



## **Metro Outer Joint Development Assessment Panel Agenda**

**Meeting Date and Time:** Monday, 17 October 2022; 1:00pm  
**Meeting Number:** MOJDAP/202  
**Meeting Venue:** Electronic Means

To connect to the meeting via your computer -  
<https://us06web.zoom.us/j/87376390080>

To connect to the meeting via teleconference dial the following phone number -  
**+61 8 6119 3900**

Insert Meeting ID followed by the hash (#) key when prompted - **873 7639 0080**

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

### **1 Table of Contents**

<b>1. Opening of Meeting, Welcome and Acknowledgement .....</b>	<b>3</b>
<b>2. Apologies .....</b>	<b>3</b>
<b>3. Members on Leave of Absence .....</b>	<b>3</b>
<b>4. Noting of Minutes .....</b>	<b>3</b>
<b>5. Declarations of Due Consideration .....</b>	<b>3</b>
<b>6. Disclosure of Interests .....</b>	<b>3</b>
<b>7. Deputations and Presentations .....</b>	<b>3</b>
<b>8. Form 1 – Responsible Authority Reports – DAP Applications .....</b>	<b>4</b>
<b>8.1 Lot 9012 Anketell Road, Anketell .....</b>	<b>4</b>
<b>9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....</b>	<b>4</b>
<b>9.1 73 Kingsley Drive (Lot 667) and 22 Woodford Wells Way(Lot 666), Kingsley .....</b>	<b>4</b>
<b>10. State Administrative Tribunal Applications and Supreme Court Appeals ..</b>	<b>4</b>
<b>11. General Business .....</b>	<b>4</b>
<b>12. Meeting Closure .....</b>	<b>4</b>



## **Attendance**

### **DAP Members**

Mr Eugene Koltasz (Presiding Member)  
Ms Gabriela Poezyn (A/Deputy Presiding Member)  
Mr John Syme (A/Third Specialist Member)

#### *Item 8.1*

Cr Carol Adams (Local Government Member, City of Kwinana)  
Cr Matthew Rowse (Local Government Member, City of Kwinana)

#### *Item 8.1*

Cr Tom McLean (Local Government Member, City of Joondalup)  
Cr Nige Jones (Local Government Member, City of Joondalup)

### **Officers in attendance**

#### *Item 8.1*

Mr Jared Veenendaal (City of Kwinana)  
Mr Paul Neilson (City of Kwinana)

#### *Item 9.1*

Mr Tim Thornton (City of Joondalup)  
Ms Cathrine Temple (City of Joondalup)

### **Minute Secretary**

Mr Stephen Haimes (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Alessandro Stagno (Apex Planning)

#### *Item 9.1*

Mr Trent Will (Taylor Burrell Barnett)

### **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.

## 2. Apologies

Ms Karen Hyde (Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)

## 3. Members on Leave of Absence

Nil.

## 4. Noting of Minutes

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

## 5. Declarations of Due Consideration

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

Member	Item	Nature of Interest
Ms Karen Hyde	9.1	Indirect Pecuniary Interest – Ms Hyde works as a consultant for Taylor Burrell Barnett, is salaried and not a shareholder. Ms Hyde therefore has an indirect pecuniary conflict of interests with any JDAP matter where Taylor Burrell Barnett is involved

## 7. Deputations and Presentations

- 7.1** Mr Alessandro Stagno (Apex Planning) presenting in support of the recommendation for the application at Item 8.1. The presentation will address support for the officer recommendation and request a minor.
- 7.2** Mr Trent Will (Taylor Burrell Barnett) presenting in support of the recommendation for the application at Item 9.1. The presentation will address support of the proposal and will detail the rationale for the proposed extension to opening hours..

The City of Kwinana and 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 Lot 9012 Anketell Road, Anketell**

Development Description: Medical Clinic  
Applicant: Alessandro Stagno - Apex Planning  
Owner: CPG Anketell Pty Ltd  
Responsible Authority: City of Kwinana  
DAP File No: DAP/22/02266

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

### **9.1 73 Kingsley Drive (Lot 667) and 22 Woodford Wells Way (Lot 666), Kingsley**

Development Description: Child Care Premises  
Proposed Amendments: Amendment to condition 6 of the determination notice.  
Applicant: Trent Will - Taylor Burrell Barnett  
Owner: Perpetual Corporate Trust Limited of Angel Place & S L Reid  
Responsible Authority: City of Joondalup  
DAP File No: DAP/21/02016

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

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022

## **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](mailto:daps@dplh.wa.gov.au)

### Presenter Details

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

### Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	17 <sup>th</sup> October 2022
DAP Application Number	DAP/02266
Property Location	Portion of Lot 9012 Albina Avenue, Anketell
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:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Will the presentation require power-point facilities?	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> <b>If yes, please attach</b>



### **Presentation Content\***

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> Support for the officer recommendation and request a minor alteration to Condition 6.
--	--

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

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

Refer to the attached submission.

# Submission to DAP

<b>From:</b>	Alessandro Stagno	<b>Date:</b>	13 October 2022
<b>Subject:</b>	Agenda item 8.1 – MOJDAP/202 – proposed medical clinic Portion of Lot 9012 Albina Avenue, Anketell ( <b>development site</b> )		

Apex Planning is the applicant of the medical clinic proposed at the development site.

We are pleased that this development is recommended for **approval** by the City of Kwinana (**City**), and we agree with the conclusion in the RAR which confirms “*the proposal is considered to be consistent with the objectives of the local area and provide for an attractive development and land use that will benefit this up-and-coming local community*”.

It is respectfully requested that Condition 6 of the City's Responsible Authority Recommendation (relating to public art) be amended to allow public art to be addressed within a more reasonable timeframe.

We suggest the condition be modified as outlined below:

6. *The requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:*

- a. ~~Prior to the lodgement of a building permit application,~~ *The owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana; or*
- b. *Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.*

The current wording of Condition 3 requires the proponent to formulate and have approved a ‘public art report’ before a building permit can be lodged which creates a significant, unnecessary, and avoidable time impediment to the project (if public art is to be delivered onsite).

The proposed condition wording ensures the outcomes required by the City's LPP5 are achieved, either through the delivery of onsite public art prior to occupation or the payment of a cash-in-lieu contribution prior to the commencement of works.

Importantly, the wording proposed is the same wording which has been adopted by the MOJDAP for similar applications in the City of Kwinana.

We therefore respectfully request the MOJDAP resolves to **approve** the application on Monday 17<sup>th</sup> October, subject to the minor change to Condition 6 outlined above. I will be pleased to respond to any questions from the Panel at the meeting.

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



## Presentation Request Form

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

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

### Presentation Request Guidelines

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

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

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

### Presenter Details

Name	Trent Will
Company (if applicable)	Taylor Burrell Barnett
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements:

### Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	17 October 2022
DAP Application Number	DAP/21/02016
Property Location	73 Kingsley Drive and 22 Woodford Wells Way, Kingsley
Agenda Item Number	9.1

### Presentation Details

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

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

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

Refer attached.

## Presentation Summary

---

**To** Presiding Member, Metro Outer Joint Development Assessment Panel

**From** Trent Will, Taylor Burrell Barnett

**Date** 13 October 2022

**DAP Reference** DAP/21/02016

**Subject** Presentation in support of Agenda Item 9.1 – Amendment to approved opening hours of approved child care premises  
Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley

---

Taylor Burrell Barnett (TBB) acts on behalf of CK Group, the proponent of the proposed childcare centre at the above address - Item 9.1 of the Metro Outer JDAP agenda for 13 October 2022.

We are pleased to note the officer's recommendation of approval for the proposed amendment.

### Rationale

The proposed extension of opening hours to 6:30pm on weekdays is to offer flexibility for parents and guardians. For example, parents working in locations such as the Perth CBD may struggle to finish work and attend the centre by 6.00pm. The 6.30pm closing time provides convenience and flexibility for parents.

Having observed data from a comparable Nido centre in the locality, it can be expected that patronage after 6pm would be very low – with no more than 10 children on site at this stage (this is discussed in further detail in Attachment 3 of the RAR).

The 6.30pm closing time remains within the non-sensitive time under the Noise Regulations (7am – 7pm). Staff would not be at the premises after 7pm. Owing to the above, we consider there is no undue noise impact or other amenity impacts to surrounding properties caused by the proposed amendment.

### Summary

We have no objection to the proposed additional condition 23 and note that the lighting has been designed to this standard. We respectfully request the DAP approves the application as per the officer's recommendation.

TAYLOR BURRELL BARNETT



TRENT WILL  
SENIOR ASSOCIATE

## Lot 9012 Albina Avenue, Anketell – Medical Clinic

### Form 1 – Responsible Authority Report (Regulation 12)

<b>DAP Name:</b>	Metro Outer	
<b>Local Government Area:</b>	City of Kwinana	
<b>Applicant:</b>	Apex Planning	
<b>Owner:</b>	CPG Anketell Pty Ltd	
<b>Value of Development:</b>	\$2.25 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	City of Kwinana	
<b>Authorising Officer:</b>	Jared Veenendaal	
<b>LG Reference:</b>	DA10372	
<b>DAP File No:</b>	DAP/22/02266	
<b>Application Received Date:</b>	19 July 2022	
<b>Report Due Date:</b>	4 October 2022	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1: Location Plan 2 – 13: Development Plans 14: Anketell North Local Structure Plan 15: Approved Subdivision Plan 16: Approved Local Development Plan 17: Bushfire Management Plan 18: DFES Response 19: Response from Applicant re. BMP 20: Schedule of Submissions 21: Council Minutes	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

### Responsible Authority Recommendation

That the Metro-Outer JDAP resolves to:

- Approve** DAP Application reference DAP/22/02193 and accompanying plans:

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Clause 6.1 of the City of Kwinana Local Planning Scheme No. 2, 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 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. Prior to the lodgement of a building permit application, detailed drawings shall be submitted to the City of Kwinana detailing the design of the stormwater drainage system. The stormwater drainage system shall be designed, constructed, and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, May 2022) to the satisfaction of the City of Kwinana on advice from the Department of Water and Environmental Regulation.
4. Prior to the lodgement of a building permit application, a Landscaping Plan is to be submitted to the City of Kwinana for approval that includes the following:
  - a. Trees provided in the rear car parking area at a rate of 1 per 4 car bays
  - b. Trees within the two-metre landscaping strip adjacent to the Anketell Road reserve to be *Agonis Flexuosa* (or similar), to the satisfaction of the City of Kwinana.
5. Prior to the lodgement of a building permit application, details of lighting for the access and parking areas shall be submitted to and approved by the City of Kwinana. Pedestrian pathways, car parking areas and communal areas shall be suitably lit in accordance with the applicable Australian Standards to the satisfaction of the City of Kwinana.
6. The requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a. Prior to the lodgement of a building permit application, the owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana; or
  - b. Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.
7. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
8. Prior to occupation of the development, the landowner/applicant shall contribute towards development infrastructure provisions pursuant to the City of Kwinana Local Planning Scheme No.2.



9. Prior to occupation of the development, vehicle and pedestrian access shall be provided via a public access easement to a gazetted road in accordance with the approved subdivision plan (WAPC reference: S158005) and constructed to the specifications and satisfaction of the City of Kwinana.
10. Prior to occupation of the development, the landowner shall register a public access easement in favour of the City of Kwinana over the land the subject of the development, pursuant to sections 195 and 196 of the Land Administration Act 1997, for the purpose of securing public access over the area depicted on the approved plans including driveways and parking areas. The deed of easement shall ensure that parking and unrestricted access on the Land remains available for use for the public. The easement shall be prepared and registered by the City's solicitors at the cost of the landowner on terms satisfactory to the City of Kwinana.
11. Prior to occupation of the development, landscaping shall be installed on the site in accordance with the approved Landscaping Plans and maintained thereafter to the satisfaction of the City of Kwinana.
12. Prior to occupation of the development, all trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications and maintained thereafter to the satisfaction of the City of Kwinana.
13. Prior to occupation of the development, vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained to the satisfaction of the City of Kwinana.
14. Prior to occupation of the development, the subject site is to be connected to a suitable sewerage service, to the satisfaction of the City of Kwinana in consultation with the Water Corporation.
15. Operating hours for the development are limited to between 8am – 6pm, Monday to Saturday and 9am - 4pm on Sundays.
16. A minimum of 50% of each window facing Anketell Road is to be clear glazing to the satisfaction of the City of Kwinana.
17. The landowner must maintain the premises, including boundary walls and fences, in a state of good repair and free from unsightly matter including graffiti at all times, to the satisfaction of the City of Kwinana

#### **Advice Notes**

1. In relation to Condition 8, access is to be provided as per the Traffic Impact Statement dated 31 August 2022, prepared by Carmeron Steel – specifically section 3.1.
2. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986* and Regulations, *Health (Miscellaneous Provisions) Act 1911* and associated Regulations, the *Environmental Protection (Noise) Regulations 1997* and the National Construction Code.

3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site, a building permit must be issued and penalties apply for failing to adhere to this requirement.

**Details: outline of development application**

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Development
Local Planning Scheme - Zone/Reserve	N/A
Structure Plan/Precinct Plan	Anketell North Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Service Commercial
Use Class and permissibility:	'P' - Permitted
Lot Size:	2001m <sup>2</sup>
Existing Land Use:	Vacant Land
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 checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

**Proposal:**

Proposed Land Use	Medical Clinic (Medical Clinic & incidental Pharmacy)
Proposed No. Storeys	1
Proposed No. Dwellings	N/A

The City of Kwinana has received an application for a proposed Medical Clinic on a portion of Lot 9012 Albina Avenue, Anketell. The proposed Medical Clinic is designed to have a pharmacy integrated into the one building that orientates to Anketell Road. The development is located on a future proposed lot (shown on Attachment 4) and its location is presently on Lot 9012 (subject site) is shown on the location plan – Attachment 1.

The applicant is seeking approval for a Medical Clinic and incidental Pharmacy that will be operated by 8 medical practitioners in addition to administration staff. Key elements of the proposed development are as follows:

- A single storey, flat roofed 779 square metre (m<sup>2</sup>) building that orientates to Anketell Road;
- A total of 30 car parking bays for the development;
- 2x vehicle access points (to the front and rear of the development) that will eventually connect to the adjoining lots in accordance with subdivision planning; and
- Landscaping areas.

The development plans can be seen in Attachments 2 – 13.

## **Background:**

### Site Context

The subject site is vacant and cleared of vegetation. It forms part of a balance lot fronting onto Anketell Road – refer to Attachments 1 and 3. Although Lot 9012, being a balance lot, is approximately three hectares in size, the proposed development area is only 2001 sqm. Anketell Road is a key arterial east-west road that is planned to become a major highway connecting to the future container port in Kwinana. The development site will be accessed via a reciprocal right of carriageway that connects to the major entrance from Anketell Road into the Anketell North subdivision area (Albina Avenue). The subject site and its immediate surrounds are currently in the process of urbanisation being zoned 'Development' under the City of Kwinana LPS2. The Anketell North Local Structure Plan has then nominated the subject site to be zoned 'Service Commercial'. This is further discussed below.

### Site History

The history of the subject site (as relevant to the application) is listed below:

#### *Anketell North Local Structure Plan*

A Local Structure Plan (LSP) for the Anketell North development area was initially approved by the Western Australian Planning Commission (WAPC) on 6 November 2017. Since this time, multiple amendments have been undertaken, although these amendments have generally not affected the subject lot – the current LSP can be seen in Attachment 14. This LSP nominates lots fronting onto Anketell Road (including the subject lot) to be zoned Service Commercial. The LSP also sets out the subdivision conditions to be imposed by the WAPC on subdivision approvals, including the provision of Local Development Plans and an easement for reciprocal right of carriageway across the Service Commercial zoned lots.

#### *Approved Subdivision Application:*

The WAPC approved a subdivision application over the subject site in July 2019 (subdivision reference S158005) – refer to Attachment 15. The proposed Medical Clinic is located on Lot 222 as denoted on the subdivision plan. The subdivision plans also show the location of an easement for reciprocal right of carriageway as per the approved Anketell North LSP. A subdivision clearance has not been lodged with the City, hence why Lot 9012 remains a balance lot.

#### *Approved Local Development Plan:*

A Local Development Plan (LDP) was approved in 2021 for the Service Commercial zoned lots that abut Anketell Road as per the approved LSP – refer to Attachment 16.

This LDP sets out development provisions that seek to guide the design of commercial development and promote better outcomes that reduce impacts on the surrounding area. The LDP also sets out the vehicle access arrangements to the site, considering no vehicle access is permitted directly onto Anketell Road. The proposed development has been assessed against the provisions of the LDP as further discussed below.

## **Legislation and Policy:**

### Legislation

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Planning and Development (Development Assessment Panels) Regulations 2011*

### Schemes

City of Kwinana Local Planning Scheme No.2

### State Government Policies

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 5.4 – Road and Rail Noise

State Planning Policy 7.0 – Design of the Built Environment

### Local Structure Plans

Anketell North Local Structure Plan

### Local Policies

Local Planning Policy No.5 – Development Contribution towards Public Art

Local Planning Policy No.8 – Designing Out Crime

## **Consultation:**

### Public Consultation

The application was advertised to all landowners within 100 metres of the development site for a period of 21 days. Ten submissions were received during the advertising period – seven outlining support and one objecting the proposal. The remaining two submissions were neutral. Refer to the schedule of submissions and associated responses in Attachment 20. A response to each of the submissions, including the objection, is detailed in the schedule.

### Referrals/consultation with Government/Service Agencies

The application was referred to the following agencies:

- Westport
- Main Roads WA (MRWA)
- Department of Fire and Emergency Services (DFES)

The responses are summarised below.

#### **Westport:**

The application was referred to Westport considering the significance of Anketell Road as a key corridor to the planned container port in Kwinana. The proposed development

abuts and addresses the Anketell Road reserve. Westport has no objection to the proposal.

**MRWA:**

Anketell Road is classified as a Primary Regional Road under the Metropolitan Region Scheme and the application was therefore referred to MRWA for comment. MRWA noted that Anketell Road will be modified to a state road in future to align with its function as a key freight route. MRWA also requested that the applicant be informed that upon future duplication of Anketell Road, the Anketell Road/Albina Avenue intersection will become a left-in/left-out intersection only. The existing right turn movements at this intersection will no longer be possible. The applicant has been notified of this advice and has factored this into the traffic modelling for the site.

**DFES:**

The subject site is located within a bushfire prone area and was therefore accompanied by a Bushfire Management Plan (refer to Attachment 17) which was referred to DFES for review. The proposed land use is not considered to be a vulnerable land use under State Planning Policy 3.4 – Planning in Bushfire Prone Areas. The site is designed with minimal evacuation challenges and the proposal does not fall under higher risk land uses such as a hospital or aged care centre.

DFES provided a response identifying several issues in relation to the content of the Bushfire Management Plan (refer to the DFES response in Attachment 18). Several queries were raised in relation to substantiating the vegetation classifications shown in the BMP. The applicant has provided a response to each of the issues raised (refer to Attachment 19). The applicant has justified its conclusions regarding the determined vegetation classification in the BMP. The following summary comments are made:

- The applicant has provided further detail as evidence to support how vegetation classification has been arrived at.
- The applicant provided additional site photos in response to the comments raised by DFES to further demonstrate how the vegetation in the relevant plot areas has been decided.

The applicant's response has also been reviewed and City Officers consider it to be satisfactory in addressing the issues raised by DFES.

**Design Review Panel Advice**

Not applicable

**Planning Assessment:**

**Land Use**

The proposal is for the use and development of a Medical Clinic and a pharmacy integrated into the one building. Pursuant to the provisions of LPS2, a 'Medical Clinic', is defined as: *"a premises in which facilities are provided for the practice of more than one medical practitioner or dental practitioner, physiotherapist, chiropractor or masseur."* Considering the design of the proposed development, whereby the pharmacy component is integrated and connected to the medical clinic, it is appropriate to consider the pharmacy component as incidental to the medical clinic. Notwithstanding, a pharmacy is not listed as a land use under LPS2 and could be classified as a 'shop'.

The subject site is zoned Service Commercial under the approved Anketell North LSP. The prescribed land use permissibility for a 'Medical Clinic' in the Service Commercial zone under LPS2 is 'P' – a permitted land use. Conversely, the land use permissibility for a 'Shop' in the Service Commercial zone is 'X' under LPS2 – a land use that is not permitted. However, in this situation, the subject lot has been zoned under the Anketell North LSP. Therefore, a decision maker must have due regard to the LSP, however it is not binding. As the LSP is not binding, the decision maker can consider approving an 'X' land use (i.e. the proposed Shop/Pharmacy) as incidental to the permitted 'Medical Clinic' land use. This is on the condition that due regard is given to the provisions of the LSP.

In this regard, the Anketell North LSP lists several land uses recommended to be located within the Service Commercial zone. These recommended uses including a 'Medical Clinic' and 'Local Shop'. Although a Pharmacy is not considered to fall under the land use definition of a 'Local Shop', its function is similar to that of a 'Local Shop'. Notwithstanding, City Officers consider in this situation that the pharmacy is incidental to the Medical Clinic land use, as previously discussed in this report. The proposal is therefore consistent with the provisions of the Anketell North LSP and therefore can be approved.

In addition to relevant provisions of the Anketell North LSP, several key matters that were identified in the assessment of the application are discussed below.

#### Vehicular Access & Parking

A key consideration in assessing the application is in relation to vehicular access to, from and within the site. A Traffic Impact Statement (TIS) was provided to support the proposed vehicular access arrangements. The key matters that were considered are outlined and discussed in the table below. It should be noted that the key provisions outlined below are taken from the LDP (as seen in Attachment 16) and LPS2.

<b>Key Provision</b>	<b>Planning Assessment</b>
Vehicular Access to be provided via Reciprocal Right of Carriageway - (RROC) in accordance with the LDP	The proposed development shows the RROC to be provided in accordance with the approved LDP (as seen in Attachment 16). A RROC is provided to the 'front' and 'rear' of the development as required under the LDP.
An Easement in Gross is to provide for the RROC for vehicles and pedestrians.	A condition of approval is recommended to ensure the Easement in Gross is provided prior to occupation of the development. The easement will be in the areas marked as RROC on the plans. Furthermore, a condition of approval will also ensure the reciprocal right of carriageway is provided to connect to the existing road network (considering the adjoining lots are currently vacant). This will ensure sufficient access is provided to the site in accordance with the applicable Traffic Impact Statement. It is considered appropriate to ensure this access is provided in accordance with the approved subdivision plan (reference S158005) as seen in Attachment 15.
Parking to be in the indicative location as per the LDP.	Parking areas are proposed to be consistent with that indicated on the relevant LDP.

<p>Car parking spaces shall be provided as follows:  Pharmacy = 1 per 20m<sup>2</sup> of GFA;  Medical Clinic = 4 per consulting room (for the first 2) and 2 for every additional room.</p>	<p>Pharmacy:  Required bays = 10 bays  Medical Clinic  Required bays = 20 bays  Total required = 30 bays  <b>Proposed bays = 30</b></p> <p>It should be noted that until the adjoining property to the west is developed, one of the 30 bays will be utilised for turnaround purposes. This is an interim measure and is not considered to adversely impact the development. The proposed parking meets the parking ratios otherwise and can therefore be approved.</p>
--	---

Further to the assessment above, it is noted that vehicular access to the site is via a RROC which connects to a future road (Collerson Street) connecting to the primary entrance into the residential estate: Albina Avenue. This proposed road and RROC is required to be constructed prior to occupation of the proposed development. Works are likely to be undertaken as part of the approved subdivision (reference S158005). The RROC and its alignment is shown in several planning instruments that exist over the site including:

- The Anketell North LSP (Attachment 14)
- The existing subdivision approval (S158005) (Attachment 15)
- The Local Development Plan (Attachment 16)

The applicant has requested that considering the adjoining lots are vacant, access only be required to be provided via the RROC to the site as noted on the plan below. As shown, staff and service vehicle will access the rear (south) of the site and visitors/patrons will access the development via the front (north) of the site. The rear of the site allows for the circulation of vehicles, with the entire RROC being constructed to and from Collerson Street. However, due to a significant portion of the adjacent lot (referred to as Lot 223 in the image below) being unable to be developed at this point in time (the area highlighted in red in the image below), the RROC will terminate at the site boundary until the adjacent lot has been developed. Therefore, as an interim solution, a parking bay is proposed to be temporarily used as a turnaround bay for vehicles to enter and exit the development in the same direction. The TIS submitted as part of the application sufficiently demonstrates how this access arrangement will work.

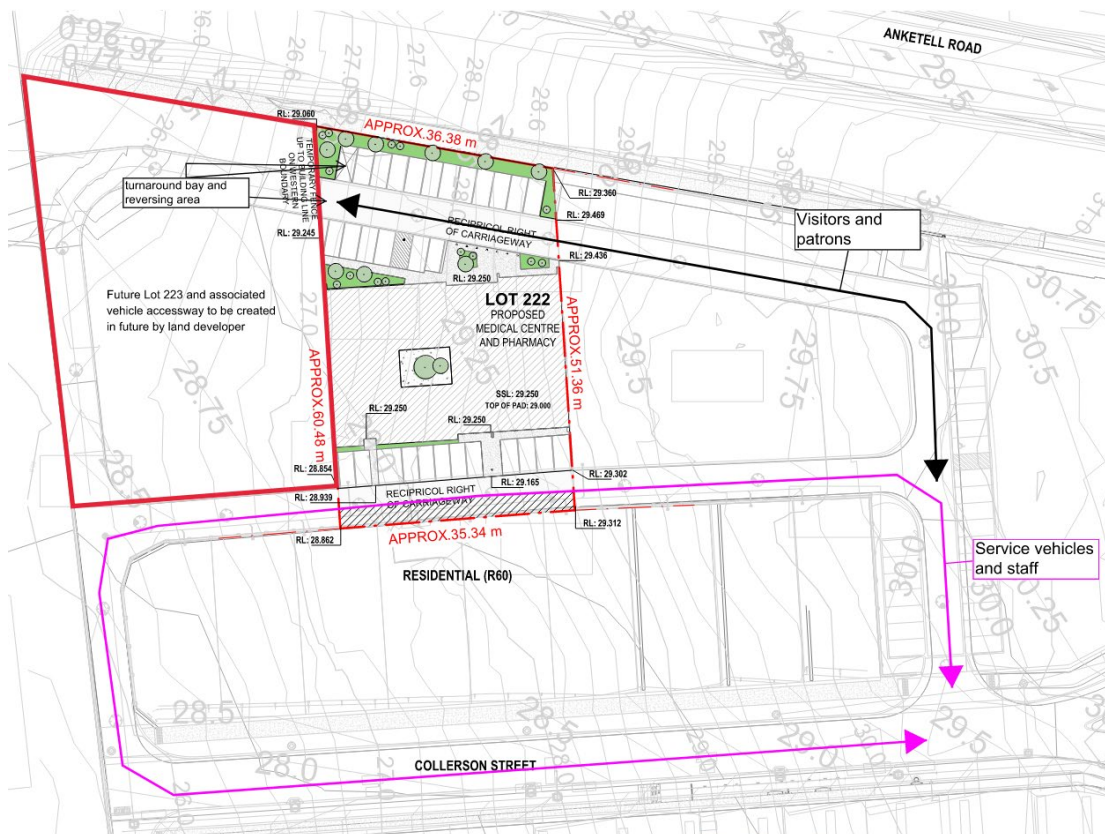


Figure 1 - Proposed Access to and from the Site

In summary, conditions of approval are recommended in relation to the following:

- An easement in gross is to be provided over the portions of RROC as noted on the development plans.
- Provision of vehicle access connecting to the portions of RROC is to be constructed and connected to a gazetted road to ensure appropriate access to the site is constructed prior to occupation of the development.
- A condition is recommended to ensure vehicular access and parking areas are constructed in accordance with relevant standards.

