(s) Hotel
	weqe	Barring	Test1	East Perth	01/07/2011	01/07/2050	All premises in PERTH
	1234569999	Jonathan	asdas	Canning vale	16/06/2011	30/07/2011	All premises

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3 items in 1 pages

Please note:

This is a secure webpage and you should ensure that you secure your login details and do not allow unauthorised access to this webpage. A person who unlawfully discloses something that has been published on this webpage commits an offence which carries a penalty of \$10,000.

https://rgl.wa.gov.au/ResourceFiles/Policies/Barring_Notices.pdf

Prohibition Order

The Liquor Control Act 1988 states that the Commissioner of Police may apply to the Director of Liquor Licensing for a prohibition order to be made against a particular person.

Prohibition orders can be issued to people who are involved in anti-social behaviour in or around licensed premises, or whose employment in licensed premises is deemed to be problematic due to their involvement in serious or organised crime.

Essentially, a prohibition order can mean:

- A person is prohibited from being employed by a licensee at a specified licensed premises, licensed premises of a particular class or any licensed premises; or
- A person is prohibited from entering a specified licensed premises, licensed premises of a specified class or any licensed premises.

A prohibition order can be issued for a maximum of five years, or two years for a juvenile.

A \$10,000 penalty applies to a person who is given a prohibition order and fails to comply with that order. Any person given a copy of the prohibition order but continues to employ the person who is subject to the order also commits an offence. The penalty for this offence is \$10,000.

It is important that all relevant staff are aware of the people currently issued with a prohibition order are listed on the DRGL website.
<http://www.rgl.wa.gov.au/ProhibitionOrders.aspx>

A responsible person in relation to licensed premises commits an offence if the responsible person —

- (a) knows that a prohibition order has been made against a person in respect of the premises; and
- (b) permits the person to enter or remain on the premises contrary to the order.

Penalty: a fine of \$10 000.

Advertising and Drink Promotions

No advertising will be displayed nor will incentives be promoted at the Premises which encourage patrons to consume liquor in a manner that is considered irresponsible.

There will be no drink discount cards, special promotions, contests or games allowed that are in conflict with the list of practices that are considered inappropriate for promoting alcohol in licensed premises for on-site or off site (i.e. take-away packaged liquor) consumption, as identified by the Director of Liquor Licensing in the *Industry Guideline - responsible promotion of liquor for consumption on premises and for take-away packaged liquor* which are as follows:

Consumption on Licensed Premises

It is not acceptable for licensees to:

1. Externally advertise a complimentary drink upon arrival, unless the drink is provided ancillary to another service such as accommodation or food.
2. Promote or sell drinks that offer alcohol:
 - in non-standard measures (unless lesser amount); and/or
 - by virtue of their emotive titles such as – “laybacks”, “shooters”, “slammers”, “test tubes”, “blasters”
3. Offer or provide drink or loyalty cards that provide:
 - a multiple of free drinks;
 - extreme discounts such as two for price of one;
 - discounts of limited duration on a given day or night; and/or
 - the capacity for drinks to be readily stockpiled by patrons or transferred to other patrons.

In other words, the drink/loyalty card must not, by design or potential misuse, create an incentive for patrons to consume liquor more rapidly, and/or in greater amounts than they otherwise might.

4. Offer, provide or distribute promotional cards, vouchers or incentives, away from the licensed premises, that provide free or discounted drinks.
5. Undertake promotions of discounted alcohol for a limited duration, in which discounted alcohol is the enticement for people to attend the premises and which may encourage the irresponsible consumption of liquor, however it is acceptable to:
 - a) conduct a traditional 'happy hour' subject to the following conditions:-
 - maximum of two happy hours per day;
 - maximum of 60 minutes duration for each happy hour;
 - there must be at least four hours separation between each happy hour; and
 - the latest any happy hour must finish is 7.00 pm.
 - b) undertake promotions involving low alcohol products where it is clear from the promotional material that it is a low alcohol product promotion; and
 - c) undertake promotions of particular brands of liquor that provide incentives to purchase the brand by virtue of a consistent discounted price across the entire trading hours of the premises on a given day or night or to offer a prize or merchandise etc. This is provided that the promotion does not:-
 - provide an incentive to consume the product rapidly and to excess;
 - promote a drinking culture inconsistent with recommended guidelines for responsible consumption of liquor; and
 - enable liquor to be readily stockpiled by patrons or transferred to other patrons.