### Building Design

In relation to the design of the proposed development, the application was assessed against various planning provisions that seek to provide for better built form outcomes, including those within the LDP.

LDP Requirement	Planning Assessment
<p>Orientation of development is to address the street as per the LDP through:</p> <ul style="list-style-type: none"> <li>• Appropriate articulation;</li> <li>• Well defined building entry points;</li> <li>• Variation in materials/colours/textures;</li> <li>• Substantial clear glazing; and</li> <li>• Blank walls not permitted.</li> </ul>	<p>The proposed design meets these requirements as follows:</p> <ul style="list-style-type: none"> <li>• The building is designed with appropriate articulation including varied roof heights. The entrance ways are recessed.</li> <li>• The entry points are well defined being recessed and designed with significant door entrances.</li> <li>• 6x (+) materials and colours are proposed on the front façade of the building. This variation in colours and</li> </ul>



	<p>materials provides for greater visual interest, also when coupled with the proposed landscaping.</p> <ul style="list-style-type: none"> <li>• Clear glazing is proposed for the pharmacy, and this is recommended to also be conditioned. Other windows for consulting rooms break up the façade and will be designed with clear glazing.</li> <li>• The design is such that there are no expansive blank walls provided on the front façade. It is noted that some portions of the rear elevation could be considered 'blank', however, the fact that this is the rear elevation and varying roof heights are proposed in addition to various materials (and colours) ensures no adverse impacts in terms of amenity to the rear.</li> </ul>
--	--

City Officers are of the view that a significant element of consideration is the design of the proposed building and its interaction with the street – specifically the façade facing Anketell Road. During the assessment process, City Officers received amended plans that provide for greater landscaping areas and more attractive materials on the front facade that seek to better address the building design and provide for a more attractive design outcome. The proposed design of the building is considered to positively contribute to the streetscape and maintain a high standard of amenity. It will also set the benchmark for future development on the adjoining lots.

#### Noise

Noise impacts on future residential areas to the south of the development have been considered as part of the application. There are two components of noise that have been considered and discussed below.

*1. Impacts of traffic noise from Anketell Road on proposed Medical Clinic and future residential development to the south of the service commercial zoned lots:*

As seen in the Anketell North LSP, the land south of the proposed development is for future residential development. The Anketell North LSP considered vehicular noise impacts from Anketell Road on the proposed residential development to the south. A Transport Noise Assessment was therefore submitted and recommended that that buildings within the Service Commercial zone fronting onto Anketell Road (including the subject site) be designed to provide *“a significant barrier to the residential lots behind, hence reducing the requirement for noise amelioration”*. The proposed design with zero lot side boundaries and adequate building height will provide adequate noise amelioration for future residential. The Anketell North LSP also seeks to restrict noise sensitive land uses being located adjacent to the Anketell Road reserve. The proposed Medical Clinic is not considered to be a noise sensitive land use under State Planning Policy 5.4 – Road and rail noise. The objectives of the noise assessment are therefore considered to be adequately addressed.

*2. Impacts of the proposed development on future residential development to the south of the service commercial zoned lots:*

The applicant has provided justification stating that a noise assessment is not required to be provided relating specifically to the proposed development and its impacts on future residential development to the south for the following reasons:

- A medical facility is not inherently a noise-generating land use which would create impact to adjoining properties
- The facility will operate 8am-6pm Monday to Saturday and 9am-4pm on Sundays. These times are within the 'daytime' period of the *Environmental Protection (Noise) Regulations 1997* and creates low risk of impact.
- The operation of the facility occurs entirely within an enclosed building, and the operation simply involves consultation between patrons and health practitioners, which in itself does not create noise discernible to external receivers.
- The use of parking bays will be within the 'daytime' period due to the opening hours of the facility.
- A "uniform fence" is being installed along the southern boundary of the site as part of the subdivision process which will further reduce any noise transfer.

City Officers have considered the justification provided and agree that a noise assessment is not necessary for the proposed development. It should be noted that regardless, the proposed development is required to meet the requirements of the *Environmental Protection (Noise) Regulations 1997*. Considering the nature of the development and its operating hours, the proposed development and future 'uniform fence' to the rear of the site will ensure the development can operate in accordance with the *Environmental Protection (Noise) Regulations 1997*. Standard advice is recommended for the development to comply with these noise regulations.

#### Landscaping

Landscaping was considered as part of the assessment under LPS2. LPS2 requires a minimum of 8% of this Service Commercial zoned site to be landscaped. Under this provision, a minimum of 160m<sup>2</sup> of the site is to be landscaped with a minor variation being proposed (152m<sup>2</sup> of landscaping is proposed). The City's Landscape Architects have provided comment in relation to the proposed landscaping and the following is noted:

- Trees are to be provided within the parking area to the rear of the site. Tree diamonds are recommended in this regard at a rate of 1 per 4 car bays.
- Landscaping in the front 2 metre landscaping strip is to be larger trees such as *Agonis Flexuosa* to provide shade for the adjacent parking area.

The above listed elements will provide for a better landscaping design outcome that is practical and will provide for greater amenity. The applicant has agreed to the above and has requested they be conditioned. Therefore, a condition of approval is recommended to provide a landscaping plan that address the above elements.

#### Public Art

The application was considered against Local Planning Policy No. 5 – Development Contributions towards Public Art (LPP5) as the proposed development is valued greater than \$2 million. This policy requires a public art contribution be provided for new developments valued over \$2 million. The public art contribution requirement can be met in a variety of ways, including the provision of public art on the subject site or on public land, or a financial contribution.

The City considers the policy requirements are relevant to the proposal as it has a reasonable planning purpose, and the development is highly visible from the public

realm. A condition of approval requiring adherence with the policy is therefore included in the recommendation.

#### Developer Contribution Requirements

The subject lot is affected by two development contribution areas (DCA): DCA 4 and 9. Considering the subject lot is zoned Service Commercial, only contributions under DCA4 for civil ('hard') infrastructure, such as roads (new or upgrades to existing), the land component of community infrastructure items and drain upgrades are required. The development contribution methodology for DCA4 is calculated on a land area basis. A condition is therefore recommended for contributions under DCA4 to be provided prior to occupation of the development.

#### **Conclusion:**

City Officers have considered the proposed Medical Clinic (and incidental Pharmacy) on the subject lot and conclude that the application can be supported subject to conditions. The proposal is considered to be consistent with the objectives of the local area and provide for an attractive development and land use that will benefit this up-and-coming local community.

Attachment 1 : Location Plan

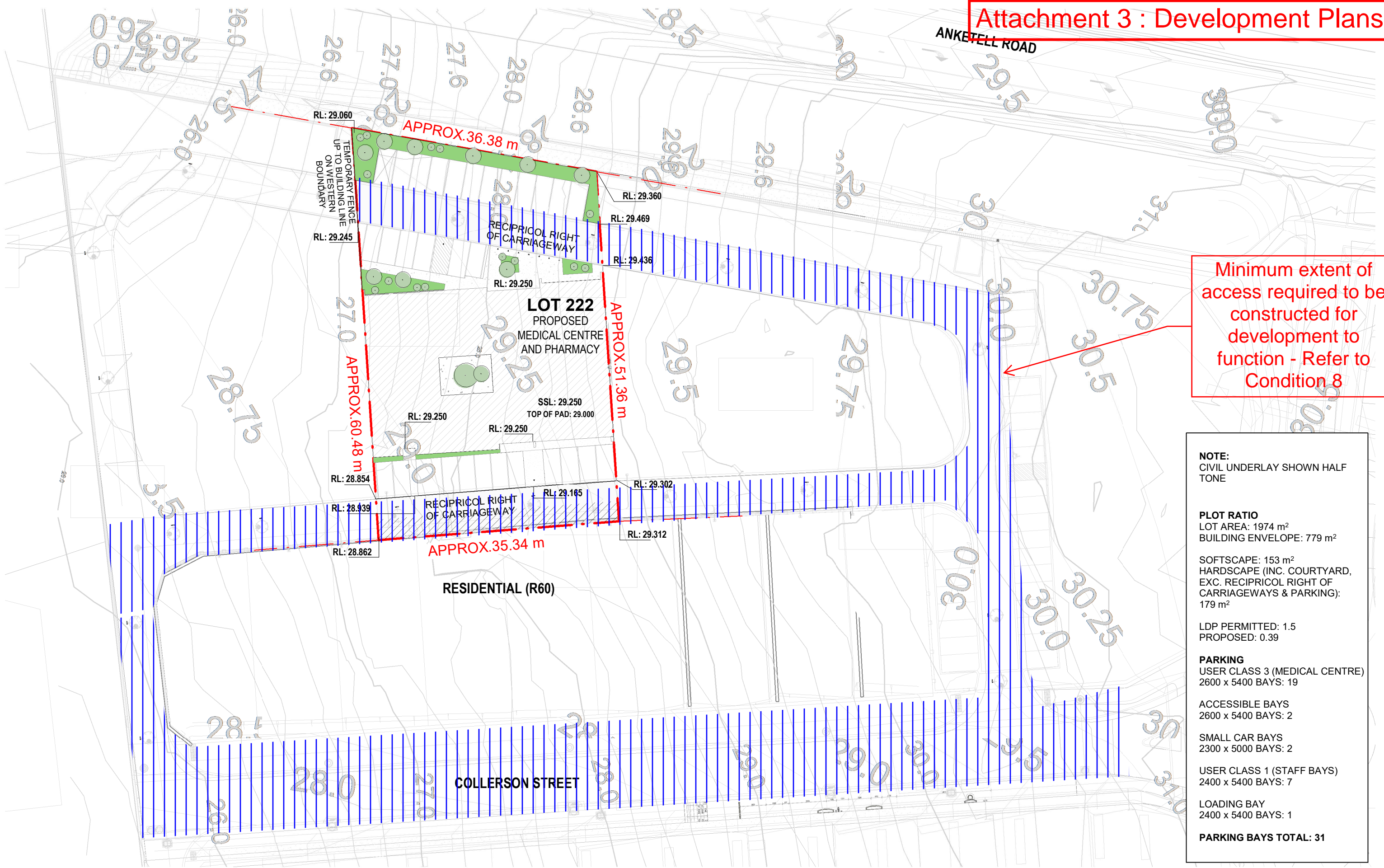






**Anketell Road Family Practice  
and Skin Clinic**  
Lot 222 Anketell Road, Anketell

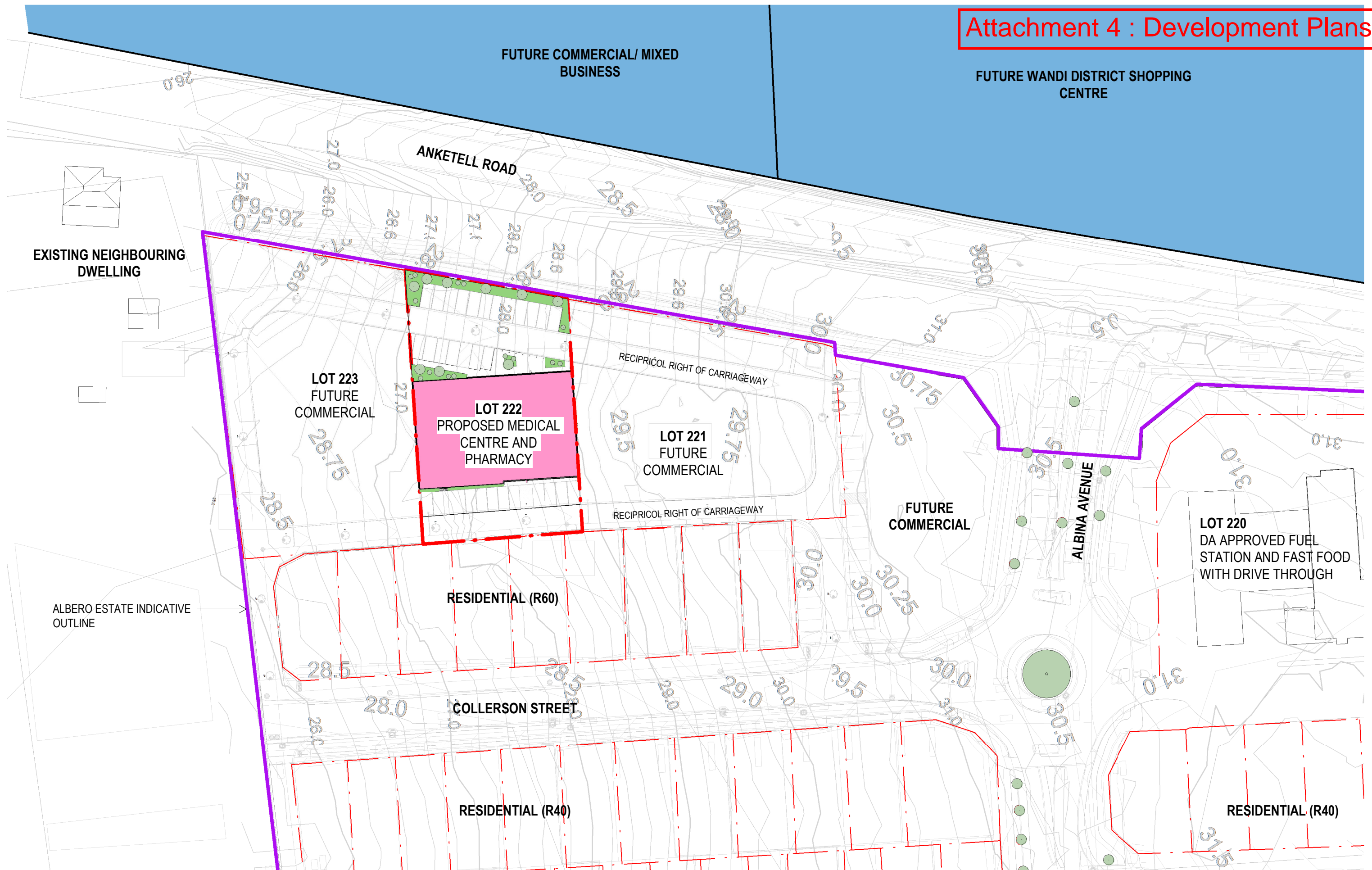




DEVELOPMENT APPLICATION



# Attachment 4 : Development Plans



## DEVELOPMENT APPLICATION

PROJECT

**Anketell Road Family Practice and Skin Clinic**

Lot 222 Anketell Road, Anketell

JOB NUMBER

80465

DATE

25/08/22

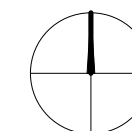
DRAWING NO.

SK02

DRAWING

**LDP CONTEXT PLAN- ALBERO ESTATE**

NORTH



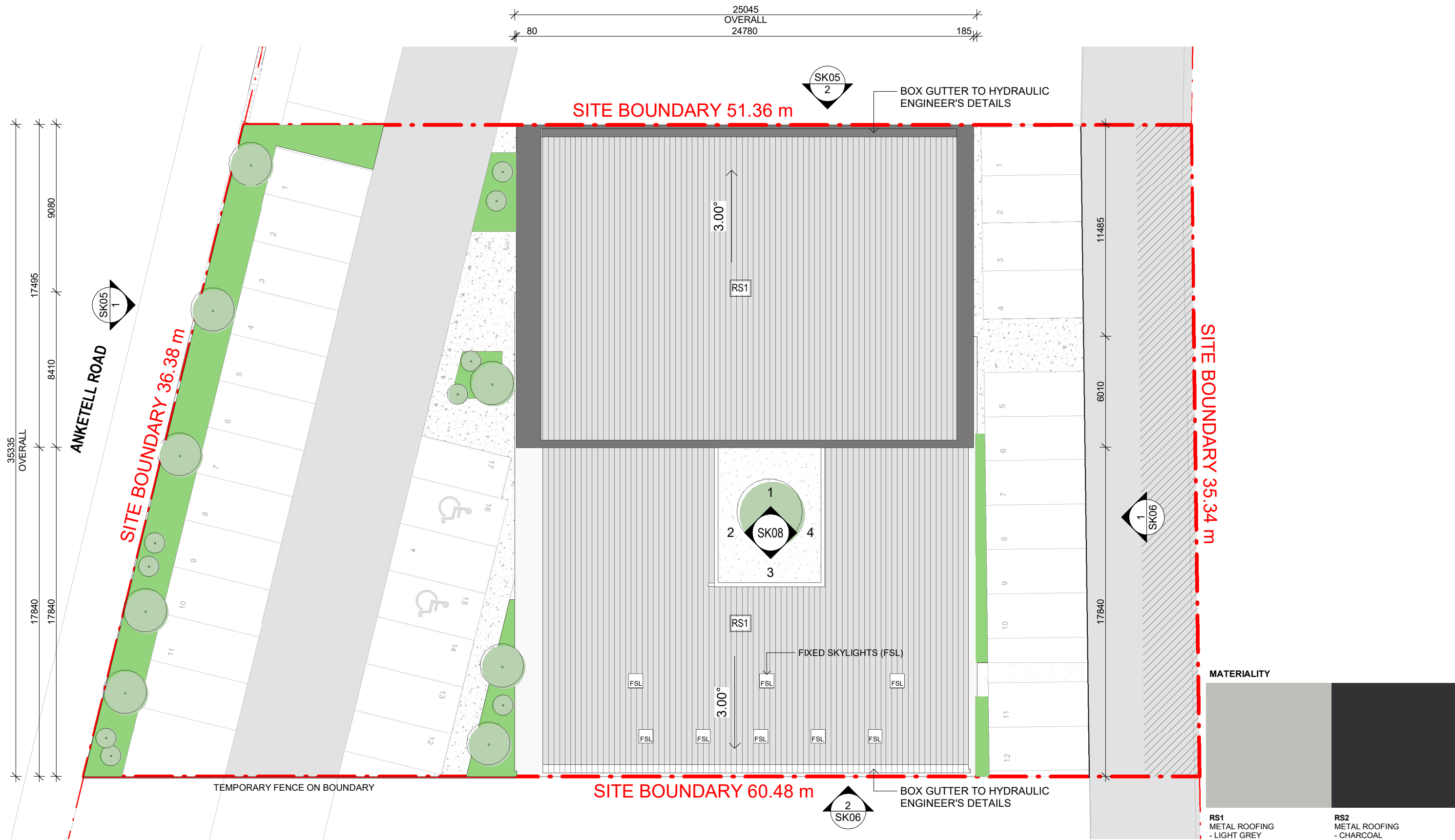
SCALE

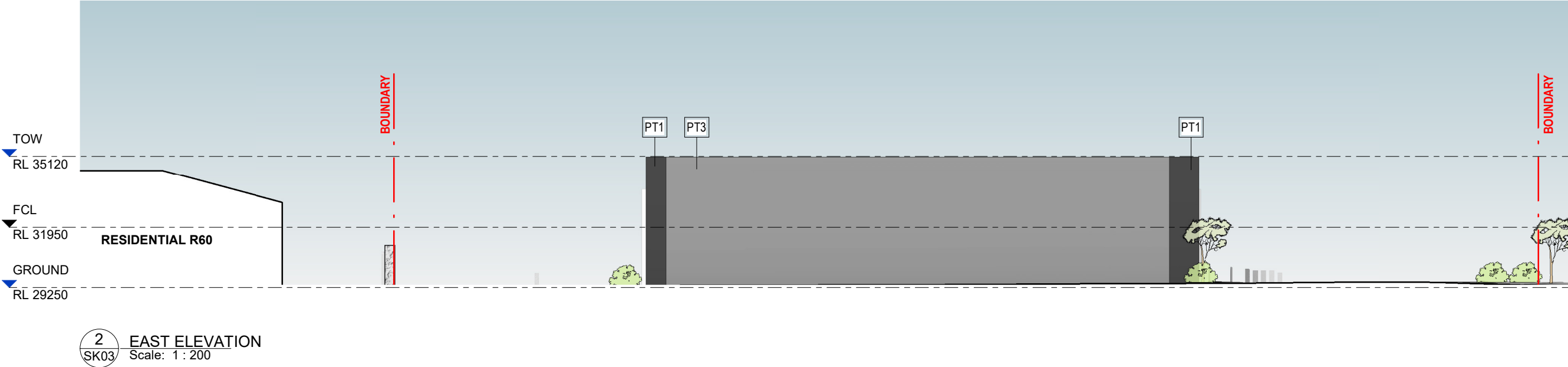
1 : 750



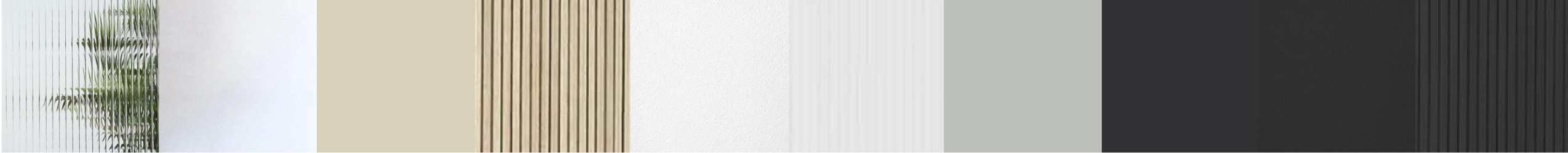






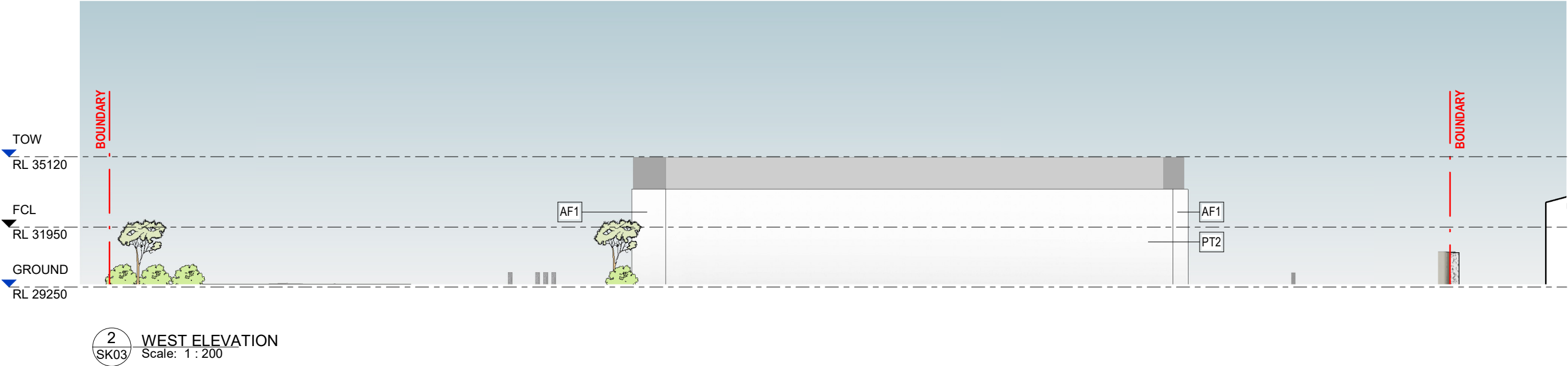


MATERIALITY

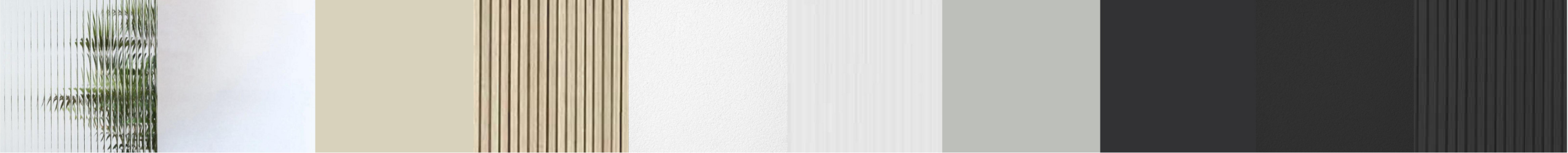


- FLM1 DECORATIVE FILM- REEDED
- FL21 WINDOW FILM- WHITE MATTE
- F1 ALUMINIUM GLAZED FRAMING - POWDER COATED COLOUR TO COMPLEMENT CL1 ADJACENT
- CL1, SC1 TEXTURED VERTICAL CLADDING AND SCREEN
- AF1 RENDERED FINISH - WHITE
- PT2 PAINT FINISH - WHITE
- CL3 TEXTURED VERTICAL CLADDING - WHITE
- RS1 METAL ROOFING - GREY
- PT3 PAINT FINISH - GREY
- F2 ALUMINIUM GLAZED FRAMING - POWDER COATED CHARCOAL
- PT1 PAINT FINISH - CHARCOAL
- CL2 TEXTURED VERTICAL CLADDING - CHARCOAL

**NOTE:**  
SIGNAGE SHOWN IS INDICATIVE ONLY  
AND IS TO BE PROVIDED BY CLIENT



MATERIALITY



- FLM1**  
DECORATIVE FILM- REEDED

**FL21**  
WINDOW FILM- WHITE MATTE

**F1**  
ALUMINIUM GLAZED FRAMING  
- POWDER COATED COLOUR  
TO COMPLEMENT CL1  
ADJACENT

**CL1, SC1**  
TEXTURED VERTICAL  
CLADDING AND SCREEN

**AF1**  
RENDERED FINISH  
- WHITE

**PT2**  
PAINT FINISH  
- WHITE

**CL3**  
TEXTURED VERTICAL  
CLADDING  
- WHITE

**RS1**  
METAL ROOFING  
- GREY

**PT3**  
PAINT FINISH  
- GREY

**F2**  
ALUMINIUM GLAZED  
FRAMING  
- POWDER COATED  
CHARCOAL

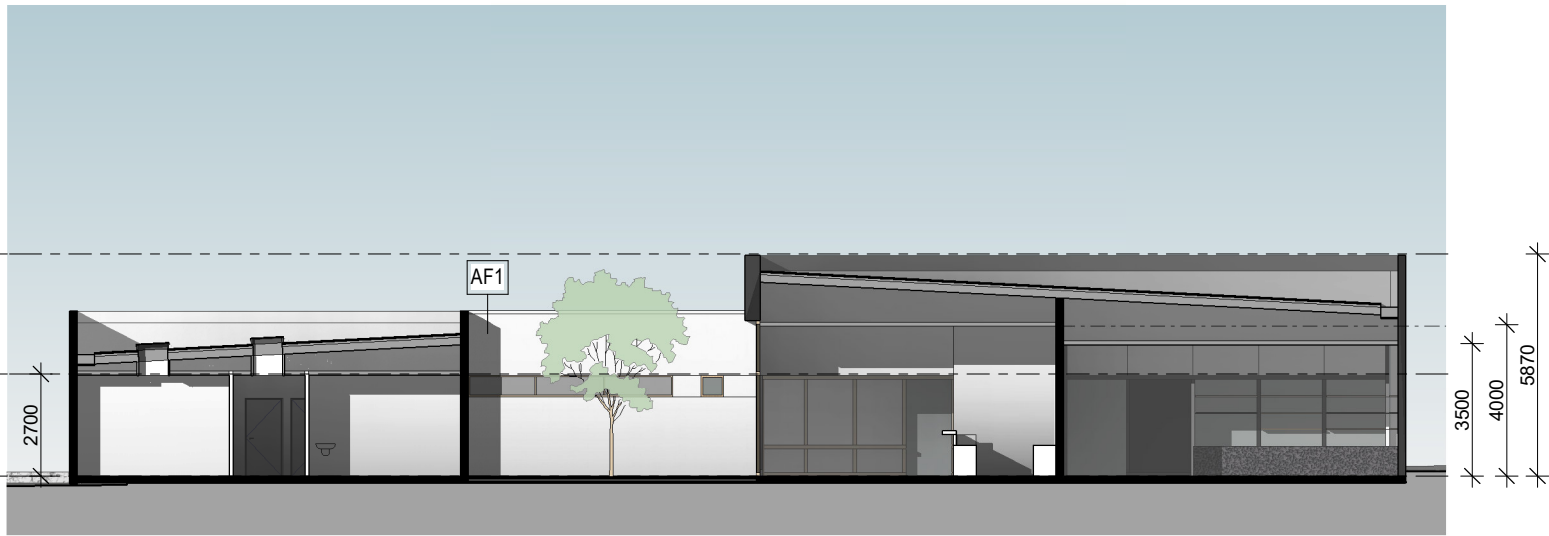
**PT1**  
PAINT FINISH  
- CHARCOAL

**CL2**  
TEXTURED VERTICAL  
CLADDING  
- CHARCOAL

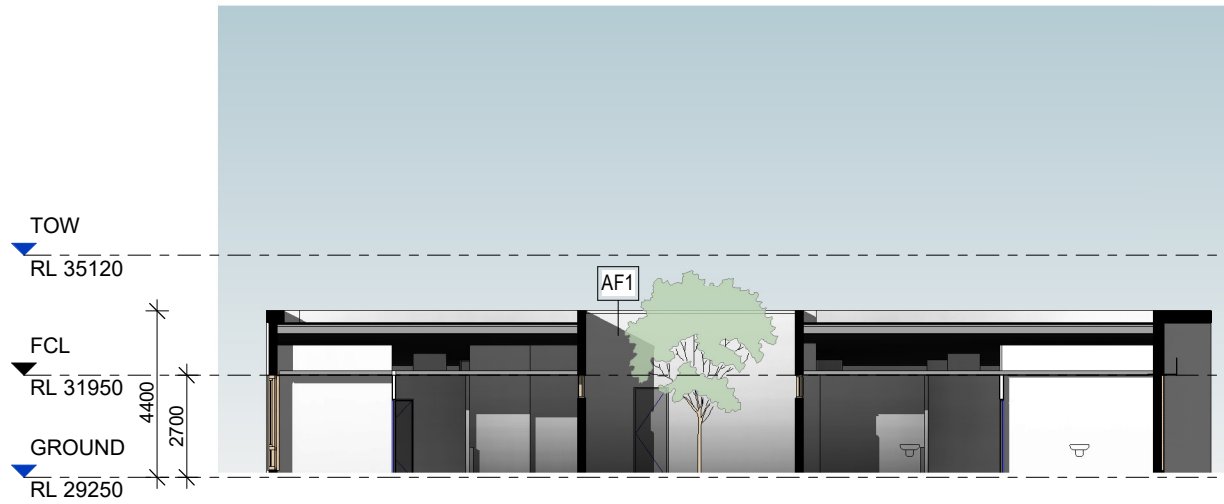
**NOTE:**  
SIGNAGE SHOWN IS INDICATIVE ONLY  
AND IS TO BE PROVIDED BY CLIENT



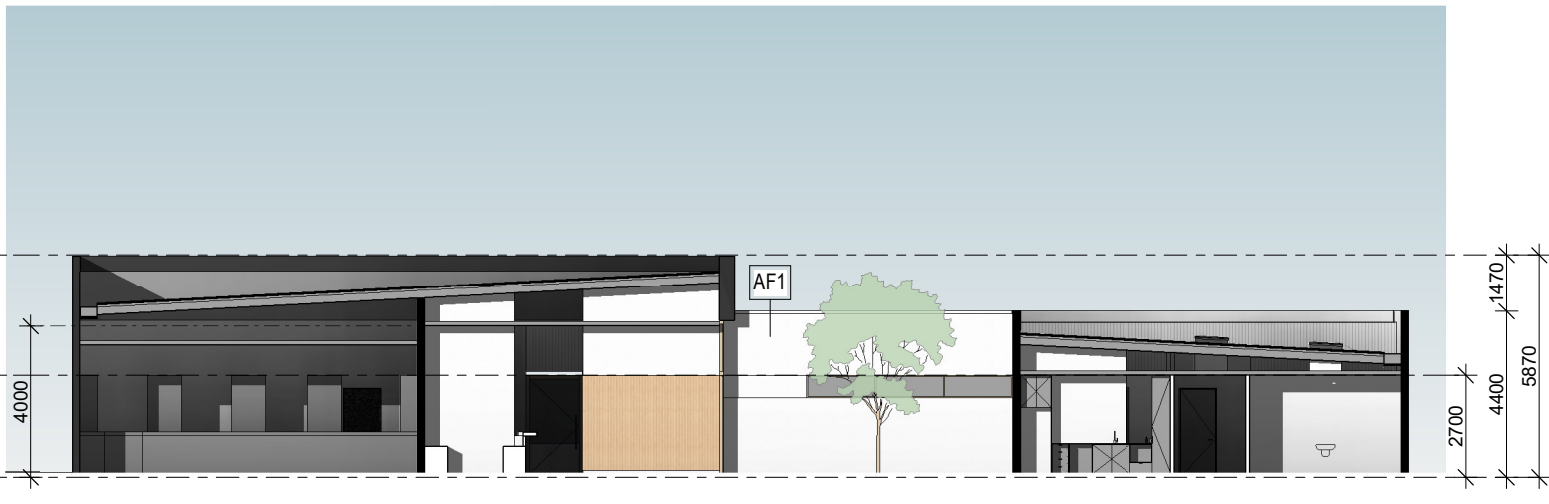
1 ELEVATION  
SK03 Scale: 1 : 200



2 ELEVATION  
SK03 Scale: 1 : 200

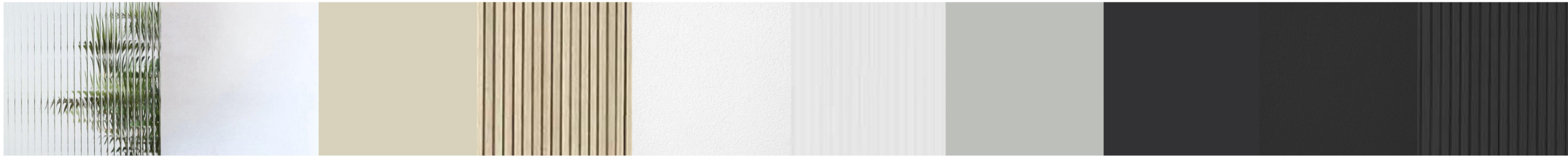


3 ELEVATION  
SK03 Scale: 1 : 200



4 ELEVATION  
SK03 Scale: 1 : 200

MATERIALITY



FLM1  
DECORATIVE FILM- REEDED

FL21  
WINDOW FILM- WHITE MATTE

F1  
ALUMINIUM GLAZED FRAMING  
- POWDER COATED COLOUR  
TO COMPLEMENT CL1  
ADJACENT

CL1, SC1  
TEXTURED VERTICAL  
CLADDING AND SCREEN

AF1  
RENDERED FINISH  
- WHITE

PT2  
PAINT FINISH  
- WHITE

CL3  
TEXTURED VERTICAL  
CLADDING  
- WHITE

RS1  
METAL ROOFING  
- GREY

PT3  
PAINT FINISH  
- GREY

F2  
ALUMINIUM GLAZED  
FRAMING  
- POWDER COATED  
CHARCOAL

PT1  
PAINT FINISH  
- CHARCOAL

CL2  
TEXTURED VERTICAL  
CLADDING  
- CHARCOAL

**NOTE:**  
SIGNAGE SHOWN IS INDICATIVE ONLY  
AND IS TO BE PROVIDED BY CLIENT

DEVELOPMENT APPLICATION

PROJECT

Anketell Road Family Practice  
and Skin Clinic

Lot 222 Anketell Road, Anketell

JOB NUMBER

80465

DATE

25/08/22

DRAWING NO.

SK07

DRAWING

EXTERNAL ELEVATIONS

NORTH

SCALE

1 : 200







**NOTE:**  
'PHARMACY' AND 'ANKETELL ROAD FAMILY PRACTICE AND SKIN CLINIC'  
SIGNAGE IS INDICATIVE ONLY AND IS TO BE PROVIDED BY CLIENT





**NOTE:**  
'PHARMACY' AND 'ANKETELL ROAD FAMILY PRACTICE AND SKIN CLINIC'  
SIGNAGE IS INDICATIVE ONLY AND IS TO BE PROVIDED BY CLIENT





**NOTE:**  
'PHARMACY' AND 'ANKETELL ROAD FAMILY PRACTICE AND SKIN CLINIC'  
SIGNAGE IS INDICATIVE ONLY AND IS TO BE PROVIDED BY CLIENT

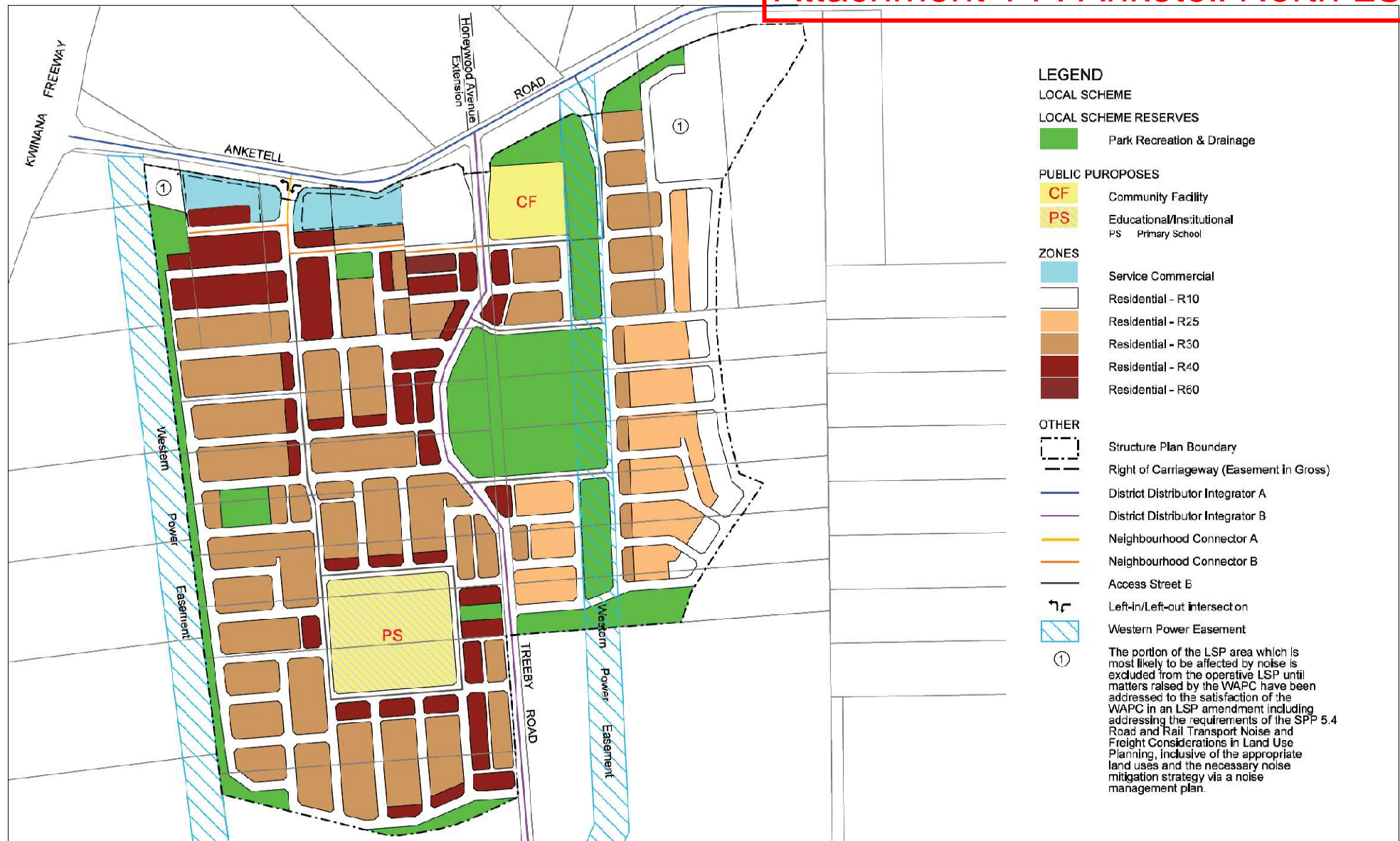




**NOTE:**  
'PHARMACY' AND 'ANKETELL ROAD FAMILY PRACTICE AND SKIN CLINIC'  
SIGNAGE IS INDICATIVE ONLY AND IS TO BE PROVIDED BY CLIENT



## Attachment 14 : Anketell North LSP



Source: VERIS, 190424 Anketell North Local Structure plan amd5 rev10.dwg

# Attachment 15 : Approved Subdivision

DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE

DATE  
06-May-2019

FILE  
158005

Existing Lots 50 & 51 set aside for future acquisition for road widening with existing easements granting restricted access to Lot 9002 & 9003

Proposed easement for reciprocal right of carriageway (RROW) as per approved Anketell North Structure Plan

ANKETELL

ROAD

WAPC 155343

9002

652

Proposed 17.9m road

Proposed 15.4m wide road reserve (extension of Narran St)

Bonney Road

WAPC 153398

BALANCE LOT 9004

1.3204ha

Flannigan Street

Avenue

Selina Street

Original Lot Areas  
Lot 9003 3.22ha

Plan No. : 20932-13

Revision : REV.5

Scale : 1:1500@A3



This plan must not be reproduced without the permission of VDES  
All dimensions and areas are subject to survey

## LEGEND

135 Contours

Proposed Lots

Easement in Gross (Right of Carriageway)

Proposed Balance Lot 9004

Water

Sewer

Power (overhead)

SUBDIVISION PLAN  
LOT 9003 ANKETELL ROAD  
ANKETELL

veris

DATE DRAWN: 15/4/2019

DRAWN BY: SPT

CHECKED BY: JP

Note: Plan modified by JP (15 April 2019)

FILE: 190411 Anketell Road Lot 1-VER 5.dgn

V DATUM: AHD

N DATUM: PC054





## Local Development Plan (LDP) Provisions

The provisions of the City of Kwinana Town Planning Scheme No. 2 are varied in the following manner:

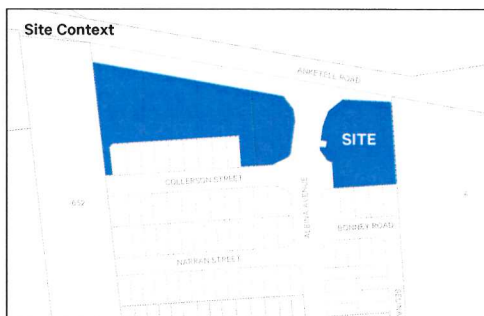
- Service commercial development to prevent adverse impacts on abutting residential development from noise, odour and light emissions through appropriate built form design, orientation and adequate setback of development from residential use.
- Uniform fencing to provide for noise mitigation between service commercial and abutting residential development as shown on the LDP in accordance with the recommendations of the Transport Noise Assessment Report prepared by Herring Storer Acoustics and dated June 2020.
- Vehicular access to service commercial is to be provided via Reciprocal Right of Carriageway (Easement in Gross) as shown on this LDP.
- Reciprocal Right of Carriageway (Easement in Gross) is to be provided as shown on the LDP providing adequate vehicular and pedestrian connection with neighbouring lots.
- Noise Impact
  - Any application for development on the subject sites shall include a noise impact assessment prepared by a suitably qualified acoustic consultant to determine the impacts of the proposed development on the nearest sensitive premises to ensure compliance with the Environmental Protection (Noise) Regulations 1997.
  - Any application for development on the subject sites shall demonstrate compliance with the recommendations of the Transport Noise Assessment Report prepared by Herring Storer Acoustics and dated June 2020 to ensure compliance with the requirements of SPP 5.4 – Road and Rail Noise.

- A minimum 2m landscaping strip is to be provided generally at the location shown in the LDP. Additional landscaping may be required along other street frontages or in areas as determined by the City for streetscape amenity.
- Areas for parking shall generally be in accordance with the indicative location shown in the LDP.
- Service commercial built form shall not directly abut residential lots.
- Design of service commercial access to be adequate to accommodate 19m length vehicle sweep paths.

For Lots 221 – 223 the following specific development requirements shall apply:

- the reciprocal right of carriageway at the rear of Lots 221 – 223 shall only be used by maximum 12m length vehicles, and
  - for vehicles greater than 12m length, deliveries shall be limited to after-hours, so as not to conflict with staff/customer parking.
- Orientation of development shall address the streets as shown in this LDP through:
    - appropriate building articulation;
    - well defined building entry points;
    - variation in materials / colours / textures;
    - substantial clear glazing; and
    - the use of blank walls is not permitted.

- Built form at the landmark location(s) identified on the Local Development Plan shall present as a gateway into the area and built form shall be treated with additional emphasis such as building articulation, feature landscaping, distinctive roof forms, additional facade height and a contrast in colours and materials.
- Blank walls visible from adjacent residential lots shall be treated through the use of architectural features / textures / painting to provide variation and interest to the built form.
- The design of the site access / egress to provide for acceptable vehicle manoeuvring supplemented with on-site traffic management to the City's satisfaction. Examples of on-site traffic management are shown in the attached concept movement drawings, of which such designs shall not be limited to these drawings. Where the site access / egress design is not able to be achieved to the City's satisfaction, restrictions to directions of movement at the intersection may be imposed by the City.
- The land subject to this LDP is within a bushfire prone area, as designated by the Department of Fire and Emergency Services. Lots 219-223 are subject to a Bushfire Management Plan and require a Bushfire Attack Level Assessment and certification prior to construction, in accordance with Australian Standard 3959.



## Approval

This Local Development Plan has been approved by the Council under the provisions of the City of Kwinana Town Planning Scheme No. 2.

*Maria Cooke*

Director City Development and Sustainability:

12 March 2021

Date:

## Local Development Plan

Lots 219-223 Anketell Road, Anketell



Date: 11 Feb 2021

Scale: 1:1000 @ A3

File: 19-370 CP-1 A

Staff: JP GW

Checked: JP

**element.**

Level 10, 191 St Georges Terrace, Perth Western Australia 6000.  
PO Box 7370, Cloisters Square, Perth Western Australia 6000.  
T: +61 8 9393 6300 | E: hello@element.com.au | element.com.au

Bushfire Management Plan:  
Development Application: Lot 222 Anketell Road,  
Anketell

---

**CPG Anketell ATF Anketell Medical Trust**

---

## DOCUMENT TRACKING

<b>Project Name</b>	Bushfire Management Plan: Development Application: Lot 222 Anketell Road, Anketell
<b>Project Number</b>	22PER-2061
<b>Project Manager</b>	Stephen Moore
<b>Prepared by</b>	Stephen Moore
<b>Reviewed by</b>	Daniel Panickar (BPAD Level 3 – 37802)
<b>Approved by</b>	Daniel Panickar (BPAD Level 3 – 37802)
<b>Status</b>	Draft
<b>Version Number</b>	v1
<b>Last saved on</b>	12 May 2022

This report should be cited as ‘Eco Logical Australia 2022. *Bushfire Management Plan: Development Application: Lot 222 Anketell Road, Anketell.*’ Prepared for CPG Anketell ATF Anketell Medical Trust.

## ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd with support from CPG Anketell ATF Anketell Medical Trust (the client) and Apex Planning Pty Ltd.

### Disclaimer

*This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and the client. The scope of services was defined in consultation with the client, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Eco Logical Australia Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.*

Template 2.8.1

Version control	
Version	Purpose
v1	Draft – Submission to client

## Contents

<b>1. Introduction .....</b>	<b>1</b>
1.1 Proposal details .....	1
1.2 Purpose and application of the plan .....	1
1.3 Environmental considerations .....	1
<b>2. Bushfire assessment results .....</b>	<b>5</b>
2.1 Bushfire assessment inputs .....	5
2.1.1 Fire Danger Index .....	5
2.1.2 Vegetation classification and slope under vegetation .....	5
2.2 Bushfire assessment outputs .....	7
2.2.1 BAL assessment .....	7
2.2.2 Method 1 BAL assessment .....	7
2.3 Identification of issues arising from the BAL assessment .....	8
<b>3. Assessment against the Bushfire Protection Criteria .....</b>	<b>10</b>
3.1 Compliance .....	10
3.2 Additional Bushfire Requirements .....	12
<b>4. Implementation and enforcement .....</b>	<b>14</b>
<b>5. Conclusion .....</b>	<b>15</b>
<b>6. References .....</b>	<b>16</b>
<b>Appendix A – Classified Vegetation Photos .....</b>	<b>17</b>
<b>Appendix B – Standards for Asset Protection Zones .....</b>	<b>21</b>
<b>Appendix C – Vehicular access technical requirements (WAPC 2021) .....</b>	<b>24</b>
<b>Appendix D – Vegetation Clearing / Tree Retention .....</b>	<b>25</b>
<b>Appendix E – Water Reticulation Plan .....</b>	<b>27</b>

## List of Figures

Figure 1: Site Overview .....	2
Figure 2: Site Plan .....	3
Figure 3: Bushfire Prone Areas .....	4
Figure 4: Vegetation Classification .....	6
Figure 5: Bushfire Attack Level (BAL) Contours – Post-Development .....	9
Figure 6: Spatial representation of the bushfire management strategies .....	13
Figure 7: Illustrated tree canopy cover projection (WAPC 2021) .....	22

## List of Tables

Table 1: Classified vegetation as per AS 3959: 2018.....	5
Table 2: Method 1 BAL calculation (BAL contours).....	8
Table 3: BAL rating for subject building within the development footprint .....	8
Table 4: Summary of solutions used to achieve bushfire protection criteria .....	10
Table 5: Proposed work program.....	14

# 1. Introduction

## 1.1 Proposal details

Eco Logical Australia (ELA) was commissioned by CPG Anketell ATF Anketell Medical Trust to prepare a Bushfire Management Plan (BMP) to support a development application for Lot 222 Anketell Road, Anketell (hereafter referred to as the subject site, Figure 1). The proposed development will result in an intensification of land use and involves the development of a medical centre with an attached ancillary chemist located within the subject site (Figure 2).

The subject site is within a designated bushfire prone area as per the *Western Australia State Map of Bush Fire Prone Areas* (DFES 2021; Figure 3), which triggers bushfire planning requirements *under State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7; Western Australian Planning Commission (WAPC) 2015) and reporting to accompany submission of the development application in accordance with the associated *Guidelines for Planning in Bushfire Prone Areas v 1.4* (the Guidelines; WAPC 2021).

The subject site is currently zoned 'Service Commercial' under the City of Kwinana Anketell North Structure Plan. The subject site is adjacent to undeveloped land that has been cleared of native vegetation, classed as 'Service Commercial' and 'Residential', and a developed residential subdivision.

This assessment has been prepared by ELA Bushfire Consultant Stephen Moore with quality assurance undertaken by Principal Bushfire Consultant Daniel Panickar (FPAA BPAD Level 3 Certified Practitioner No. BPAD37802).

## 1.2 Purpose and application of the plan

The primary purpose of this BMP is to act as a technical supporting document to inform planning assessment. This BMP is also designed to provide guidance on how to plan for and manage the bushfire risk to the development through implementation of a range of bushfire management measures in accordance with the Guidelines.