6. Refuse to serve half measures of spirits on request or provide reasonably priced non-alcoholic drinks.
7. Undertake any promotion that encourages a patron to consume liquor excessively for example: “all you can drink”, “free drinks for women”, “free drinks for women all night” and “two for one” offers – and/or to consume liquor in an unreasonable time period.
8. Engage staff or agents to “talk up” alcoholic beverages (i.e. promote beverage due to its higher alcohol content) to patrons, or to sell the promotional drinks from a drink belt; backpack or other gimmick devices.

Take-Away Packaged Liquor

It is not acceptable for take away packaged liquor outlets to:

1. Promote and advertise alcoholic drinks that suggest irresponsible or excessive consumption of liquor with emotive titles such as – “laybacks”, “shooters”, “slammers”, “test tubes”, “blasters”.
2. Promote and advertise alcoholic drinks that by virtue of their design or packaging encourages irresponsible drinking behaviour and are likely to result in rapid intoxication (for example pre-packaged shooters or tooth paste style tubes containing alcohol).
3. Challenge or dare people to sample a particular alcoholic drink because of its higher alcohol content.
4. Display or use promotional or branding material in promoting and advertising alcoholic drinks that by virtue of the design or packaging have a strong appeal to children or adolescents (e.g. naming of the product and/or design is using cartoon-like colouring and images, alcoholic energy drinks or “alcopops”)
5. Display or use promotional, advertising or branding material, which contains children or adults under the age of 25.
6. Display or use advertising material that suggests the consumption or presence of alcoholic drinks may create or contribute to a significant change in mood or environment and accordingly must not depict the consumption or presence of alcoholic drinks as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success.
7. Display or use advertising material that depicts any direct association between the consumption of alcoholic drinks and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly any depiction of the consumption of alcoholic drinks in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices.

Staff will discourage and deter patrons from indulging in activities within the Premises that have been identified as being of the kind that are likely to lead to binge or irresponsible drinking of liquor.

Staff are to promote the consumption of non-alcoholic, “light” or low alcohol drinks, and to provide free, potable (tap) water upon request to any patron.

Staff are to encourage the consumption of food by patrons, and show a willingness to serve half measures of spirits.

Creating a Safe Environment

The creation of a safe environment within the Premises and the local neighbourhood is a commitment of Management.

Within the Premises patrons are entitled to feel safe and relaxed. Patrons should not be made to feel uncomfortable, embarrassed or threatened by the behaviour of other patrons. It is one of the aims of Management in adopting responsible service practices at the Premises to create an environment at the Premises where the safety and enjoyment of patrons of the Premises can be maximised as far as may be possible.

In addition, residents of houses within the vicinity of the Premises should not have their peace and quiet unduly disturbed by noise from the Premises or the behaviour of patrons as they leave the Premises. To facilitate these objectives:

- Staff should ensure that reasonable measures are in place to minimise the escape of undue noise from the Premises.
- Staff should promote and encourage amongst patrons a respect for the amenity of the neighbourhood in which the Premises is situated, and rights of residents not to be unduly disturbed by patrons' behaviour on or off the Premises.
- Staff will take reasonable steps to prevent patrons from leaving the Premises with open cans, bottles or with glasses.
- Staff may cease the sale of liquor 15 minutes prior to closing time.
- Staff will collect on a regular basis empty and discarded glasses, cans and bottles throughout the Premises.
- Management may make provision for the engagement of licensed crowd controllers and security personnel (where necessary).
- Management will arrange for the removal of litter from residential areas surrounding the Premises, if it is established that such litter is directly linked to products sold at the Premises and the established behaviour of patrons of the Premises.
- Management if required will arrange and facilitate regular meetings with local residents and other interested persons relating to activities at the Premises.
- Any complaint by a member of the public that they are experiencing undue offence, noise or disturbance as a result of the operation of the Premises will be brought to the attention of Management who will take reasonable steps to resolve the matter (if possible). All complaints are to be recorded in the appropriate register.