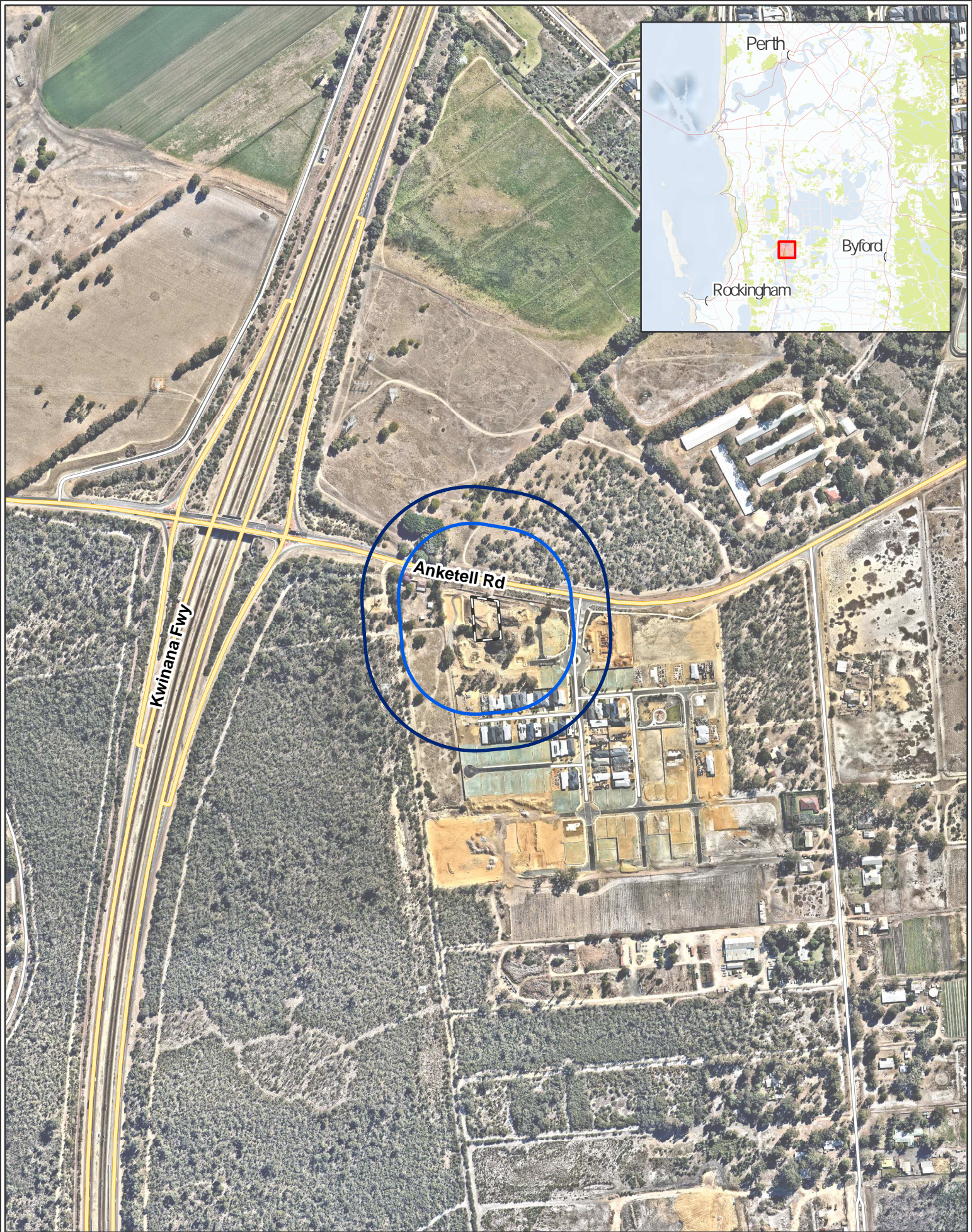
## 1.3 Environmental considerations

SPP 3.7 policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values.




Majority of subject site has been previously cleared with small patches of vegetation on and adjacent to the site remaining. The remaining vegetation within the surrounding residential and commercial developments will be cleared with the exception of some isolated trees to be retained (see Appendix D).

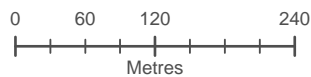
No revegetation is proposed within the development and landscaping will be maintained in a low-threat state.





**Figure 1: Site Overview**

-  Subject site
-  100m site assessment
-  150m site assessment



Datum/Projection:  
GDA 1994 MGA Zone 50  
22PER2061-SM Date: 10/05/2022





PROJECT  
MEDICAL CENTRE  
Lot 222 Anketell Road, Anketell

JOB NUMBER  
80465

DATE  
31/03/22

DRAWING NO.  
SK03

DRAWING  
GROUND FLOOR PLAN

NORTH

SCALE  
1 : 200







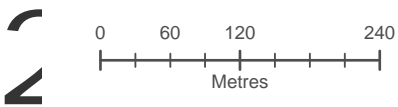
Figure 2: Site Plan





**Figure 3: Bushfire Prone Areas**

-  Subject site
-  100m site assessment
-  150m site assessment
-  Bushfire Prone Mapping (DFES 2021)



Datum/Projection:  
GDA 1994 MGA Zone 50  
22PER2061-SM Date: 10/05/2022





## 2. Bushfire assessment results

### 2.1 Bushfire assessment inputs

The following section is a consideration of spatial bushfire risk and has been used to inform the bushfire assessment in this report.

#### 2.1.1 Fire Danger Index

A blanket Fire Danger Index (FDI) 80 is adopted for Western Australia, as outlined in Australian Standard AS 3959: 2018 *Construction of Buildings in Bushfire Prone Areas* (SA 2018) and endorsed by Australasian Fire and Emergency Service Authorities Council (AFAC).

#### 2.1.2 Vegetation classification and slope under vegetation

Vegetation and effective slope (i.e. slope under vegetation) within the subject site and surrounding 150 m (the assessment area) were assessed in accordance with the Guidelines and AS 3959: 2018 with regard given to the *Visual guide for bushfire risk assessment in Western Australia* (DoP 2016). Site assessment was undertaken on 4 May 2022.

The classified vegetation and effective slope from each of the identified vegetation plots within the assessment area are identified below in Table 1 and Figure 4.

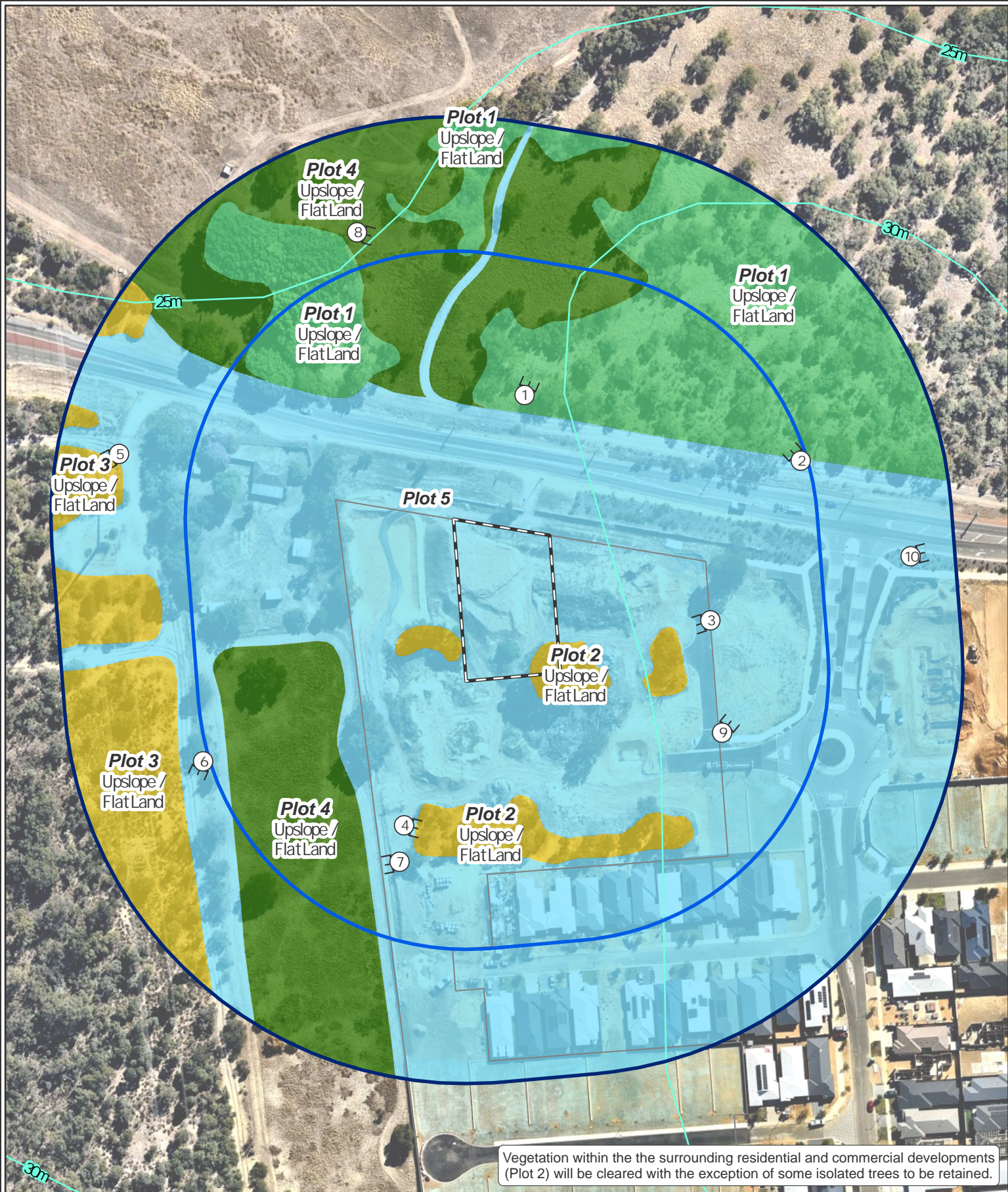
Majority of subject site has been previously cleared with small patches of vegetation on and adjacent to the site remaining (see Figure 4, Plot 2). The remaining vegetation within the surrounding residential and commercial developments (i.e. Plot 2) will be cleared with the exception of some isolated trees to be retained (see Appendix D).

**Table 1: Classified vegetation as per AS 3959: 2018**

Plot	Vegetation Classification	Effective Slope
1	Class B Woodland	All upslopes and flat land (0 degrees)
2	Class D Scrub	All upslopes and flat land (0 degrees)
3	Class D Scrub	All upslopes and flat land (0 degrees)
4	Class G Grassland	All upslopes and flat land (0 degrees)
5	Excluded AS 3959: 2018 2.2.3.2 (e) & (f)	-

Photographs relating to each area and vegetation type are included in Appendix A.



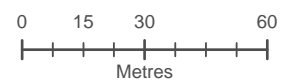


**Figure 4: Vegetation Classification**

- Subject site
- 100m site assessment
- 150m site assessment
- Residential / commercial development
- Contour (5m)
- Photo location

**Vegetation classification**

- Class B woodland
- Class D scrub
- Class G grassland
- Excluded as per clause 2.2.3.2 (e) and (f)



Datum/Projection:  
GDA 1994 MGA Zone 50  
22PER2061-SM Date: 12/05/2022



## 2.2 Bushfire assessment outputs

A Bushfire Attack Level (BAL) assessment has been undertaken in accordance with SPP 3.7, the Guidelines, AS 3959: 2018 and the bushfire assessment inputs in Section 2.1.

### 2.2.1 BAL assessment

All land located within 100 m of the classified vegetation depicted in Figure 4 is considered bushfire prone and is subject to a BAL assessment in accordance with AS 3959: 2018.

A Method 1 BAL assessment (as outlined in AS 3959: 2018) has been completed for the proposed development and incorporates the following factors:

- Fire Danger Index (FDI) rating;
- Vegetation class;
- Slope under classified vegetation; and
- Distance between proposed development and the classified vegetation.

Based on the identified BAL, construction requirements for the subject building can then be assigned. The BAL rating gives an indication of the expected level of bushfire attack (i.e. radiant heat flux, flame contact and ember penetration) that may be received by the buildings and subsequently informs the standard of construction required to increase building survivability.

### 2.2.2 Method 1 BAL assessment

Table 2 and Figure 5 display the Method 1 BAL assessment (in the form of BAL contours) that has been completed for the proposed development in accordance with AS 3959: 2018 methodology.

For the purposes of the BAL assessment, all vegetation within Plot 2 (Class D Scrub) will be removed as outlined in Appendix D.

**Table 2: Method 1 BAL calculation (BAL contours)**

Plot	Vegetation Classification	Effective Slope	Separation distances required				
			BAL-FZ	BAL-40	BAL-29	BAL-19	BAL-12.5
1	Class B Woodland	All upslopes and flat land (0 degrees)	<10	10-<14	14-<20	20-<29	29-<100
3	Class D Scrub	All upslopes and flat land (0 degrees)	<10	10-<13	13-<19	19-<27	27-<100
4	Class G Grassland	All upslopes and flat land (0 degrees)	<6	6-<8	8-<12	12-<17	17-<50
5	Excluded AS 3959: 2018 2.2.3.2 (e) & (f)	-	No separation distances required – BAL-LOW				
*PLOT 2 HAS BEEN REMOVED FROM THE BAL ASSESSMENT, AS IT WILL BE FULLY CLEARED PRIOR TO DEVELOPMENT (APPENDIX D).							

Based on the site assessment inputs and BAL assessment, the subject building will achieve a BAL rating of BAL-12.5. A summary of the BAL rating for the subject building is provided in Table 3.

The Guidelines state:

*The bushfire construction requirements of the Building Code of Australia only apply to certain types of residential buildings (being Class 1, 2 or 3 buildings and/or Class 10a buildings or decks associated with a Class 1, 2 or 3 building) in designated bushfire prone areas. As such, AS 3959 does not apply to all buildings. Only vulnerable or high-risk land uses that fall within the relevant classes of buildings as set out in the Building Code of Australia will be required to comply with the bushfire construction requirements of the Building Code of Australia. As such, the planning process focuses on the location and siting of vulnerable and high-risk land uses rather than the application of bushfire construction requirements.*

The class of building for this development application falls outside of the classes covered in AS 3959: 2018, however ELA recommends that subject building is constructed to BAL-12.5 where possible, to improve resilience in the event of a bushfire.

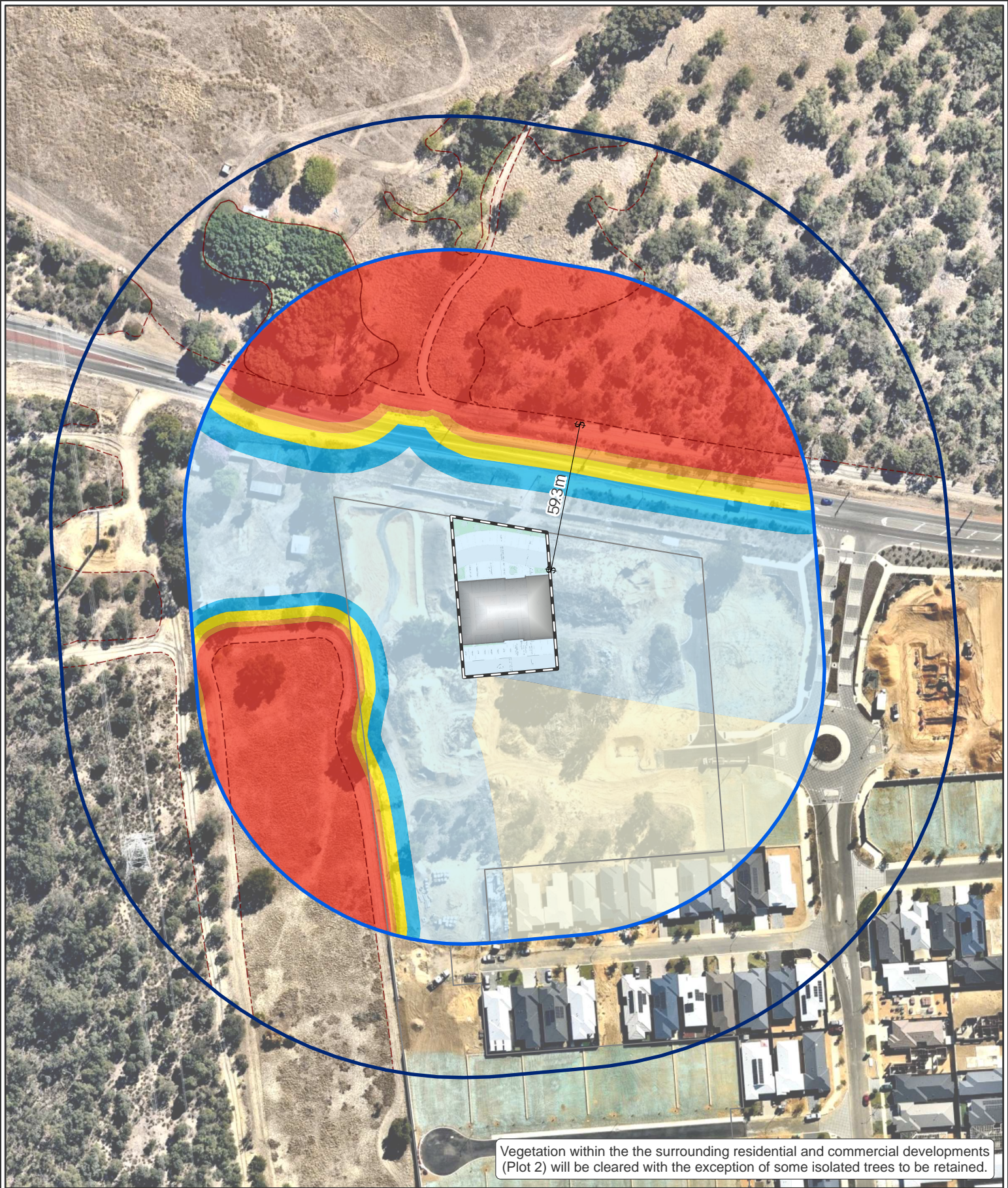
**Table 3: BAL rating for subject building within the development footprint**

Plot most affecting BAL rating	Separation Distance (m)	BAL Rating
Plot 1	59.3 m	BAL-12.5

## 2.3 Identification of issues arising from the BAL assessment

Should there be any changes in development design or vegetation/hazard extent that requires a modified bushfire management response, then the above BAL ratings will need to be reassessed for the affected areas and documented in a brief addendum to this BMP.





**Figure 5: Bushfire Attack Level (BAL) Contours – Post-Development**

<div></div> Subject site <div></div> 100m site assessment <div></div> 150m site assessment <div></div> Residential / commercial development <div></div> Subject building <div></div> Bushfire hazard interface	<b>Bushfire Attack Level (BAL)</b> <div></div> BAL - FZ <div></div> BAL - 40 <div></div> BAL - 29 <div></div> BAL - 19 <div></div> BAL - 12.5 <div></div> BAL - LOW	<div> <div>0153060</div> <div>Metres</div> </div> <div>           Datum/Projection:            GDA 1994 MGA Zone 50            22PER2061-SM Date: 12/05/2022         </div> <div> </div>
---	---	--



### 3. Assessment against the Bushfire Protection Criteria

#### 3.1 Compliance

The proposed development is required to comply with policy measures 6.2 and 6.5 of SPP 3.7 and the Guidelines. Implementation of this BMP is expected to meet objectives 5.1-5.4 of SPP 3.7.

In response to the above requirements of SPP 3.7 and the Guidelines, bushfire risk management measures, as outlined, have been devised for the proposed development in accordance with Guideline acceptable solutions to meet compliance with bushfire protection criteria.

Table 4 outlines the Acceptable Solutions (AS) that are relevant to the proposal and summarises how the intent of each Bushfire Protection Criteria has been achieved. No Performance Solutions (PS) have been proposed for this proposal. These management measures are depicted in Figure 6 where relevant.

**Table 4: Summary of solutions used to achieve bushfire protection criteria**

Bushfire Protection Criteria	AS	PS	N/A	Comment
<b>Element 1: Location</b>				
A1.1 Development location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject building within the development will be located in an area that is subject to a BAL rating of BAL-12.5 (Figure 5; Figure 6).</p> <p>The proposed development is considered to be compliant with A1.1.</p>
<b>Element 2: Siting and design of development</b>				
A2.1 Asset Protection Zone (APZ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development has an APZ sufficient for the potential radiant heat flux to not exceed 29kW/m<sup>2</sup>, is contained within the boundary of the subject site and will be managed in accordance with the requirements of 'Standards for Asset Protection Zones' (WAPC 2021; Appendix B).</p> <p>The proposed development is considered to be compliant with A2.1.</p>
<b>Element 3: Vehicular access</b>				
A3.1 Public Roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site is accessed via existing public roads as well as roads to be constructed within the development. The Guidelines do not prescribe values for the trafficable (carriageway/pavement) width of public roads as they should be in accordance with the class of road as specified in the IPWEA Subdivision Guidelines, Liveable Neighbourhoods, Austroad Standards and/or any applicable standard in the local government area. ELA are not traffic/civil engineers so cannot comment on whether these roads comply with Local Government Guidelines for Subdivisional Development (IPWEA Subdivision Guidelines), Liveable Neighbourhoods, Austroad standards and/or any applicable standards for the local government area, however the surrounding roads including Anketell Road, and Albina Avenue that provide access to the subject site are a regional distribution and access road respectively and connected to the Kwinana Freeway, a primary distributor road.</p>

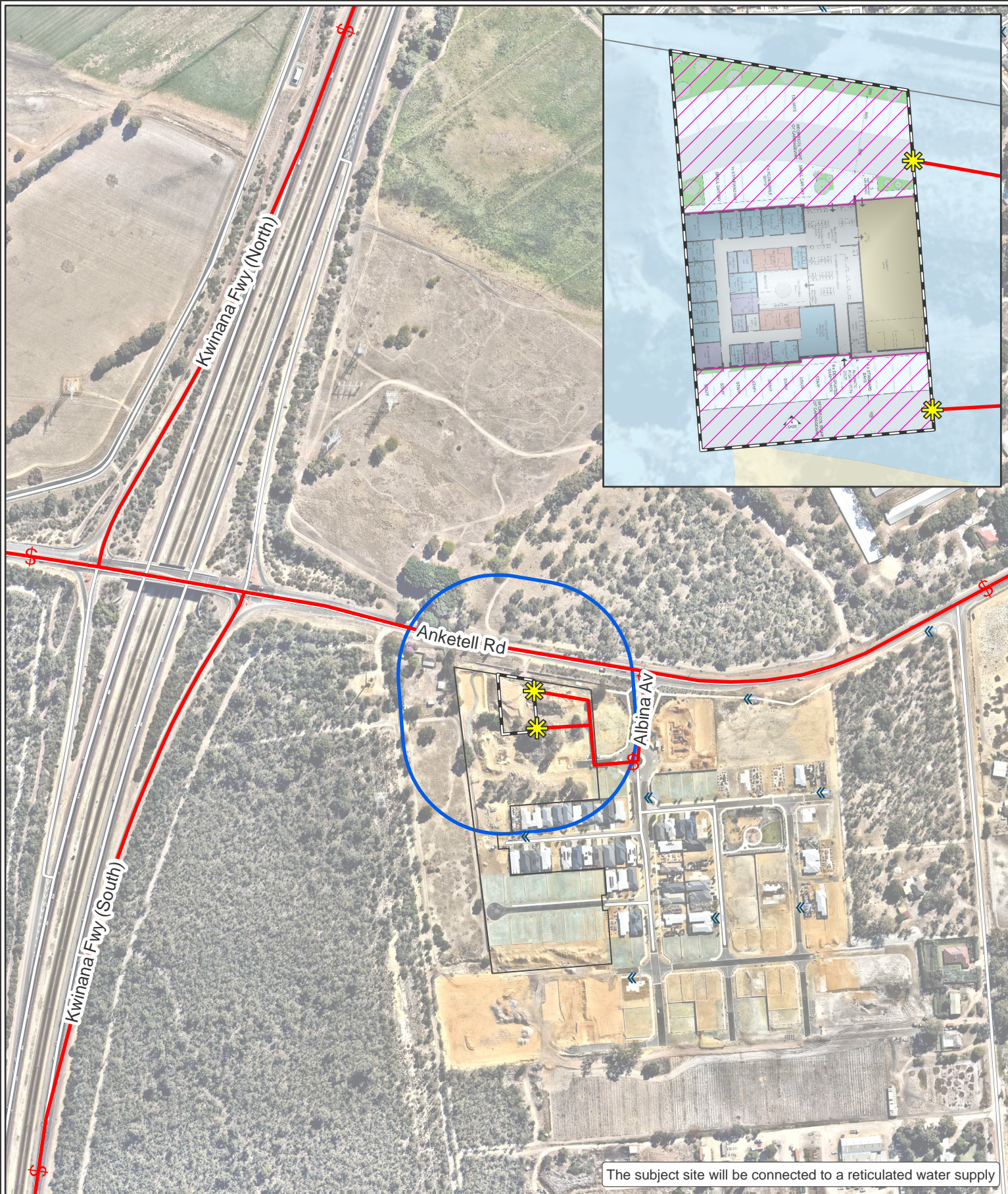
Bushfire Protection Criteria	AS	PS	N/A	Comment
				<p>ELA's assessment identified that all connecting roads are bitumen with estimated width of the sealed surface achieving a minimum width of 6 m and therefore consider the existing road network would provide suitable access and egress for the community and emergency services personnel in the event of a bushfire. Vehicular access technical requirements in accordance with the Guidelines are detailed in (Appendix C).</p> <p>The proposed development is considered to be compliant with A3.1.</p>
A3.2a Multiple access routes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site has direct access onto Anketell Road through Albina Avenue, which provides access in at least two directions to/from the subject site to suitable destinations (Figure 6).</p> <p>The proposed development is considered to be compliant with A3.2a.</p>
A3.2b Emergency Access way	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No emergency access way is required or proposed.</p> <p>A3.2b is not applicable to the proposed development.</p>
A3.3 Through-roads	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Acceptable Solution A3.3 only applies to the strategic planning proposal, structure plan or subdivision application stage of the planning process.</p> <p>A3.3 is not applicable to the proposed development.</p>
A3.4a Perimeter roads	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Acceptable Solution A3.4a only applies to the strategic planning proposal, structure plan or subdivision application stage of the planning process.</p> <p>A3.4a is not applicable to the proposed development.</p>
A3.4b Fire service access route	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Acceptable Solution A3.4b only applies to the strategic planning proposal, structure plan or subdivision application stage of the planning process.</p> <p>A3.4b is not applicable to the proposed development.</p>
A3.5 Battle-axe access legs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Acceptable Solution A3.5 only applies to the structure plan or subdivision application stage of the planning process.</p> <p>A3.4b is not applicable to the proposed development.</p>
A3.6 Private driveways	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The subject site is serviced by reticulated water. The most distant external part of the subject building is within 70 m of the public road (measured as a hose lay) and the subject site is accessed by public roads where speed limit is not greater than 70 km/hr.</p> <p>A3.6 is not applicable to the proposed development.</p>
<b>Element 4: Water</b>				
A4.1 Identification of future water supply	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Acceptable Solution A4.1 only applies to the strategic planning proposal or structure plan stage of the planning process.</p> <p>A4.1 is not applicable to the proposed development.</p>

Bushfire Protection Criteria	AS	PS	N/A	Comment
A4.2 Provision of water for firefighting purposes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Existing reticulated water is present within the area and an existing hydrant is installed on Albina Avenue. Additional hydrants will also be installed as part of the development (Appendix E). ELA assume these hydrants and the reticulated water supply present in the area likely complies with Water Corporations Design Standard DS 63 Water Reticulation Standard, however, recommend this is confirmed with the Water Corporation, where possible. Hydrants within the surrounding residential development are generally spaced approximately 100 m apart as depicted in Figure 6.</p> <p>The proposed development is considered to be compliant with A4.2.</p>
Element 5: Vulnerable tourism land uses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>This development application is not considered vulnerable tourism land use.</p> <p>Element 5 is not applicable to the proposed development.</p>
NOTE – AS- ACCEPTABLE SOLUTION, PS- PERFORMANCE SOLUTION, N/A- NOT APPLICABLE				

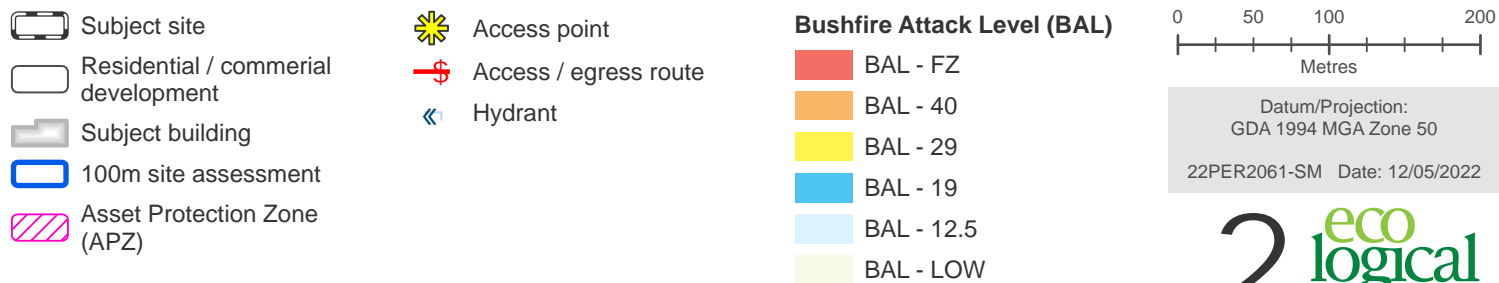
### 3.2 Additional Bushfire Requirements

All landscaping areas within the subject site will be maintained a low threat state in accordance with Standards for Asset Protection Zones (Appendix B).





**Figure 6: Spatial representation of the bushfire management strategies**





## 4. Implementation and enforcement

Implementation of the BMP applies to the developer, future owners within the subject site and the local government to ensure bushfire management measures are adopted and implemented on an ongoing basis. A summary of the bushfire management measures described in Section 3, as well as a works program, is provided in Table 5. These measures will be implemented to ensure the ongoing protection of life and property assets is achieved. Timing and responsibilities are also defined to assist with implementation of each measure.

**Table 5: Proposed work program**

No	Bushfire management measure	Responsibility
<b>Immediately following development approval (where issued)</b>		
1	Ensure vegetation clearing within the surrounding residential and commercial developments (i.e. Plot 2) is complete prior to development as depicted in Appendix D.	Developer
2	Ensure hydrants are installed as per the Water Reticulation Plan (Appendix E)	Developer
3	Ensure proposed development is located outside of areas subject to BAL-FZ and BAL-40 as per the design in Figure 6.	Developer
4	Ensure all APZs as depicted in Figure 6 are established and maintained to a low threat standard as per 2.2.3.2 of AS 3959: 2018.	Developer
<b>Ongoing management</b>		
5	Continue to maintain all APZs as depicted in Figure 6 to a low threat standard as per 2.2.3.2 of AS 3959: 2018.	Landowner



## 5. Conclusion

In the author's professional opinion, the bushfire protection requirements listed in this assessment provide an adequate standard of bushfire protection for the proposed development. As such, the proposed development is consistent with the aim and objectives of SPP 3.7 and associated guidelines and is recommended for approval.

## 6. References

City of Mandurah. 2021. City of Mandurah Fire Compliance Notice.

Department of Fire and Emergency Services (DFES), 2021, *Map of Bush Fire Prone Areas*, [Online], Government of Western Australia, available from: <http://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx>




Department of Planning (DoP), 2016, *Visual guide for bushfire risk assessment in Western Australia*. DoP, Perth.

Standards Australia (SA), 2018, *Construction of buildings in bushfire-prone areas*, AS 3959-2018. SAI Global, Sydney.




Western Australian Planning Commission (WAPC), 2015, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*. WAPC, Perth.

Western Australian Planning Commission (WAPC), 2021, *Guidelines for Planning in Bushfire Prone Areas Version 1.4 (including appendices)*, WAPC, Perth.

## Appendix A – Classified Vegetation Photos


Plot	1	Classification	Class B Woodland
		<p><b>Photo Point 1</b></p> <p>Classified vegetation within this plot consists of trees less than 30 m tall, a foliage cover of 10% - 30% and a predominantly grassy understorey with some isolated shrubs.</p> <p>Effective slope under the vegetation is all upslopes and flat land (0 degrees).</p>	
Plot	1	Classification	Class B Woodland
		<p><b>Photo Point 2</b></p> <p>Classified vegetation within this plot consists of trees less than 30 m tall, a foliage cover of 10% - 30% and a predominantly grassy understorey with some isolated shrubs.</p> <p>Effective slope under the vegetation is all upslopes and flat land (0 degrees).</p>	
Plot	2	Classification	Class D Scrub
		<p><b>Photo Point 3</b></p> <p>Classified vegetation within this plot consists of trees and shrubs less than 6 m tall with a foliage cover of 10% - 30%.</p> <p>Effective slope under the vegetation is all upslopes and flat land (0 degrees).</p> <p>Note: This vegetation will be removed (aside from some isolated trees as detailed in Appendix D).</p>	



Plot	2	Classification	Class D Scrub
<b>Photo Point 4</b>			
Classified vegetation within this plot consists of trees and shrubs less than 6 m tall with a foliage cover of 10% - 30%.			
Effective slope under the vegetation is all upslopes and flat land (0 degrees).			
Note: This vegetation will be removed (aside from some isolated trees as detailed in Appendix D).			
			
Plot	3	Classification	Class D Scrub
<b>Photo Point 5</b>			
Classified vegetation within this plot consists of shrubs less than 6 m tall with a foliage cover of greater than 30%.			
Effective slope under the vegetation is all upslopes and flat land (0 degrees).			
			
Plot	3	Classification	Class D Scrub
<b>Photo Point 6</b>			
Classified vegetation within this plot consists of shrubs less than 6 m tall with a foliage cover of greater than 30%.			
Effective slope under the vegetation is all upslopes and flat land (0 degrees).			
			

Plot	4	Classification	Class G Grassland
<b>Photo Point 7</b>		Classified vegetation within this plot consists of unmanaged grassland with an overstory foliage cover of less than 10%.  Effective slope under the vegetation is all upslopes and flat land (0 degrees).	
Plot	4	Classification	Class G Grassland
<b>Photo Point 8</b>		Classified vegetation within this plot consists of unmanaged grassland with an overstory foliage cover of less than 10%.  Effective slope under the vegetation is all upslopes and flat land (0 degrees).	
Plot	5	Exclusion Clause	Excluded AS 3959: 2018 2.2.3.2 (e) & (f)
<b>Photo Point 9</b>		This plot consists of land within/adjacent to the subject site, cleared of vegetation for development.	



Plot	5	Exclusion Clause	Excluded AS 3959: 2018 2.2.3.2 (e) & (f)
<b>Photo Point 10</b> This plot consists of land cleared for development, developed land, vegetation managed to a low threat state, roadways and footpaths.			 <p>The photograph shows a paved road with a concrete footpath on the right. There is some low-lying vegetation and a utility pole on the left. A compass overlay at the top of the image indicates a bearing of 76°E (T) and coordinates of 32°12'39.46"S, 115°51'20.26"E ±3m. The date 04 May 2022 is visible in the bottom right corner of the photo.</p>

## Appendix B – Standards for Asset Protection Zones

The following standards have been extracted from the *Guidelines for Planning in Bushfire Prone Areas v 1.4* (WAPC 2021).

Every habitable building is to be surrounded by, and every proposed lot can achieve, an APZ depicted on submitted plans, which meets the following requirements:

**a. Width:** Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m<sup>2</sup> (BAL-29) in all circumstances.

**b. Location:** the APZ should be contained solely within the boundaries of the lot on which a building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity (see explanatory notes).

**c. Management:** the APZ is managed in accordance with the requirements of '*Standards for Asset Protection Zones*' (below):

- Fences within the APZ:
  - Should be constructed from non-combustible materials or bushfire-resisting timber referenced in Appendix F of AS 3959.
- Fine fuel load (Combustible, dead vegetation matter <6 millimetres in thickness):
  - Should be managed and removed on a regular basis to maintain a low threat state;
  - Should be maintained at <2 tonnes per hectare (on average); and
  - Mulches should be non-combustible (e.g. stone, gravel or crushed mineral earth) or wood mulch >6 millimetres in thickness.
- Trees (>6 metres in height):
  - Trunks at maturity should be a minimum distance of six metres from all elevations of the building;
  - Branches at maturity should not touch or overhand a building or powerline;
  - Lower branches and loose bark should be removed to a height of two metres above the ground and/or surface vegetation;
  - Canopy cover within the APZ should be <15 per cent of the total APZ area; and
  - Tree canopies at maturity should be at least five metres apart to avoid forming a continuous canopy. Stands of existing mature trees with interlocking canopies may be treated as an individual canopy provided that the total canopy cover within the APZ will not exceed 15 per cent and are not connected to the tree canopy outside the APZ.

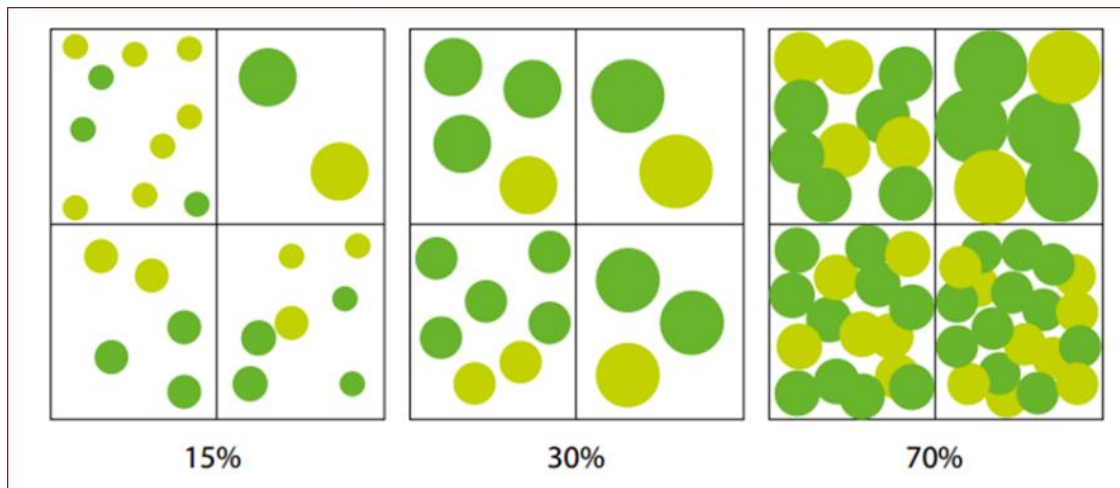


Figure 7: Illustrated tree canopy cover projection (WAPC 2021)

- Shrub and scrub 0.5 metres to six metres in height (shrub or scrub >6 metres in height are to be treated as trees):
  - Should not be located under trees or within three metres of buildings;
  - Should not be planted in clumps >5 square metres in area; and
  - Clumps should be separated from each other and any exposed window or door by at least 10 metres.
- Ground covers <0.5 metres in height (ground covers >0.5 metres in height are to be treated as shrubs):
  - Can be planted under trees but must be maintained to remove dead plant material, as prescribed in 'Fine fuel load' above; and
  - Can be located within two metres of a structure, but three metres from windows or doors if >100 millimetres in height.
- Grass:
  - Grass should be maintained at a height of 100 millimetres or less, at all times; and
  - Wherever possible, perennial grasses should be used and well-hydrated with regular application of wetting agents and efficient irrigation.
- Defendable space:
  - Within three metres of each wall or supporting post of a habitable building, the area is kept free from vegetation, but can include ground covers, grass and non-combustible mulches as prescribed above.
- LP Gas Cylinders:
  - Should be located on the side of a building furthest from the likely direction of a bushfire or on the side of a building where surrounding classified vegetation is upslope, at least one metre from vulnerable parts of a building;
  - The pressure relief valve should point away from the house;
  - No flammable material within six metres from the front of the valve; and
  - Must site on a firm, level and non-combustible base and be secured to a solid structure.



## Additional notes

The Asset Protection Zone (APZ) is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level. Hazard separation in the form of using subdivision design elements or excluded and low threat vegetation adjacent to the lot may be used to reduce the dimensions of the APZ within the lot.

The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity. The APZ may include public roads, waterways, footpaths, buildings, rocky outcrops, golf courses, maintained parkland as well as cultivated gardens in an urban context, but does not include grassland or vegetation on a neighbouring rural lot, farmland, wetland reserves and unmanaged public reserves.

Plant flammability, landscaping design and maintenance should also be considered for trees, shrub, scrub and ground covers within the APZ. Please refer to explanatory notes 'E2 Managing an Asset Protection Zone (APZ) to a low threat state,' 'E2 Landscaping and design of an asset protection zone,' and 'E2 Plant flammability' in the Guidelines for further information relating to APZ standards.

## Appendix C – Vehicular access technical requirements (WAPC 2021)

Technical requirements	Public road	Emergency access way <sup>1</sup>	Fire service access route <sup>1</sup>	Battle-axe and private driveways <sup>2</sup>
Minimum trafficable surface (m)	In accordance with A3.1	6	6	4
Minimum horizontal clearance (m)	N/A	6	6	6
Minimum vertical clearance (m)		4.5		
Minimum weight capacity (t)		15		
Maximum grade unsealed road <sup>3</sup>	As outlined in the IPWEA Subdivision Guidelines		1:10 (10%)	
Maximum grade sealed road <sup>3</sup>	As outlined in the IPWEA Subdivision Guidelines		1:7 (14.3%)	
Maximum average grade sealed road	As outlined in the IPWEA Subdivision Guidelines		1:10 (10%)	
Minimum inner radius of road curves (m)	As outlined in the IPWEA Subdivision Guidelines		8.5	

<sup>1</sup> To have crossfalls between 3 and 6 %.

<sup>2</sup> Where driveways and battle-axe legs are not required to comply with the widths in A3.5 or A3.6, they are to comply with the Residential Design Codes and Development Control Policy 2.2 Residential Subdivision.

<sup>3</sup> Dips must have no more than a 1 in 8 (12.5% -7.1 degree) entry and exit angle

## Appendix D – Vegetation Clearing / Tree Retention



30.0

24.00

EXTENT OF EARTHWORKS

FINISHED SURFACE CONTOURS (0.2m INTERVALS)

PROPOSED RETAINING WALL

FUTURE RETAINING WALL

EXISTING RETAINING WALL

PROPOSED LOT LEVEL (FLAT LOT)

Tree No. 160  
Type: Banksia  
Sp. 3m/ Ht. 3m  
Trunk: 200mm

TREE NUMBER  
TYPE  
SPAN/HEIGHT  
TRUNK DIAMETER

TREE NUMBER  
160  
D=1.940m  
DIFFERENCE IN HEIGHT BETWEEN FSL & ESL.  
(NEGATIVE = BELOW FSL)

EXISTING TREE TO BE RETAINED

TREE PROTECTION ZONE

[illegible]

CLIENT:

**TERRANOVIS PTY LTD**



DEVELOPMENT  
ENGINEERING  
CONSULTANTS

SUITE 3, 123A COLIN ST,  
WEST PERTH, 6005  
WESTERN AUSTRALIA  
Ph: (08) 9481 1900  
Fax: (08) 9481 1700

**PROJECT:**  
**LOTS 2 & 3 ANKETELL ROAD**  
**ANKETELL**  
**STAGE 2**  
W.A.P.C. No. - 153398, 153399, 153400, 155343, 157791, 158005 & 159012

**DRAWING:**  
**SKETCH**  
**TREE SURVEY**

SCALE 1:250	DRAWN WJB	CHECK SRA	REV No.  <b>B</b>
DATE AUG '21	DESIGNED WJB	APPROVED SRA	
PROJECT NUMBER		DRAWING NUMBER	
<b>ANKTER14 K04</b>			
C:\TEMP\ANKTER14\Drawings\ANKTER14_K04.dwg 08/10/2021			

## Appendix E – Water Reticulation Plan



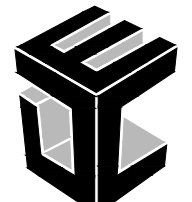


Copyright					
"This document shall remain the property of Development Engineering Consultants Pty. Ltd. The document may only be used for the purpose for which it was commissioned & in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited"					
C	11/05/22	WJB	STAGE BOUNDARY & EASEMENT AMENDMENTS, WATER DESIGN UNCHANGED	SRA	
B	18/02/22	WJB	WATER CORP. NUMBERS ADDED, ISSUED FOR FINAL SUBMISSION.	SRA	
A	02/02/22	WJB	INITIAL ISSUE, INITIAL SUBMISSION TO WC	SRA	
No.	DATE	BY	REVISION		

CLIENT:

TERRANOVIS PTY LTD

DEVELOPMENT  
ENGINEERING  
CONSULTANTS



SUITE 3, 123A COLIN ST,  
WEST PERTH, 6005  
WESTERN AUSTRALIA  
Ph: (08) 9481 1900  
Fax: (08) 9481 1700

PROJECT:

LOTS 2 & 3 ANKETELL ROAD  
ANKETELL  
STAGES 2A & 3

W.A.P.C. No. - 153398, 153399, 153400, 155343, 157791, 158005 & 159012

DRAWING:

WATER RETICULATION  
LAYOUT PLAN

CAD DRAWING DO NOT MANUALLY ALTER

THIS PLAN IS ACCEPTED AS COMPLYING WITH OVERALL SCHEME PLANNING. COMPLIANCE WITH THE RELEVANT DESIGN STANDARDS AND MANUALS REMAINS THE RESPONSIBILITY OF THE DESIGN ENGINEER. NO WORKS ARE TO COMMENCE ON SITE UNTIL START-UP MEETING REQUIREMENTS HAVE BEEN MADE WITH THE RELEVANT ASSET INSPECTOR. REFER TO THE DEVELOPERS' MANUAL FOR CONTACT DETAILS.

FOR MANAGER, DEVELOPMENT SERVICES DATE

PLAN No. -NW76-103-001-01A

FILE No.- 130956756

SCALE	1:500	DRAWN	WJB	CHECK	SRA	REV No.	
DATE	FEB '22	DESIGNED	WJB	APPROVED	SRA		C
PROJECT NUMBER				DRAWING NUMBER			
ANKTER15				W01			
S:\TERR\ANKTER15\Drawings\ANKTER15_W01.dwg 11/05/2022							

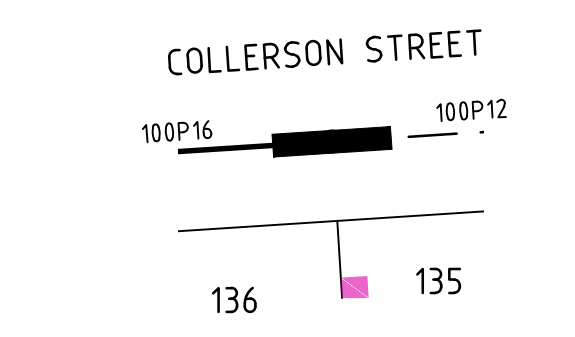


LEGEND

- AGREEMENT BOUNDARY
- 63PE20 EXISTING WATER MAIN, PIPE SIZE AND TYPE
- 63PE20 NEW WATER MAIN, PIPE SIZE AND TYPE
- 63PE20 FUTURE WATER MAIN, PIPE SIZE AND TYPE
- CHANGE OF PIPE SIZE, MATERIAL OR ALIGNMENT
- EXISTING HYDRANT
- NEW HYDRANT
- RRPM (BLUE)- 170mm OFF CL
- VALVE
- FLUSHING POINT
- 80mm UPVC DUCT
- LOCATION OF LONG SERVICE
- DENOTES 11.25° BEND
- DENOTES 22.5° BEND
- DENOTES 45° BEND
- DENOTES 90° BEND
- DEFLECTION <8"
- DEFERRED SERVICES
- SERVICE LOCATION
- INDICATES LOTS IN FUTURE STAGE BUT SERVICES TO BE LAID NOW (FULLY PRELAI SERVICE)
- INDICATES LOTS WHERE SERVICES LAID IN PREVIOUS STAGE - TO BE LOCATED & SET AT CORRECT LEVELS FOR F.T.I.
- POWER EXCLUSION ZONE
- RETAINING WALL

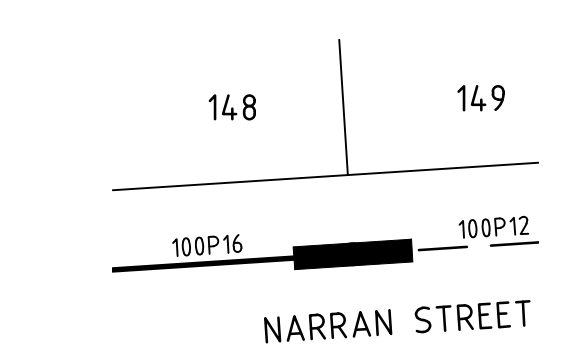
CONNECTION DETAIL 1

NTS  
150 STRAIGHT CONNECTION BY WATER CORPORATION AT DEVELOPERS EXPENSE. FEE INCLUDED IN LAND DEVELOPMENT AGREEMENT.



CONNECTION DETAIL 2

NTS  
100 STRAIGHT CONNECTION BY WATER CORPORATION AT DEVELOPERS EXPENSE. FEE INCLUDED IN LAND DEVELOPMENT AGREEMENT.



CONNECTION DETAIL 3

NTS  
100 STRAIGHT CONNECTION BY WATER CORPORATION AT DEVELOPERS EXPENSE. FEE INCLUDED IN LAND DEVELOPMENT AGREEMENT.

GENERAL NOTES

- ALL PIPES, VALVES AND FITTINGS SHALL BE IN ACCORDANCE WITH THE WATER CORPORATION'S 'DESIGN STANDARDS DS63' WATER RETICULATION STANDARD, TABLE 3.1 "STANDARD WATER RETICULATION SYSTEM REQUIREMENTS".
- THE DIFFERENCE IN LEVEL BETWEEN THE CROWN OF THE PIPE AND ADJACENT FINISHED ROAD GUTTER SHALL NOT BE LESS THAN 600mm AND SHALL NOT EXCEED 700mm
- UNLESS OTHERWISE DIRECTED BY THE SUPERINTENDENT, THE DIFFERENCE IN LEVEL BETWEEN THE CROWN OF THE PIPE AND THE FINISHED VERGE LEVEL SHALL BE NOT LESS THAN 600mm AND SHALL NOT EXCEED 800mm
- WHERE PIPES CROSS OR ADJOIN OTHER EXISTING OR PROPOSED SERVICES, THE WATER MAIN SHALL HAVE A CLEARANCE OF 150mm
- UNLESS OTHERWISE SHOWN ON THIS DRAWING OR VARIED BY THE SUPERINTENDENT, ALL PIPES AND FITTINGS SHALL BE LAID ON AN ALIGNMENT OF 2.1m FROM THE CENTRE OF THE PIPE TO THE ROAD RESERVE BOUNDARY
- TEMPORARY DEAD ENDS, INSTALLED IN ACCORDANCE WITH THE SPECIFICATION, SHALL BE PROVIDED ON ALL MAINS AT CONNECTION POINTS TO EXISTING MAINS AND WHERE SPECIFIED
- ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SHOWN
- UNLESS DIMENSIONED OTHERWISE, PE MAINS SHALL EXTEND AT LEAST 6.0m PAST THE LAST LOT SERVED
- ALL VALVES AND HYDRANTS SHALL BE PLACED OPPOSITE BOUNDARY PEGS OR IN THE CENTRE OF LOT FRONTAGES AS SHOWN
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE STANDARD DETAILS AND THE SPECIFICATION
- EXISTING POWER POLES ARE TO BE SUPPORTED DURING LAYING OF THE WATER MAIN, BY WESTERN POWER, AT CONTRACTORS EXPENSE
- ALL LOT CONNECTIONS AT FRONT
- PIPES TO BE DEFLECTED WHERE BEND TYPE NOT SPECIFIED
- CONTRACTOR TO INSTALL 1 x RRPM (BLUE) ON ROAD (170mm OFFSET FROM CL) OPPOSITE ALL HYDRANTS.
- REFER TO ANKTER15 V01 FOR TYPICAL SERVICE LAYOUT DETAILS

CONTRACTORS RESPONSIBILITY

IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE THE INDICATED POSITIONS FOR PRELAI SERVICES DO NOT CLASH WITH DRAINAGE OR OTHER FACILITIES. PLEASE CONTACT THE SITE SUPERINTENDANT IF AMENDMENTS TO THE PRELAI SERVICE LOCATIONS ARE REQUIRED

SERVICES

- L OR R INDICATES THE SIDE OF THE LOT AS VIEWED FROM THE ROAD
- FR OR FL INDICATES LEFT OR RIGHT FULLY PRELAI SERVICE
- D INDICATES A DEFERRED SERVICE
- L80 OR R80 INDICATES LEFT OR RIGHT PVC DUCT.

PRELAI SHORT SINGLE SERVICES:	1
PRELAI SHORT DUAL SERVICES:	5
PRELAI LONG SINGLE SERVICES:	1
PRELAI LONG DUAL SERVICES:	5
DEFERRED SERVICES:	3

TOTAL NUMBER OF LOTS SERVED:- 25

EXTENSION

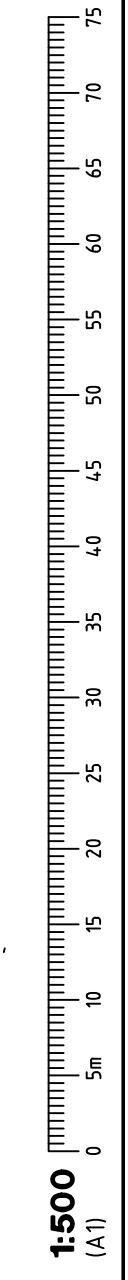
LAY 0	METRES OF 200P16
LAY 149	METRES OF 150P16
LAY 136.6	METRES OF 100P16
LAY 0	METRES OF 63PE20

STRUCTURES

HYDRANTS	2
VALVES	3

STANDARD DRAWINGS

AS LISTED IN THE WATER CORPORATION'S 'DESIGN STANDARDS DS63', WATER RETICULATION STANDARD









# Attachment 18 : DFES Response



Our Ref: D25283  
Your Ref: DA10372

Jared Veenendaal  
City of Kwinana  
customer@kwinana.wa.gov.au

Dear Mr Veenendaal

## **RE: VULNERABLE LAND USE – LOT 9012 ANKETELL ROAD, ANKETELL - NEW MEDICAL CENTRE AND PHARMACY - DEVELOPMENT APPLICATION**

I refer to your email dated 22 July 2022 regarding the submission of a Bushfire Management Plan (BMP) (Version 1), prepared by Eco Logical Australia and dated 12 May 2022, for the above development application. The BMP is accompanied by a report 'Anketell Medical Centre' from the proponent dated 29 June 2022 for the above development application (DA).

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

### **Assessment**

- DFES acknowledges that the site is 2000m<sup>2</sup> and that the development application seeks planning approval for a 'medical centre and pharmacy'.
- The decision maker has confirmed this to be intensification of development and the application of SPP 3.7 is triggered.
- It is noted that the BMP does not have a signed statement by the bushfire consultant.
- DFES notes the City indicates the proposal constitutes a High Risk Land use. DFES does not consider the proposal meets the definition of High Risk land use, however the City, at its discretion, may wish to determine the proposal as a Vulnerable land use. The Guidelines provide further information regarding Vulnerable land uses. The BMP does not consider the proposal as either a Vulnerable or High Risk land use.
- Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below.

## 1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
<b>Vegetation classification</b>	<p>Vegetation plot 1 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The foliage cover appears to exceed 30%.</p> <p>The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation potential as per AS3959:2018, or the resultant BAL ratings may be inaccurate.</p>	Modification to the BMP is required.
<b>Vegetation classification</b>	<p>Evidence to support the exclusion of the Anketell Road reserve as managed to low threat in accordance with AS3959 is required.</p> <p>Images provided do not support the classification of 'managed to low threat'. Evidence has not been provided to validate management of the road reserve by the responsible authority.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	<p>Clarification required.</p> <p>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p>
<b>Vegetation classification</b>	<p>Evidence to support the exclusion of the entirety of Plot 5 as managed to low threat in accordance with AS3959 is required. Specifically, evidence to support the exclusion of vegetation on the residential lot adjoining the parent lot of the subject site to the west along Anketell Road should be provided.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider AS3959, or the resultant BAL ratings may be inaccurate.</p>	<p>Clarification required.</p> <p>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p>

## 2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
<b>Location, and Siting &amp; Design</b>	<p><b>A1.1 &amp; A2.1 – not demonstrated</b></p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p>	Modification of the BMP required.



### 3. Policy Measure 6.6.1 Vulnerable land uses

Issue	Assessment	Action
<b>Bushfire Emergency Evacuation Plan (BEEP)</b>	DFES notes the BMP has not considered the proposal as a Vulnerable land use, and therefore the referral has not included a ' <i>Bushfire Emergency Evacuation Plan</i> ' for the purposes of addressing the policy requirements. Should the City determine the proposal a Vulnerable land use, consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the City.	Comment only.

#### **Recommendation – not supported modifications required**

It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:

1. The development design has not demonstrated compliance to -  
Element 1: Location, and  
Element 2: Siting and Design.

As this planning decision is to be made by a Joint Development Assessment Panel please forward notification of the decision to DFES for our records.

If you require further information, please contact me on telephone number 9395 9561.

Yours sincerely



Naomi Mynott  
**DIRECTOR LAND USE PLANNING**

17 August 2022

CC Jared.Veenendaal@kwinana.wa.gov.au



Level 1, Bishop's See  
235 St Georges Terrace  
Perth WA 6000  
t: (08) 6218 2200

26 August 2022

Our ref: 22PER-2061

City of Kwinana  
PO Box 21  
Kwinana WA 6966

Attention: Jared Veenendaal

Dear Jared,

**Re: Response to DFES comments: Lot 9012 Anketell Road, Anketell - New Medical centre and Pharmacy - Development application**

Eco Logical Australia (ELA) has prepared this response to comments provided by Department of Fire & Emergency Services (DFES) on 17 August 2022 (DA10372) regarding the Bushfire Management Plan (BMP; ELA 2022) submitted to support the Development Application of a new Medical Centre and Pharmacy located at Lot 9012 Anketell Rd, Anketell (the subject site).

ELA reviewed the DFES advice letter and has provided responses to issues raised in Table 1.

These responses been prepared by Daniel Panickar (Principal Bushfire Consultant and Level 3 BPAD accredited practitioner).

## RESPONSE TO DFES COMMENTS

ELA's response to the DFES comments made in regard to the BMP (ELA 2022) are presented below in Table 1.

**Table 1: Response to DFES comments**

DFES comment	ELA response
<b>1. Policy measure 6.5a) (ii) Preparation of a BAL Contour Map</b>	
<p><u>Vegetation classification</u></p> <p>Vegetation plot 1 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The foliage cover appears to exceed 30%. The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation potential as per AS3959:2018, or the resultant BAL ratings may be inaccurate.</p> <p>Modification to the BMP is required.</p>	<p>ELA disagrees with this comment.</p> <p>Aerial imagery should not be relied on to assign vegetation classifications.</p> <p>ELA has assessed the vegetation within Plot 1 as Class B Woodland based on a number of factors, of which canopy cover is only one.</p> <p>Predominant vegetation within Plot 1 is comprised of Banksia trees and scattered Eucalypts over exotic grasses and limited shrubs. This meets the definition of Class B Woodland in AS 3959: 2018. As evidenced by Photo ID 1 &amp; 2 provided within the BMP.</p> <p>It is not appropriate to include all photographs recorded from a site visit in a BMP as this would result in an overly long document. In this instance, ELA has enclosed an additional photograph to reaffirm vegetation typical of the identified plot and its classification as per descriptions of AS 3959: 2018 (Appendix A).</p> <p>The DFES comment regarding canopy cover cannot be accurately responded to as no detail regarding the way in which DFES has measured canopy cover is provided. Using aerial imagery and provided photographs is one way, however quality of image, resolution, angle, time of day etc. can all affect this measurement.</p> <p>In addition, the canopy cover ranges in AS3959: 2018 are only a guide and not to be taken verbatim. The canopy cover measurement is only one of a number of factors which influence vegetation classification. ELA assume DFES has not been to site to assess vegetation and therefore recommend that their comment be disregarded as it has no standing when compared to the detailed site assessment undertaken by ELA.</p> <p>Vegetation classifications identified in Plot 1 are in line with the assessments made within the BMP supporting <i>Local Structure Plan: Anketell North</i> developed by Taylor Burrell Barnett (2020) (pg. 214), approved by the WAPC on 21 October 2020.</p> <p>ELA is confident in our vegetation classifications and believe that no changes are required to the BMP.</p> <p>Notwithstanding the above, adoption of a Class A Forest classification would not impact the BAL rating for the proposed medical centre and pharmacy given the large separation distance between the vegetation and the building.</p>



DFES comment	ELA response
<p><u>Vegetation classification</u></p> <p>Evidence to support the exclusion of the Anketell Road reserve as managed to low threat in accordance with AS3959 is required.</p> <p>Images provided do not support the classification of 'managed to low threat'. Evidence has not been provided to validate management of the road reserve by the responsible authority.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p> <p>Clarification required.</p> <p>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p>	<p>AS3959: 2018 Exclusion – Low Threat vegetation clause 2.2.3.2 (f) refers to “Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load.”</p> <p>It is our assertion that road reserves can be identified as Low threat vegetation as they contain an ongoing low fuel load, as maintained public reserves and nature strips are.</p> <p>It is not appropriate to include all photographs recorded from a site visit in a BMP as this would result in an overly long document. In this instance, ELA has enclosed an additional photograph to reaffirm vegetation management of road reserves, typical for Plot 5 and its classification as per descriptions of AS 3959: 2018 (Appendix A).</p> <p>Additionally, exclusions of similar road reserves are included in the BMP supporting <i>Local Structure Plan: Anketell North</i> developed by Taylor Burrell Barnett (2020) (pg. 218), approved by the WAPC on 21 October 2020.</p> <p>ELA is confident in our vegetation classifications and believe that no changes are required to the BMP.</p>
<p><u>Vegetation Management</u></p> <p>Evidence to support the exclusion of the entirety of Plot 5 as managed to low threat in accordance with AS3959 is required. Specifically, evidence to support the exclusion of vegetation on the residential lot adjoining the parent lot of the subject site to the west along Anketell Road should be provided.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider AS3959, or the resultant BAL ratings may be inaccurate.</p> <p>Clarification required.</p> <p>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p>	<p>Plot 5 has been excluded as non vegetated areas and low threat vegetation as per clause 2.2.3.2 (e) &amp; (f) of AS3959: 2018.</p> <p>AS3959: 2018 Exclusion – Low Threat vegetation 2.2.3.2 (e) refers to “Non vegetated areas that are permanently cleared of vegetation including roads, footpaths and buildings.”</p> <p>AS3959: 2018 Exclusion – Low Threat vegetation 2.2.3.2 (f) refers to “Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load.”</p> <p>It is the intention of AS3959:2018 for classifications of vegetation to be based on the current and future potential growth. The subject site is located within a newly developed area where neighbouring lots will be developed imminently.</p> <p>It is not appropriate to include all photographs recorded from a site visit in a BMP as this would result in an overly long document. In this instance, ELA has enclosed an additional photograph to reaffirm vegetation typical of the Excluded vegetation plot and its classification as per descriptions of AS 3959: 2018 (Appendix A). The image demonstrates a windbreak, short grass and the residence to the west of the Subject site.</p> <p>Additionally, within ELA’s BMP (pg. 14) it stipulates in Item 1 of the Implementation and enforcement table :</p> <p>“Ensure vegetation clearing within the surrounding residential and commercial developments (i.e. Plot 2) is complete prior to development as depicted in Appendix D.”</p> <p>Appendix D of ELA’s BMP contains an Engineering diagram depicting Trees to be retained and removed.</p> <p>With acceptance of the associated Engineering diagram depicting proposed removal of trees and the vegetation</p>

DFES comment	ELA response
	<p>remaining; future development equates to Low threat vegetation and non-vegetated areas.</p> <p>Item 1 is required to be implemented prior to occupation which should provide confidence that development will not proceed until the subject vegetation is removed.</p> <p>ELA is confident in our vegetation classifications and believe that no changes are required to the BMP.</p>

## 2. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria

<p><u>Location, and Siting &amp; Design</u></p> <p>A1.1 &amp; A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p> <p>Modification of the BMP required.</p>	<p>Based on the acceptance of vegetation classifications as outlined above, no updates to the BMP are required.</p>
<p><u>Bushfire Emergency Evacuation Plan (BEEP)</u></p> <p>DFES notes the BMP has not considered the proposal as a Vulnerable land use, and therefore the referral has not included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Should the City determine the proposal a Vulnerable land use, consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the City.</p> <p>Comment only.</p>	<p>ELA agrees with DFES that the proposed Pharmacy and Medical centre are not considered a High-risk land use.</p> <p>ELA acknowledges the identification of a proposal as a Vulnerable land use be at the discretion of the decision-maker.</p> <p>ELA is of the understanding that while land uses that accommodate the sick, injured or people may experience evacuation challenges, the nature of "Vulnerable land use" is intended for those where the occupancy and duration on the land is greater than that of what a Pharmacy or a Medical centre would be. Vulnerable land uses in relation to the sick/injured in the <i>Guidelines for Planning in Bushfire Prone Areas</i> (WAPC 2021) refer to "dedicated facilities such as aged or assisted care, nursing homes, education centres, education establishments, schools, child care centres, hospitals and rehabilitation centres." All of these land use examples relate to those where people who may not be able to respond as effectively as able bodied adults in an evacuation will be accommodated for extended periods of time.</p> <p>If the Medical centre was a place of Respite or a Hospital where short term accommodation occupancy occurred, then "Vulnerable land use" would be an applicable classification. Presumably, all occupants attending the Pharmacy or Medical centre will have arrived via private vehicles (on their own or with a carer, family member, guardian etc.) or taxi/rideshare services, and evacuation will not be a significant challenge.</p> <p>ELA recommends the decision maker should not categorise the proposed land use as "Vulnerable".</p>

## CONCLUSION

ELA believe the proposed development within the subject site currently complies with SPP3.7 and the associated Guidelines as detailed in our BMP (ELA 2022) and subsequent response to DFES comments detailed above provided to the City of Kwinana.

Additional images to affirm classifications have been provided in Appendix A.

Due to its size, a link to the Anketell North Structure Plan (2020) has been provided for your reference [here](#).

If you wish to discuss any of the matters above, please contact us via email or phone (details provided).

Regards,



**Daniel Panickar**

**Principal Bushfire Consultant**

**BPAD Level 3 Practitioner (37802)**





## REFERENCES

Eco Logical Australia (ELA), 2022, *Bushfire Management Plan: Development Application: Lot 222 Anketell Road, Anketell*. Report prepared for CPG Anketell ATF Anketell Medical Trust.

Standards Australia (SA), 2018, *Construction of buildings in bushfire-prone areas, AS 3959: 2018*. SAI Global, Sydney.

Taylor Burrell Barnett, 2020, *Anketell North Structure Plan*. Report prepared for Acumen Development Solutions on behalf of Sanpoint Pty Ltd and RPoint Land Pty Ltd.

Western Australian Planning Commission (WAPC), 2015, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*. WAPC, Perth.

Western Australian Planning Commission (WAPC), 2021, *Guidelines for Planning in Bushfire Prone Areas Version 1.4 (including appendices)*. WAPC, Perth.

## Appendix A – Additional photos

### Plot 1 – Class B - Woodland

Banksia Woodland with grassy understorey.



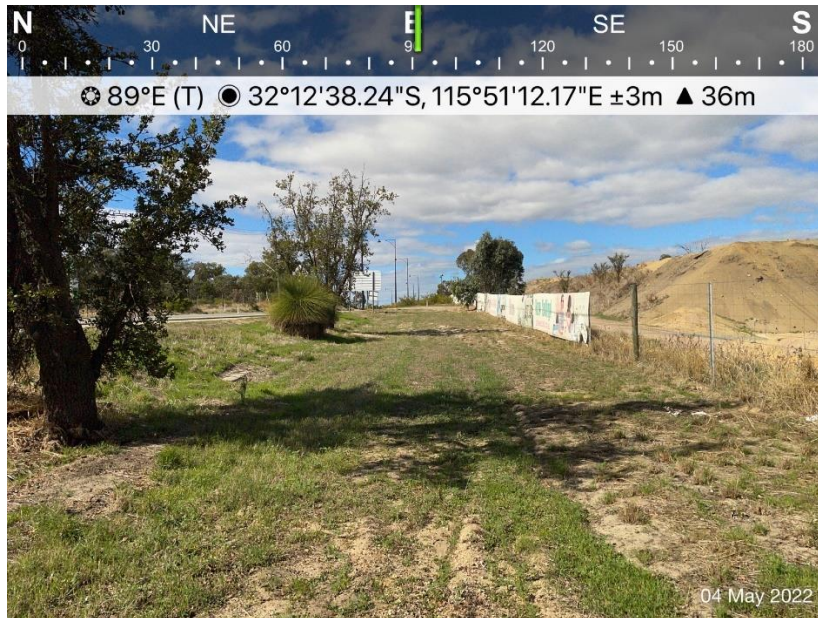
### Plot 5 – Non vegetated areas and low threat vegetation: Excluded – clause 2.2.3.2 (e) & (f)

Windbreak and short grass on Property with residence to the west of subject site.



**Plot 5 – Low threat vegetation: Excluded – clause 2.2.3.2 (f)**

Managed grass & vegetation in road reserve.





# Attachment 20 : Schedule of Submissions

## Schedule of Submissions DA10372

Overall object / support / neutral	Summary of Submission	Planning Response
Support	<p>Medical centre is a good land use for this location</p> <p>Pedestrian access and footpaths for this development and the area need to be considered. There is no footpath on Anketell Road and no connection to Wandi across Anketell Road.</p>	<p>Noted.</p> <p>Footpaths and a crossing over Anketell Road will be considered as part of the upgrades of the road undertaken by MRWA. It is anticipated that footpaths would also be delivered as part of the urbanisation of the locality through future subdivision applications.</p>
Support	Happy for the medical centre and pharmacy to proceed.	Noted.
Support	The proposal is a great idea	Noted.
Support	Happy with this proposal. With the area growing it will be needed in the future	Noted.
Neutral	<p>The proposed parking is inadequate - the proposal for 8 doctors, all support staff, nurses, managers &amp; clerical and the pharmacy with only 30 bays is insufficient.</p> <p>If you can't park you won't go there.</p>	While it is noted the parking on site seems limited, the proposal meets the parking requirements under the City's local planning scheme. Furthermore, the applicant has demonstrated how the development will operate with appointments and scattered visitors to the site throughout the day. Based on the information provided, the development can adequately function with the parking provided.

**Schedule of Submissions**  
**DA10372**

Support	Given the growing population in Wandi and now south of Anketell Road at Alberto Estate, the proposal is supported.	Noted.
Object	Object to the proposal for a medical centre and pharmacy at this location. The area is in need of other land uses such as a supermarket.  There is adequate access to medical centres in surrounding suburbs	While City Officers agree there is a need for supermarket type land uses in the area, these types of land uses will be facilitated within the future Wandi District Centre, located to the north of Anketell Road. The proposed development and land use is better suited for the Service Commercial zone in which it is located.
Support	Support the proposal.	Noted.
Support	Support the proposal. It will provide a service to residents and add to the amenity of the area.	Noted.

**COMMUNITY ENGAGEMENT**

The application was advertised to all landowners within 100 metres of the development site for a period of 21 days. Ten submissions were received during the advertising period – seven outlining support and one objecting to the proposal. The remaining two submissions were neutral. This is further discussed in the RAR (Attachment A).

**COUNCIL DECISION****212****MOVED CR D WOOD****SECONDED CR M ROWSE**

**That Council resolve to support the development application for a Medical Clinic at Lot 9012 Albina Avenue, Anketell as per the recommendation outlined in the Responsible Authority Report (Attachment A) to the Metro Outer Joint Development Assessment Panel.**

**CARRIED  
8/0**

**ATTACHMENTS**

- A. Responsible Authority Report (RAR) - Medical Clinic - Lot 9012 Albina Ave ANKETELL**
- B. Attachments to the RAR - Medical Clinic - Lot 9012 Albina Avenue ANKETELL**



# 73 KINGSLEY DRIVE (LOT 667) AND 22 WOODFORD WELLS WAY (LOT 666), KINGSLEY – CHILD CARE PREMISES

## Form 2 – Responsible Authority Report (Regulation 17)

<b>DAP Name:</b>	Metro Outer JDAP	
<b>Local Government Area:</b>	City of Joondalup	
<b>Proposed Amendments:</b>	Form 2.1 - Amendment to condition 6 of the determination notice.	
<b>Applicant:</b>	Taylor Burrell Barnett	
<b>Owner:</b>	Perpetual Corporate Trust Limited of Angel Place	
<b>Value of Amendment:</b>	Nil.	
<b>Responsible Authority:</b>	City of Joondalup	
<b>Authorising Officer:</b>	Chris Leigh Director Planning and Community Development	
<b>LG Reference:</b>	DA21/0611.02	
<b>DAP File No:</b>	DAP/21/02016	
<b>Date of Original DAP decision:</b>	28 February 2022	
<b>Application Received Date:</b>	21 July 2022	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1. Previous JDAP determination notice from 28 February 2022 2. Schedule of submissions relating to previous application and the Applicant's response 3. Applicant's planning report 4. Location plan	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<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 Joint Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/21/02016 as detailed on the DAP Form 2 dated 15 July 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. **Approve** DAP Application reference DAP/21/02016 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*, to modify condition 6 of the approval dated 28 February 2022 for Child Care Premises at Lot 667 (73) Kingsley Drive and Lot 666 (22) Woodford Wells Way, Kingsley as follows:

#### Existing Condition 6

6. 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

#### To be replaced with New Condition 6

6. The hours of operation for the centre shall be between 7:00am to 6.30pm 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.

#### Additional condition

23. The lighting in the carpark shall meet AS1158.3.1:1999 – Public lighting and AS4282-1997 – Control of the obtrusive effects of outdoor lighting and operational prior to occupation of the development.

All other conditions and requirements detailed on the previous approval dated 28 February 2022 shall remain unless altered by this application.

#### 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	Residential R20
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (proposed) and permissibility:	Child Care Premises – Discretionary 'D'
Lot Size:	Lot 666: 714.221m <sup>2</sup> Lot 667: 693.016m <sup>2</sup>  1,407.237m <sup>2</sup> combined.
Net Lettable Area (NLA):	N/A
Number of Dwellings:	N/A
Existing Land Use:	Single House
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area

Design Review	<input checked="" type="checkbox"/> N/A <input 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:

The application seeks to amend the operating hours for a previously approved Child Care Premises at Lot 667 (73) Kingsley Drive and Lot 666 (22) Woodford Wells Way, Kingsley (the subject site) granted by the Metro Outer Joint Development Assessment Panel (JDAP) on 28 February 2022 (Attachment 1 refers). The proposal is to amend condition 6 of that approval which states:

6. 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.

The modification to the above condition proposes a 30 minute increase to the weekday evening hours of operation from 6:00pm until 6:30pm, with staff able to remain on-site until 7:00pm.

### Background:

The Child Care Premises development was previously considered by the JDAP on two separate occasions, originally at its meeting on 14 September 2021 where the development was refused, and following an application to the State Administrative Tribunal (SAT), an amended proposal was approved by the JDAP at its meeting held on 28 February 2022.

The application considered by JDAP in February 2022 included proposed weekday operating hours between 7:00am and 6.30pm, however a condition of approval was included limiting the evening hours of operation until 6:00pm.

Construction of the approved Child Care Premises recently commenced following the approval of building permit 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

Not applicable.



## Local Policies

- Child Care Premises Local Planning Policy (CCPLPP).
- Planning Consultation Local Planning Policy.

## **Consultation:**

### Public Consultation

Community feedback on the Child Care Premises has been received during two previous consultations associated with the original JDAP application. Combined, a total of 103 submissions were received with 87 opposing the development and 16 in support (Attachment 2 refers), noting that some of these were multiple submissions from the same residents who participated in both consultations. The key issues with the development raised during these consultations are summarised below:

- Its location within the Residential zone will impact the amenity of the neighbourhood.
- The bulk and scale being double storey across two lots is not appropriate for the residential area.
- Noise generated by the development is greater than what two ordinary residences would produce with garbage pickup, pick-up/drop-off activity until 6:30pm in the evenings, noise from outdoor play and car doors/parking.
- Potential damage to existing street trees.
- Loss of privacy.
- Time of waste pickup.
- The use is not needed. There are already several child care centres in Kingsley.
- Inadequate amount of car parking.
- Increased traffic.
- Reduction in property values.

The proposed amendment to condition 6 of DAP/21/02016 was advertised for a period of 14 days, commencing on 8 September 2022 and concluding on 22 September 2022. Consultation was undertaken in the following manner:

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

A total of three (3) submissions were received with two opposing the development and one neutral. The key issues raised are included below:

<b>Issue Raised</b>	<b>Officer's comments</b>
Why do you (the council) bother with this charade when the community voted against the development but it has gone ahead regardless? Clearly the opinion of those of us who pay the Rates is of no consequence!!	<p>The City's role is to consider the relevant legislation, policy provisions and issues raised during public consultation, and then make a recommendation to the JDAP based on this assessment.</p> <p>The City recommended refusal of the initial development application, however JDAP as</p>

	the decision maker granted approval of the application.
There is poor lighting in the area, especially for the 6:30pm closing time in winter. The only existing street lamps at the moment are outside 33 Woodford Wells Way and on the eastern side of Kingsley Drive, opposite the Child Care Premises.	<p>The car park lighting includes ceiling mounted LED lights where the upper floor covers the car park. There are also mounted floodlights on the northern wall of the car park (tilted to reduce potential light spill to adjoining properties).</p> <p>Should the application be approved it is recommended that a condition of approval is included to ensure that lighting of the car park meets Australian Standards AS1158.3.1 – Public lighting and AS4282 – Control of the obtrusive effects of outdoor lighting.</p>
<p>This development was rejected twice by the City for multiple reasons, one of which was the affect it would have on the homes and community surrounding it.</p> <p>The business has not even opened yet and they are already asking for even more extended hours (their opening hours are already earlier than allowed for noise in a residential setting). We were told by the company themselves that they would keep these hours and that they would not extend them and be inconvenient to the neighbours.</p>	<p>The current approved hours are between 7:00am to 6.00pm Monday to Friday, and 8:00am to 1:00pm Saturdays which is in accordance with those permitted under the CCPLPP. It is noted the policy also permits staff on site up to 30 minutes before and after these operating hours.</p> <p>The application proposes to vary the evening hours permitted by the policy only. The morning hours of operation remain compliant with the CCPLPP.</p>

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

The application did not require the City to refer the application to service agencies.

#### Design Review Panel Advice

The Child Care Premises was previously presented to the Joondalup Design Review Panel (JDRP) on 19 January 2022 who provided advice and recommendations on the proposal, which formed part of the JDAP's consideration of the application at its meeting held on 28 February 2022. The proposed amendment to condition 6 does not impact the built form outcomes of the development and therefore does not necessitate additional JDRP consideration.

#### **Planning Assessment:**

##### Hours of operation

Provision	Requirement	Proposal	Assessment
-----------	-------------	----------	------------

Child Care Premises LPP	Clause 5.7 (a) – Monday to Friday: 7.00am to 6.00pm	Monday to Friday 7.00am to 6.30pm	The application is not in accordance with the requirements of Clause 5.7 (a).
	Saturday 8.00am to 1.00pm	Saturday 8.00am to 1.00pm	
	Staff are permitted on site 30 minutes prior to and after the stipulated hours of operation.		

The applicant has included the following justification for the proposed amendment to condition 6 of that approval, which seeks to extend the evening closing time by 30 minutes:

- 6.00pm to 6.30pm is not a sensitive time and would cause no undue impact on residential amenity.
- Anticipated patronage beyond 6:00pm is low, consistent with other child care centres in similar contexts.
- Offers flexibility for parents.

In assessing the impact of noise, the previously approved application was submitted with an Environmental Acoustic Assessment (EAA), which demonstrated compliance with the *Environmental Protection (Noise) Regulations 1997*. It is noted that the development was designed to comply with applicable 'daytime' limits set out in the regulations, which apply between the hours of 7:00am and 7:00pm. Therefore, the proposed 30 minute extension to the closing hours has no impact on the development's ability to comply with the *Environmental Protection (Noise) Regulations 1997*.

In support of the proposed 6:30pm closing time, the applicant has provided data obtained by the operator (Nido) who undertook monitoring of pickup times at another of their centres located nearby at 20 Coolibah Drive, Greenwood. The Greenwood centre currently operates until 6:30pm in the evenings with a capacity of 82 children. Nido undertook monitoring over a two week period which demonstrated that on average, two children would be on-site after 6:00pm. During the two week monitoring period at the Greenwood centre, Nido recorded a single instance of more than two children remaining at the centre after 6.00pm.

In drawing comparisons between the two centres, they are located in close proximity to one another, being approximately three kilometres apart, accommodate a similar number of children (the subject development caters for 78) and will be run by the same operator. It would therefore not be unreasonable to expect that the proposed centre will operate with a similar level of occupancy as the Greenwood centre after 6:00pm. The City does not consider that an average of two children being collected from the centre between 6:00pm and 6:30pm would result in a noticeable impact on the amenity of the surrounding residential properties. Similarly the traffic impact from staff leaving the site up until 7:00pm would not be significant.



## **Conclusion:**

The results from monitoring undertaken by Nido at their nearby centre in Greenwood provides guidance that the number of children and associated pick-ups after 6:00pm will be low. Furthermore, the extension of opening hours until 6:30pm, with staff on-site an additional 30 minutes, does not impact the development's ability to comply with the *Environmental Protection (Noise) Regulations 1997*, as the daytime noise limits do not change until 7:00pm..

It is therefore considered that the proposed extension to the evening hours of operation from 6:00pm to 6:30pm will not create an unreasonable negative impact on the amenity of surrounding properties.

## **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.

As a result, the JDAP can amend or delete the conditions of approval recommended by the City and/or include additional conditions of approval should they be considered necessary to ensure the proposal complies with the relevant planning framework.

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 and Officer's Comment sections above, the City considers that the development meets the relevant provisions and/or objectives of the applicable planning framework and the application is therefore recommended for approval.

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*.



LG Ref: DA21/0611  
DAP Ref: DAP/21/02016  
Enquiries: (08) 6551 9919

State Administrative Tribunal  
565 Hay Street  
PERTH WA 6000

Dear Sir/Madam

**STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR207/2021**

Property Location:	Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley
Application Details:	Child Care Premises

Please be advised that the Metro Outer Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR207/2021, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 28 February 2022.

The Notice of Determination is attached.

Yours sincerely,

**DAP Secretariat**

4 March 2022

Encl: Amended DAP Determination Notice

Cc:

CK Property Group

State Solicitor's Office

Mr Tim Thornton  
City of Joondalup

Planning Appeals



## ***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 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley

**Application Details:** Child Care Premises

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro Outer JDAP, at its meeting on 28 February 2022, has reconsidered its decision dated 14 September 2021 in respect to the above application, SAT Ref. DR207/2021 and has resolved to:

**SET ASIDE the decision and substitute a new** decision to approve DAP Application reference DAP/21/02016 and amended plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, 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. The lots included shall be amalgamated prior to occupancy certification.
5. A maximum of 78 children and 13 staff on the premises at any one time.
6. 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.
7. Any parking prior to 7.00am shall be restricted to staff parking bays 14, 16, 22 and 23 in accordance with the recommendations of the Environmental Acoustic Assessment to the satisfaction of the City.





8. An 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 operation of the Child Care Premises shall then be carried out in accordance with the approved 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 retaining walls and 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. Include a tree within the landscaping strip between car bay 23 and the verge;
  - c. Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
  - d. Provide all details relating to paving and treatment of verges;
  - e. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - f. Show spot levels and/or contours of the site;
  - g. Be based on water sensitive urban design principles to the satisfaction of the City;
  - h. Be based on Designing out Crime principles to the satisfaction of the City;
  - i. 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. These bays are to be thereafter maintained to the satisfaction of the City.
16. Car bays 5, 6 and 7 (or others as approved by the City) shall be signposted as 'loading zones' between the hours of 10.00am and 2.00pm for the purpose of providing manoeuvring space for waste collection vehicles.
17. Two (2) bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.
18. All street fencing shall be visually permeable (as defined in the Residential Design Codes) above 1.2 metres from natural ground level.
19. No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary.
20. 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.
21. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
22. All development shall be contained within the property boundaries.

**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*.





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*.

# PROPOSED CHILDCARE CENTRE

## 73 KINGSLEY DRIVE, KINGSLEY WA

DEVELOPMENT  
ASSESSMENT PANEL

APPROVED

28-Feb-2022



### DRAWING REGISTER PLANNING

SHEET NUMBER	SHEET NAME	ISSUE	DESCRIPTION	DATE
DA01	SITE PLAN	6	ALTERNATIVE ROOF DESIGN	07/02/2022
DA02	GROUND FLOOR PLAN	6	ALTERNATIVE ROOF DESIGN	07/02/2022
DA03	FIRST FLOOR PLAN	6	ALTERNATIVE ROOF DESIGN	07/02/2022
DA04	ROOF PLAN	6	ALTERNATIVE ROOF DESIGN	07/02/2022
DA05	ELEVATIONS	6	ALTERNATIVE ROOF DESIGN	07/02/2022
DA06	SHADOW DIAGRAMS - JUNE SOLSTICE	6	ALTERNATIVE ROOF DESIGN	07/02/2022
DA07	CONTEXT PERSPECTIVES	6	ALTERNATIVE ROOF DESIGN	07/02/2022

#### GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING. VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.

ISSUE	DESCRIPTION	DATE
6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 31 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
2	TODDLER & BABIES ROOM FLIP	17/08/2021
1	DA WITH DRP REVISION	13/07/2021
0	DEVELOPMENT APPLICATION ISSUE	02/06/2021

**insite**  
ARCHITECTS

77 Upper Heidelberg Road Ivanhoe  
VIC 3045  
T (03) 9499 8174  
www.insitearchitects.com.au



CLIENT:  
CK Development Services

PROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

FILE: C:\Users\Darren\Documents\J0000487 Kingsley Dve, Kingsley DA, Central Model\_Darren2\A0202.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026

DRAWING TITLE:  
COVER SHEET

SCALE: DATE: FEB 2022  
DRAWN: CW PRINTED: 7/02/2022 12:55:11 PM  
CHECKED: AH JOB No.: J0000487

COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.

DA00/6

DEVELOPMENT  
APPLICATION

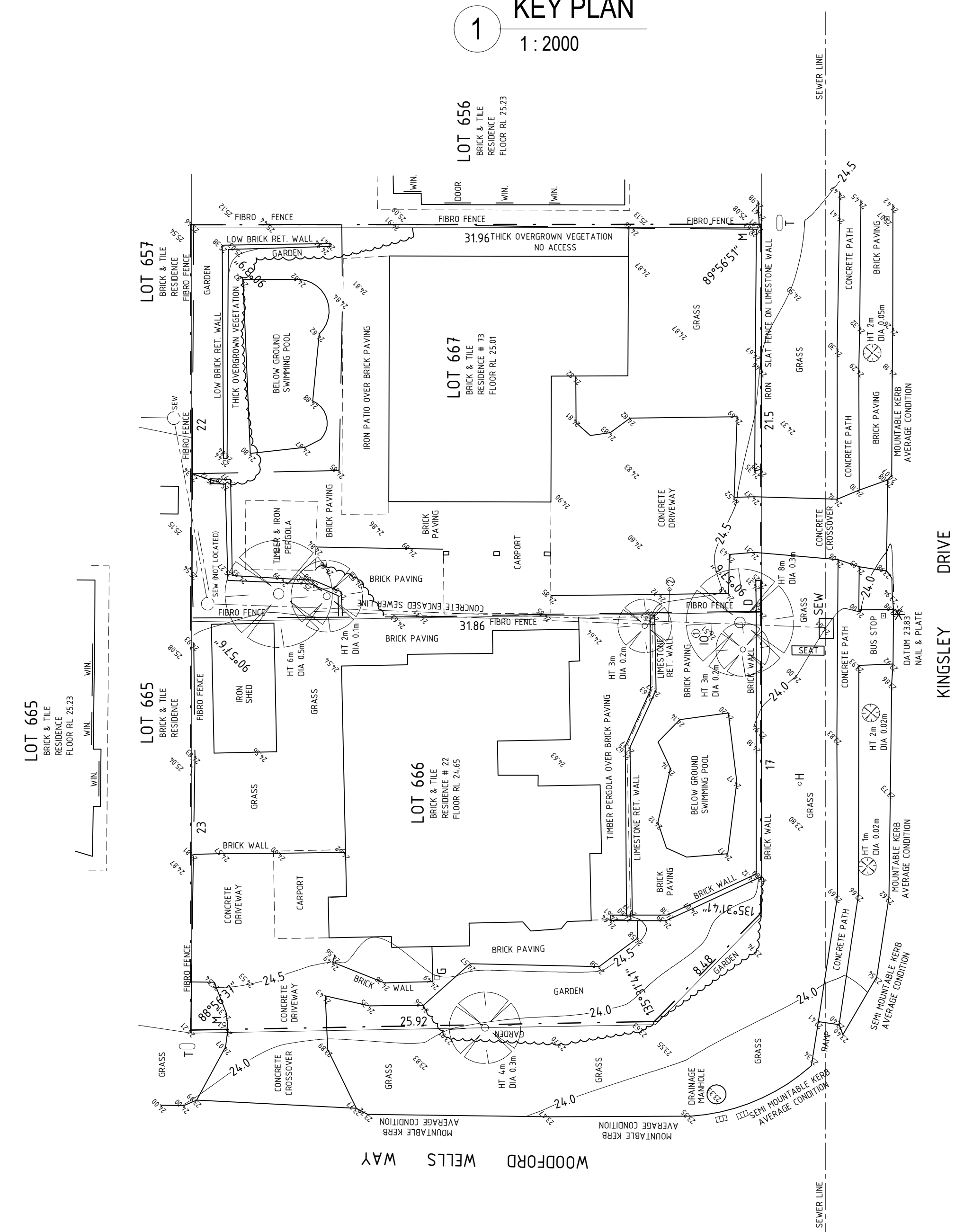


## CHILDCARE CENTRE ANALYSIS

OPERATION HOURS 6:30am to 6:30pm Monday to Friday  
with up to four days open on the weekend for open days

GROUP ROOM 1	0-24months	8 PLACES	2 EDUCATORS
GROUP ROOM 2	24-36months	15 PLACES	3 EDUCATORS
GROUP ROOM 3	24-36months	5 PLACES	1 EDUCATORS
	36+ months	10 PLACES	1 EDUCATORS
GROUP ROOM 4	36+ months	20 PLACES	2 EDUCATORS
GROUP ROOM 5	36+ months	20 PLACES	2 EDUCATORS
		78 PLACES	11 EDUCATORS + COOK + SUPERVISOR

## AREA ANALYSIS

TOTAL SITE AREA 1407m<sup>2</sup>SITE COVERAGE 608m<sup>2</sup> (43%)BUILDING AREA  
GROUND FLOOR 410m<sup>2</sup> gross  
FIRST FLOOR 240m<sup>2</sup> gross  
FF PLAYSCAPE 298m<sup>2</sup> grossPARKING PROVIDED  
23 bays provided (including one accessible)1 KEY PLAN  
1:20002 SITE PLAN  
1:2003 FEATURE SURVEY PLAN  
1:200FEATURE SURVEY PREPARED BY TSA SURVEYS  
REF - TSA1239-FS DATED 06/05/2021

## GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.

VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING LAWS AND RELEVANT AUSTRALIAN STANDARDS.

6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 31 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
1	DA WITH DRP REVISION	13/07/2021
0	DEVELOPMENT APPLICATION ISSUE	02/06/2021
ISSUE	DESCRIPTION	DATE

insite  
ARCHITECTS77 Upper Heidelberg Road Iwona  
1 (03) 9499 8174  
www.insitearchitects.com.auCLIENT:  
CK Development ServicesPROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

FILE: C:\Users\Darren\Documents\J0000487 Kingsley Dve, Kingsley DA\_Central Model\_Darren\2MGN2.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026DRAWING TITLE:  
SITE PLANSCALE: As indicated@A1 DATE: FEB 2022  
DRAWN: CW PRINTED: 7/02/2022 12:55:14 PM  
CHECKED: AH JOB No.: J0000487COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.

/

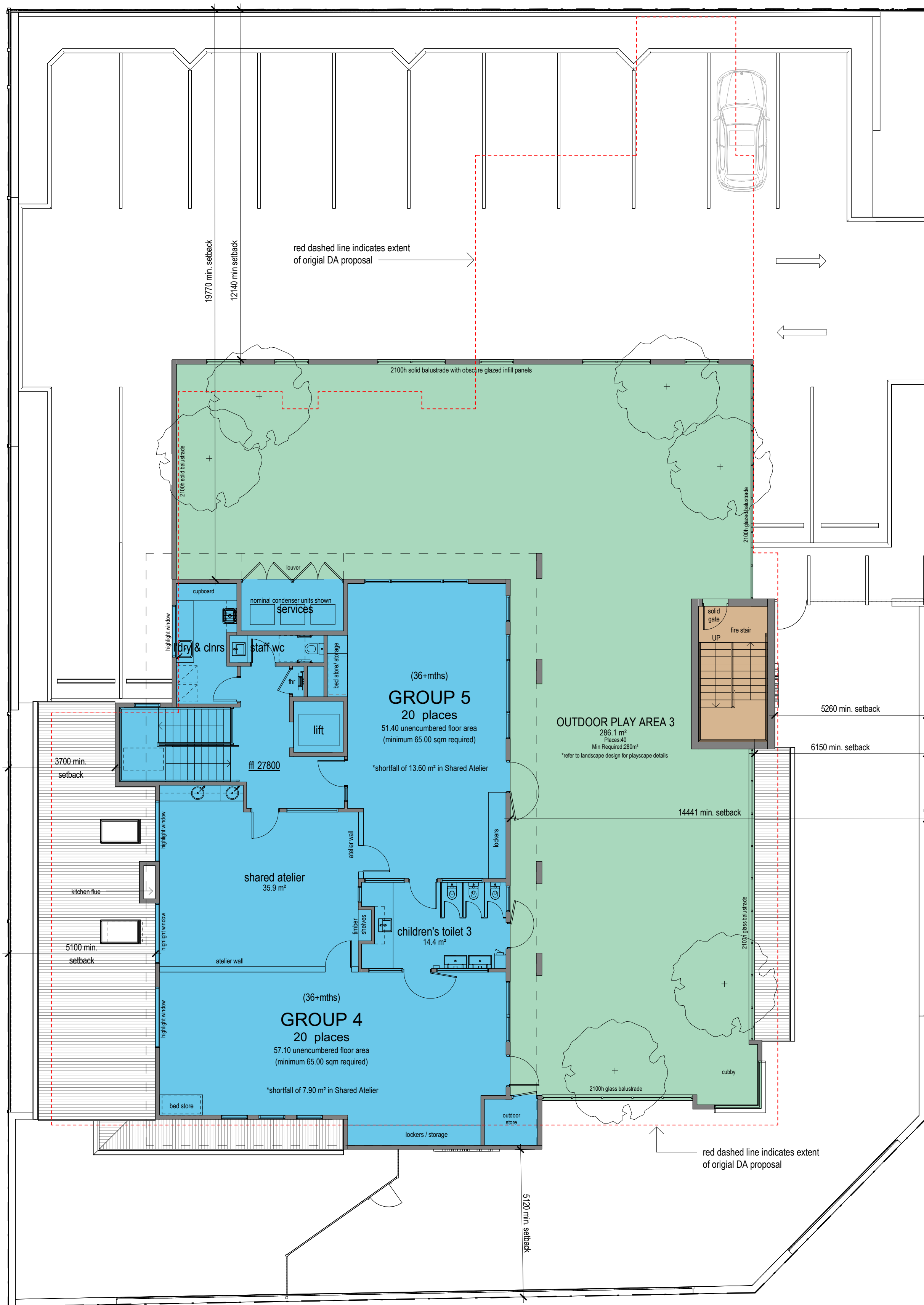
DA01<sub>1/6</sub>DEVELOPMENT  
APPLICATION





PROPOSED TREE  
nominal location shown

## DEVELOPMENT APPLICATION



KINGSLEY DRIVE

1 FIRST FLOOR PLAN  
1 : 100

WOODFORD WELLS WAY

LEGEND

- UNENCUMBERED PLAYSPACE
- LANDSCAPING
- BUILDING AREA
- CARPARK
- PAVING or similar
- PROPOSED TREE nominal location shown

GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING. VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.

ISSUE	DESCRIPTION	DATE
6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 81 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
2	TODDLER & BABIES ROOM ELIP	17/08/2021
1	DA WITH DRP REVISION	13/07/2021
0	DEVELOPMENT APPLICATION ISSUE	02/06/2021

insite  
ARCHITECTS

77 Upper Heidelberg Road Ivanhoe  
t (03) 9499 8174  
www.insitearchitects.com.au



CLIENT:  
CK Development Services

PROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

FILE: C:\Users\Darren\Documents\J0000487 Kingsley Dve, Kingsley WA\_Central Model\_Darren\2\GN2.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026

DRAWING TITLE:  
FIRST FLOOR PLAN

SCALE: 1 : 100@A1  
DATE: FEB 2022  
DRAWN: AH / CW  
PRINTED: 7/02/2022 12:55:22 PM  
CHECKED: AH  
JOB No.: J0000487

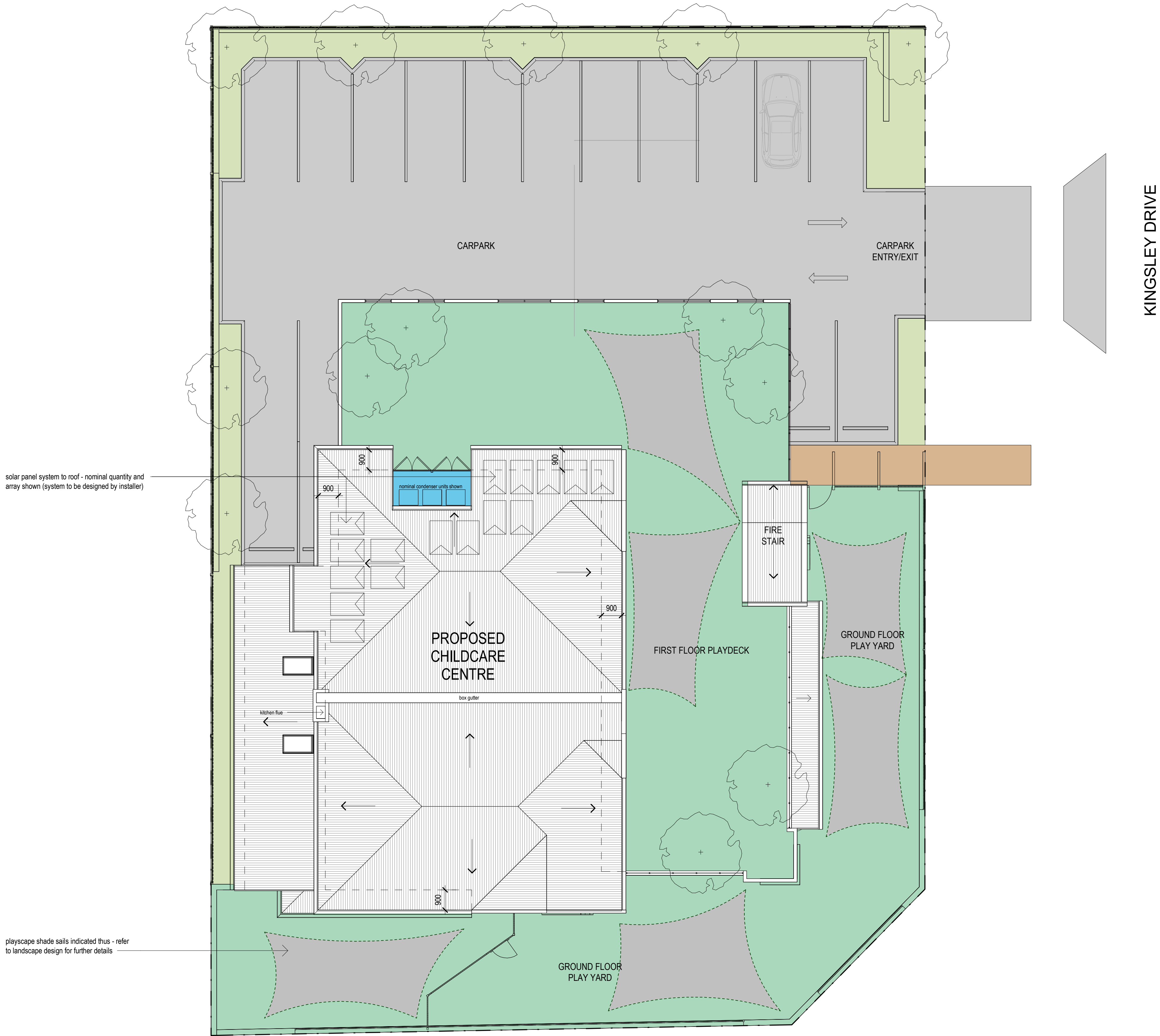
COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.

7

DA03<sub>6</sub>

DEVELOPMENT  
APPLICATION





solar panel system to roof - nominal quantity and array shown (system to be designed by installer)

playscape shade sails indicated thus - refer to landscape design for further details

LEGEND

- UNENCUMBERED PLAYSPACE
- LANDSCAPING
- BUILDING AREA
- CARPARK
- PAVING or similar
- PROPOSED TREE nominal location shown

1 ROOF PLAN  
1 : 100

WOODFORD WELLS WAY

GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.

VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY LAWS AND RELEVANT AUSTRALIAN STANDARDS.

6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 31 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
1	DA WITH DRP REVISION	13/07/2021
0	DEVELOPMENT APPLICATION ISSUE	02/06/2021
ISSUE	DESCRIPTION	DATE

insite  
ARCHITECTS

77 Upper Heidelberg Road Ivanhoe  
1 (03) 9499 8174  
www.insitearchitects.com.au



CLIENT:  
CK Development Services

PROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

FILE: C:\Users\Darren\Documents\J0000487 Kingsley Dve, Kingsley DA\_Central Model\_Darren\2M2N2.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026

DRAWING TITLE:  
ROOF PLAN

SCALE: 1 : 100@A1 DATE: FEB 2022

DRAWN: CW PRINTED: 7/02/2022 12:55:25 PM

CHECKED: AH JOB No.: J0000487

COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.



DA047/6

DEVELOPMENT  
APPLICATION



# DEVELOPMENT ASSESSMENT PANEL

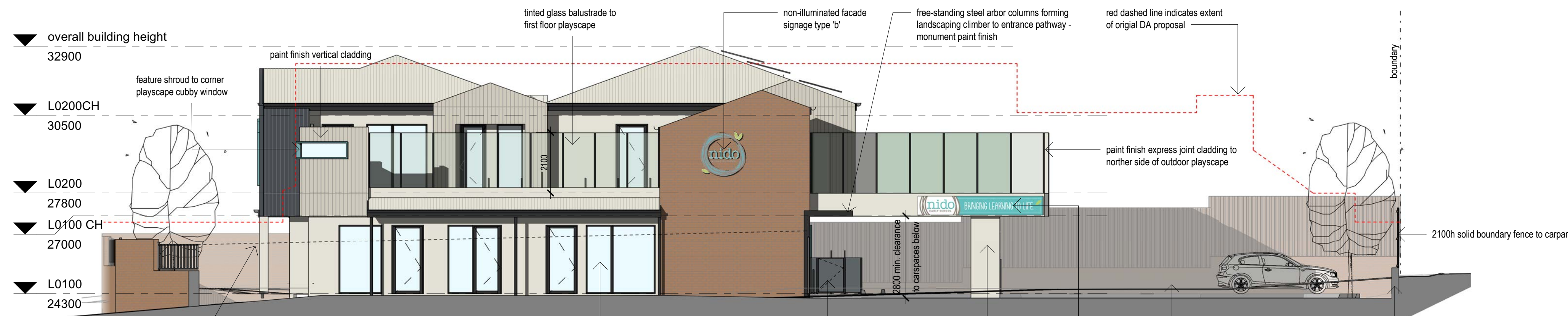
**APPROVED**  
28-Feb-2022

## MATERIAL/COLOUR SCHEDULE

texture paint	dulux 'white duck quarter'
lightweight walls	dulux 'white duck quarter'
express joint	dulux 'white duck quarter'
sheeting	colorbond 'surf mist'
roofing	colorbond 'monument'
gutters, window & door frames	dulux 'ticking'
paint finish vertical scyon axon cladding	dulux 'white duck quarter'
paint finish vertical scyon axon cladding	dulux 'white duck quarter'
glazing	translucent glass (unless noted otherwise)
balustrade glazing	tinted balustrade glass
balustrade glazing	opaque balustrade glass
face brickwork	midland brick 'subiaco red' or similar
feature window shroud	dulux 'water cooler'



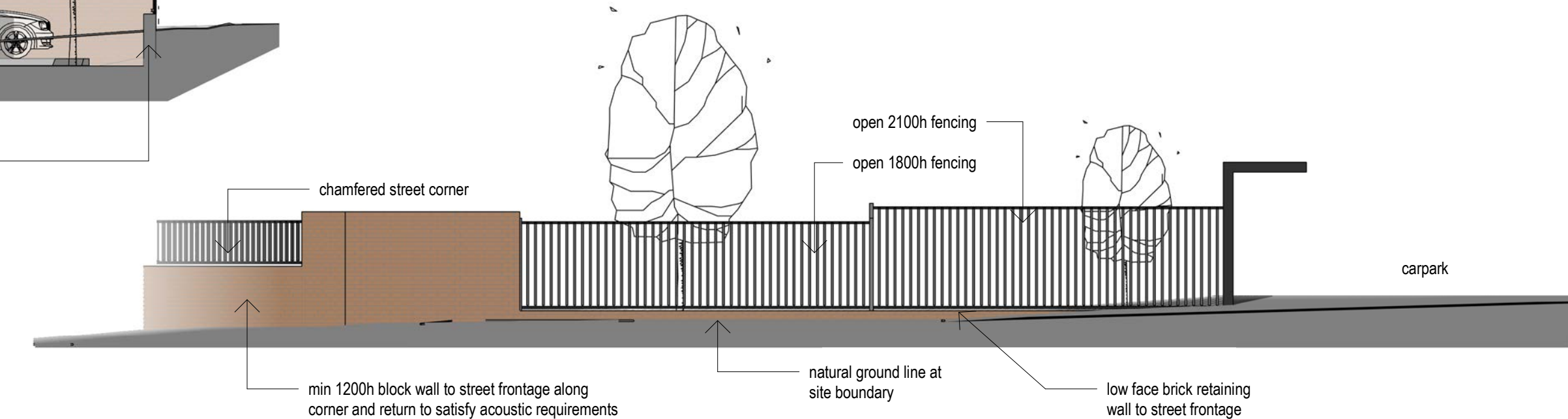
**1 NORTH ELEVATION**  
1 : 100



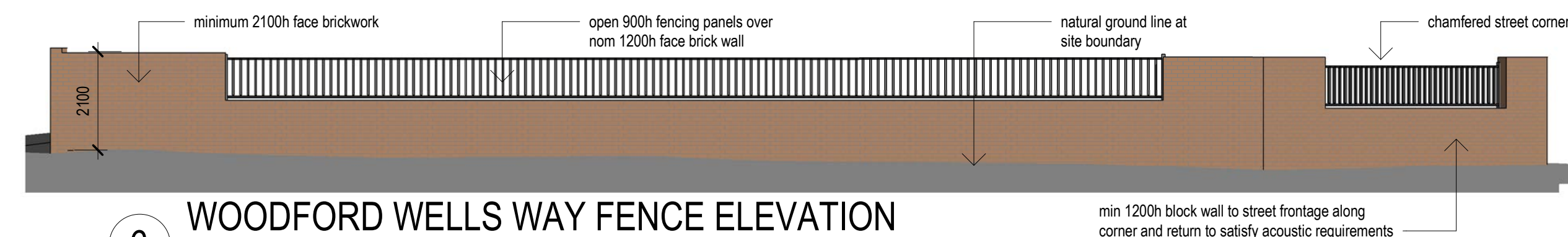
**2 EAST ELEVATION (Kingsley Drive)**  
1 : 100



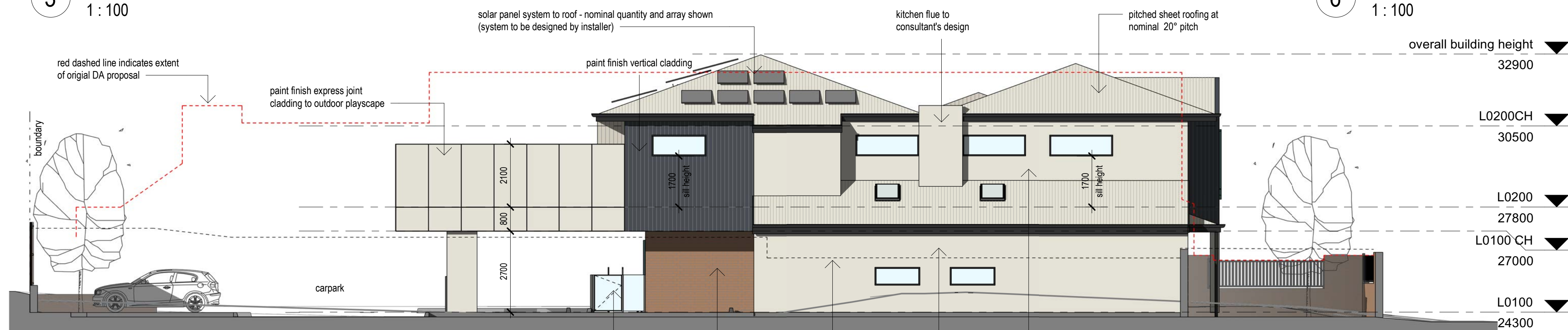
**3 SOUTH ELEVATION (Woodford Wells Way)**  
1 : 100



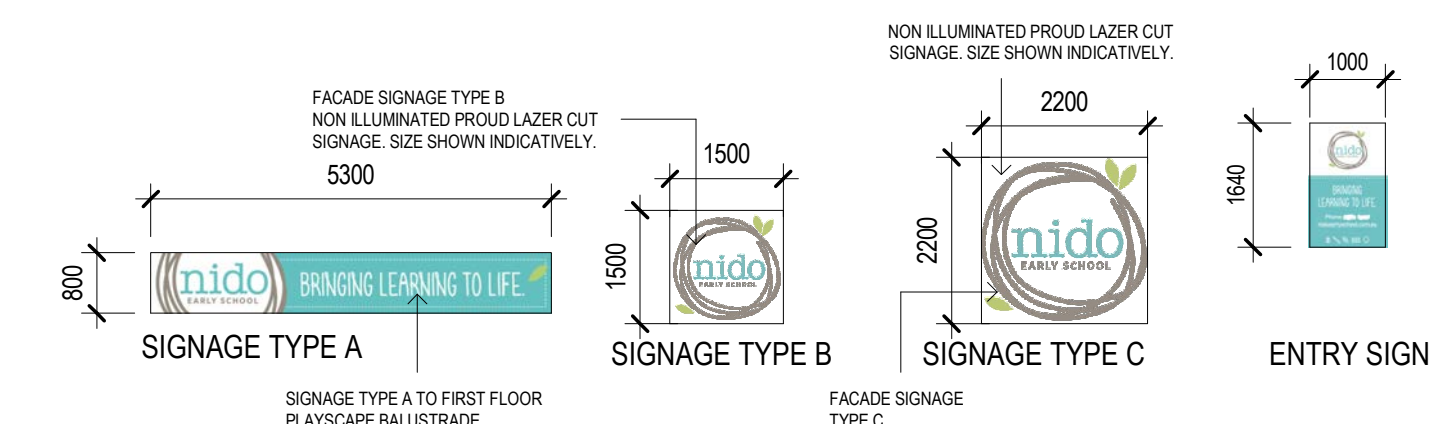
**5 KINGSLEY DRIVE FENCE STREETSCAPE**  
1 : 100



**6 WOODFORD WELLS WAY FENCE ELEVATION**  
1 : 100



**4 WEST ELEVATION**  
1 : 100



**7 SIGNAGE DETAILS**  
1 : 100

## GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING. VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING LAWS AND RELEVANT AUSTRALIAN STANDARDS.

ISSUE	DESCRIPTION	DATE
6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 31 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
2	TODDLER & BABIES ROOM FLIP	17/08/2021
1	DA WITH DRP REVISION	13/07/2021
0	DEVELOPMENT APPLICATION ISSUE	02/06/2021

**insite**  
ARCHITECTS

77 Upper Heidelberg Road Perth  
1 (08) 9499 8174  
www.insitearchitects.com.au



CLIENT:  
CK Development Services

PROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

FILE: C:\Users\Darren\Documents\J0000487 Kingsley Dve, Kingsley DA, Central Model\_Darren\2MGN2.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026

DRAWING TITLE:  
ELEVATIONS

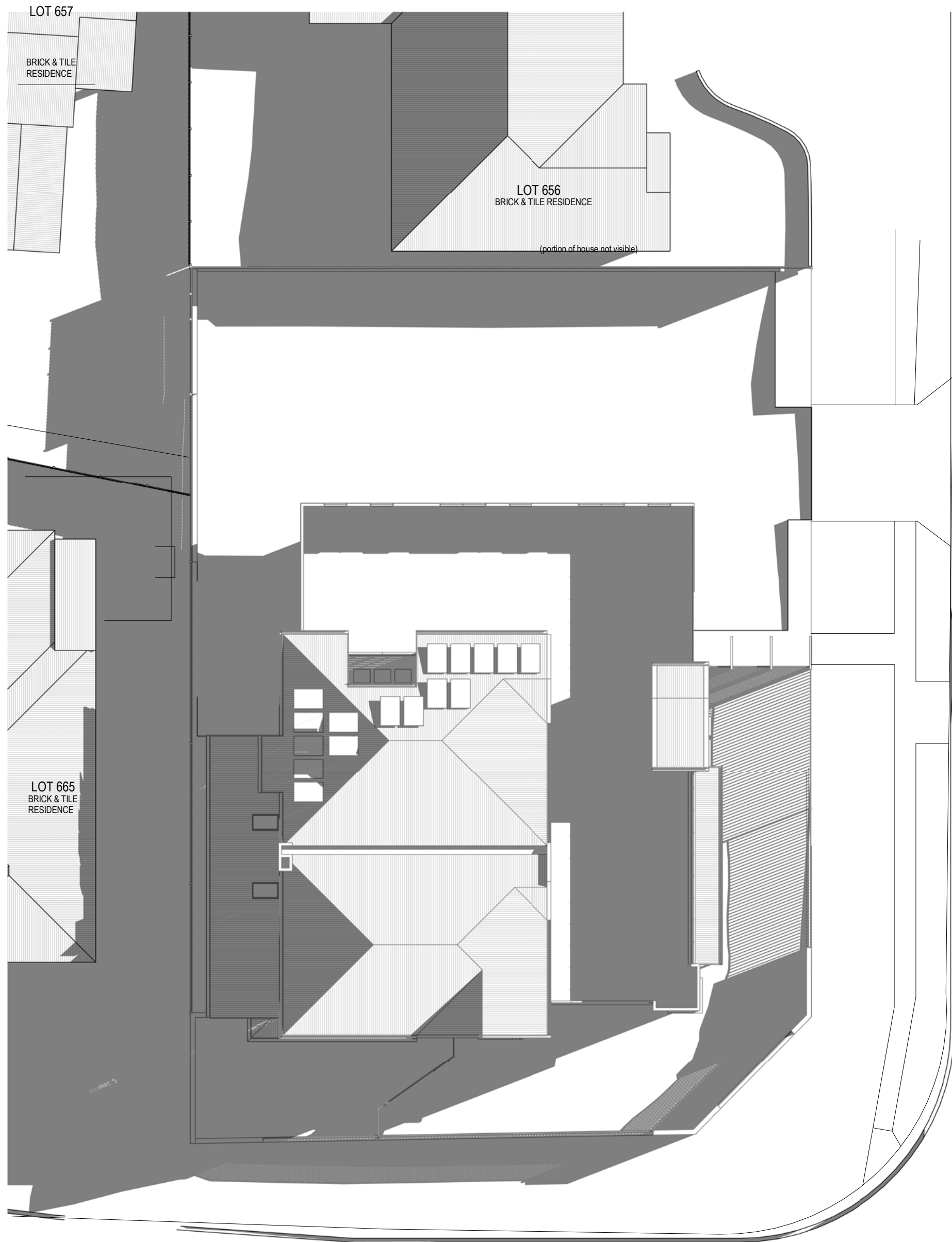
SCALE: 1 : 100@A1 DATE: FEB 2022  
DRAWN: PR / CW PRINTED: 7/02/2022 12:55:48 PM  
CHECKED: AH JOB No.: J0000487

COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.

**DA05**<sub>6</sub>

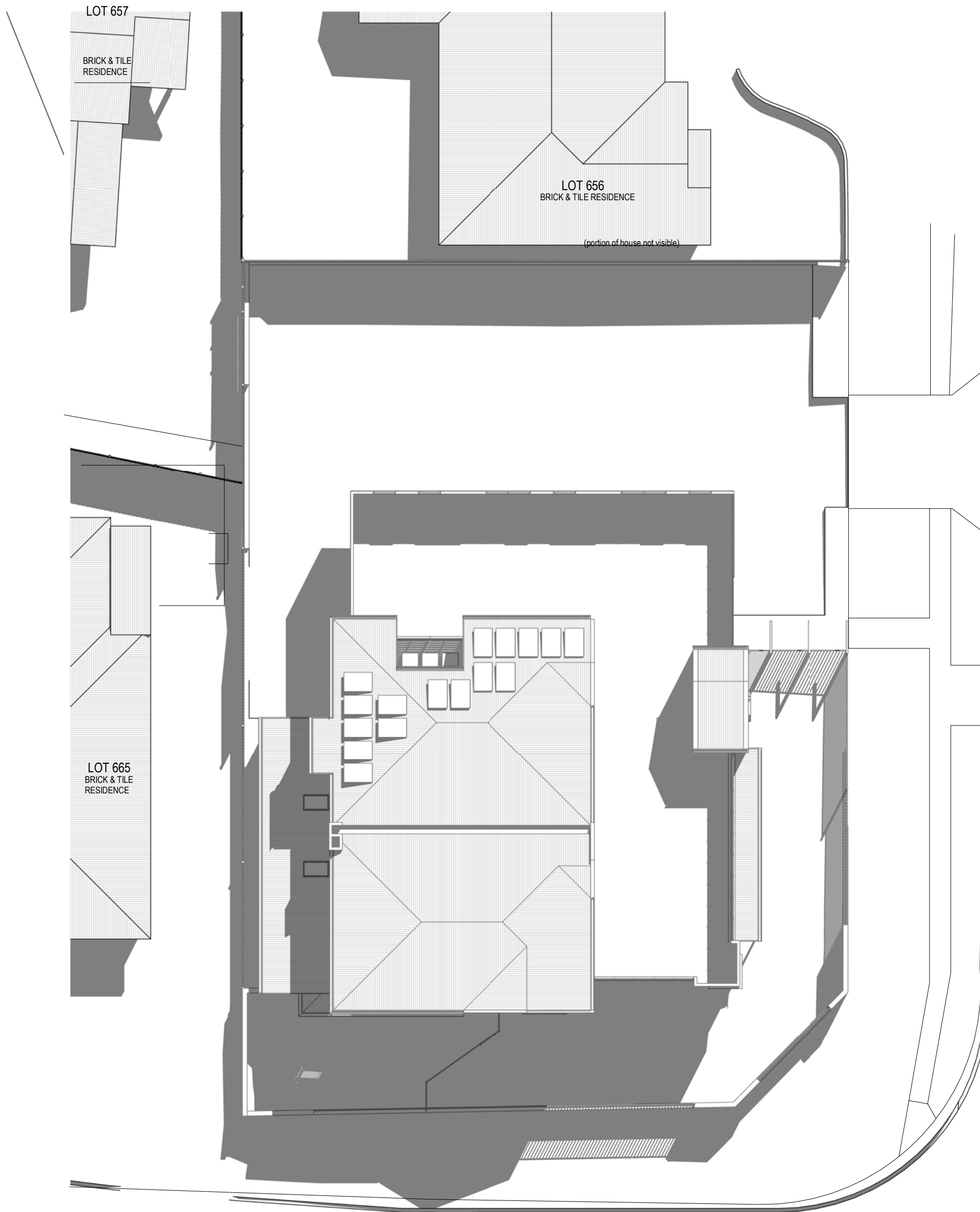
DEVELOPMENT  
APPLICATION





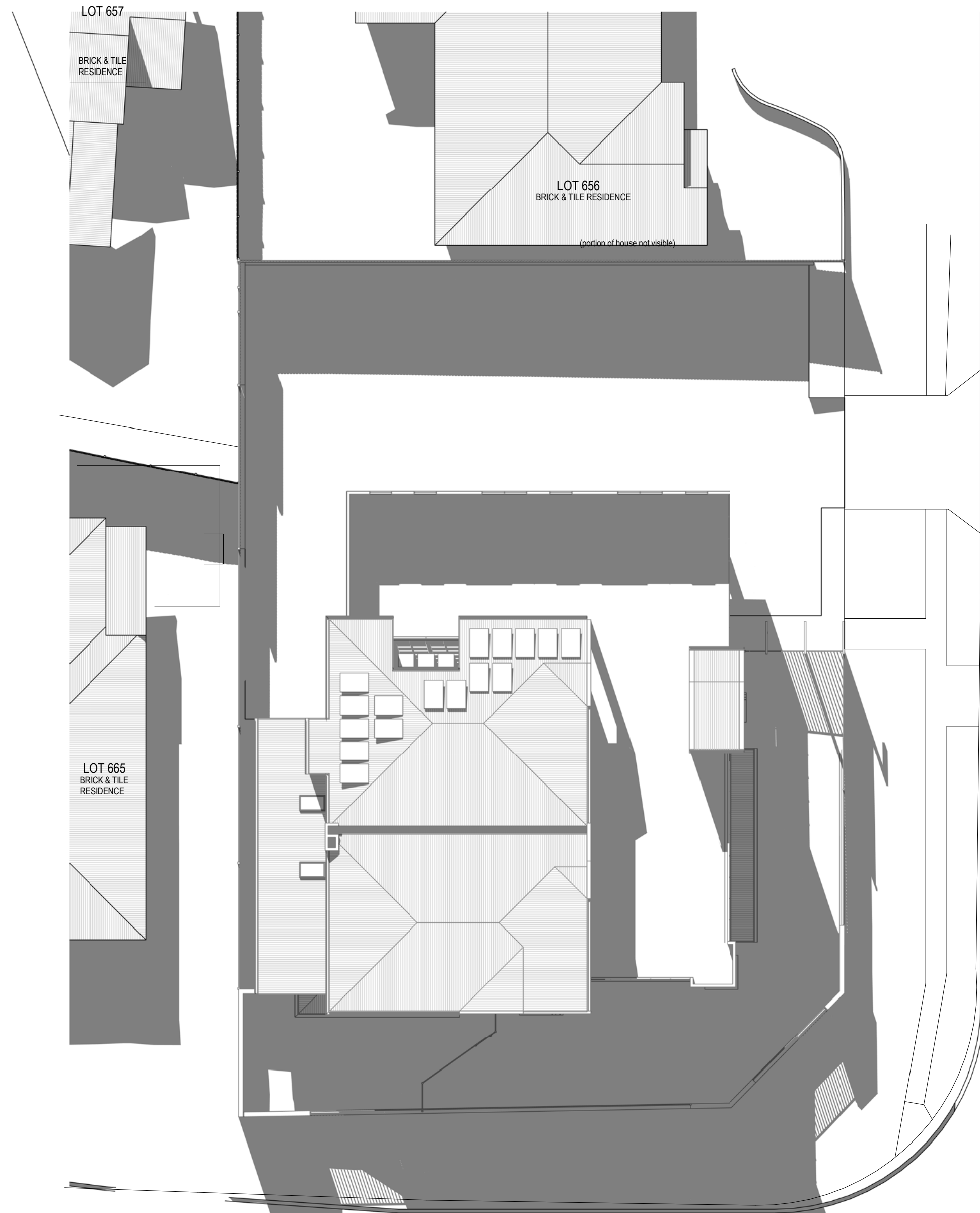
1

SHADOW DIAGRAM 9am



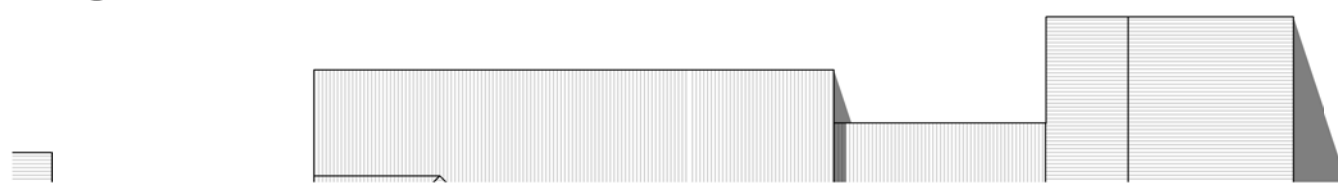
2

SHADOW DIAGRAM 12noon



3

SHADOW DIAGRAM 3pm



GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING. VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY LAWS AND RELEVANT AUSTRALIAN STANDARDS.

ISSUE	DESCRIPTION	DATE
6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 31 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
1	DA WITH DRP REVISION	13/07/2021
0	DEVELOPMENT APPLICATION ISSUE	02/06/2021

insite  
ARCHITECTS

77 Upper Heidelberg Road Ivanhoe  
1 (03) 9499 8174  
www.insitearchitects.com.au



CLIENT:  
CK Development Services

PROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

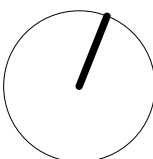
FILE: C:\Users\Darren\Documents\J0000487 Kingsley Dve, Kingsley DA\_Central\_Darren\2\GN2.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026

DRAWING TITLE:  
SHADOW DIAGRAMS - JUNE SOLSTICE

SCALE: @A1  
DATE: FEB 2022  
DRAWN: CW  
PRINTED: 7/02/2022 12:56:01 PM  
CHECKED: AH  
JOB No.: J0000487

COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.



DA06<sub>6</sub>

DEVELOPMENT  
APPLICATION





VIEW A - FROM WOODFORD WELLS WAY (SOUTH)



VIEW B - FROM WOODFORD WELLS WAY (NORTH)



VIEW C - FROM KINGLSEY DRIVE



VIEW D - FROM KINGLSEY PARK CAR PARK



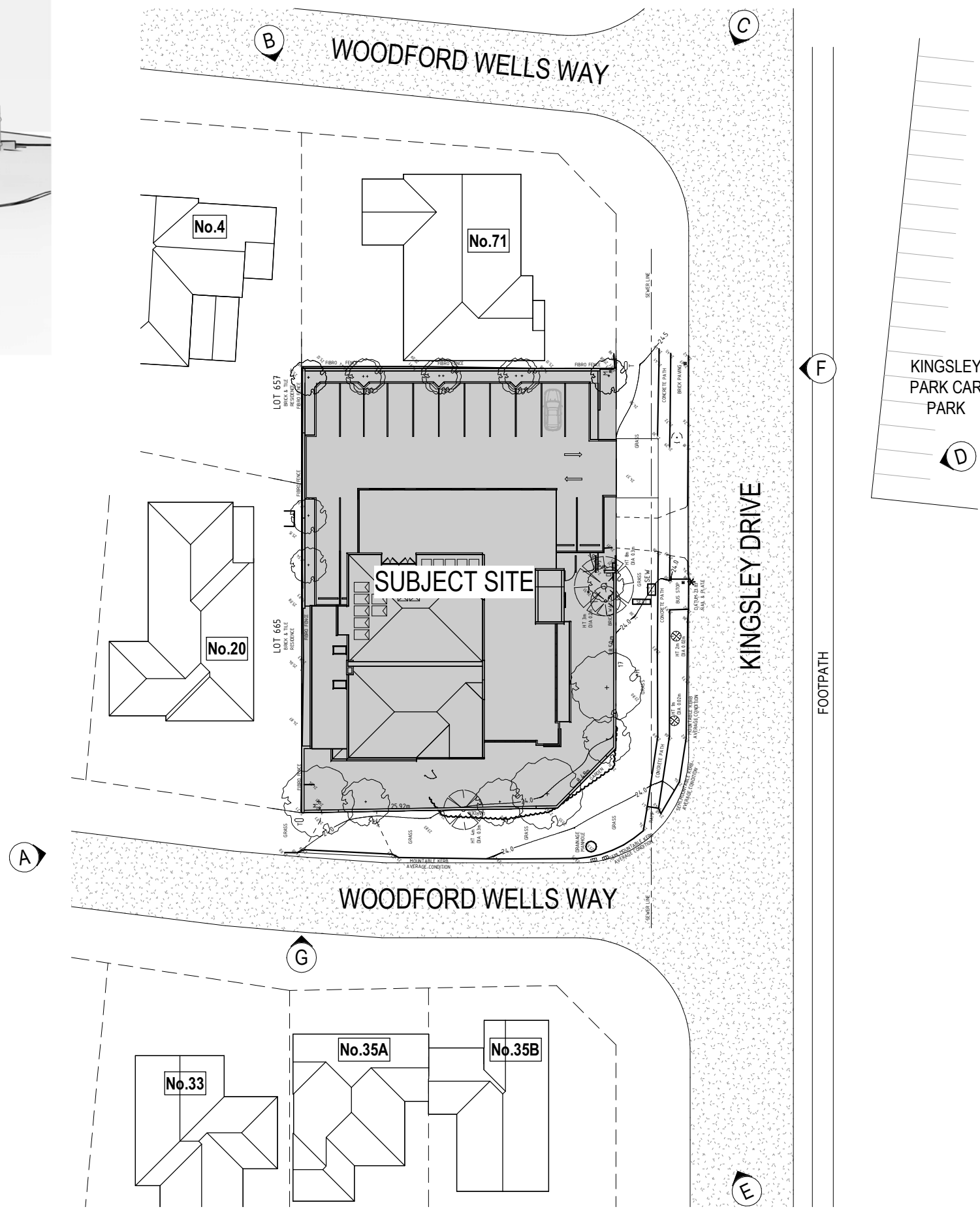
VIEW E - FROM KINGLSEY DRIVE



VIEW F - FROM KINGLSEY DRIVE FOOTPATH



VIEW G - FROM WOODFORD WELLS WAY (SOUTH)



PERSPECTIVE VIEW LEGEND  
1 : 500

GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING. VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.		
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.		
6	ALTERNATIVE ROOF DESIGN	07/02/2022
5	SECTION 31 RECONSIDERATION ISSUE	21/12/2021
3	FOR MEDIATION PURPOSES	29/11/2021
ISSUE	DESCRIPTION	DATE

insite  
ARCHITECTS

77 Upper Heidelberg Road Ivanhoe  
VIC 3045  
T (03) 9499 8174  
www.insitearchitects.com.au



CLIENT:  
CK Development Services

PROJECT:  
PROPOSED CHILDCARE CENTRE (78 places)

FILE: C:\Users\Darren\Documents\J0000487 Kingsley Drv, Kingsley DA\_Central Model\_Darren\2\GN2.rvt

LOCATION:  
73 Kingsley Drive, Kingsley WA 6026

DRAWING TITLE:  
CONTEXT PERSPECTIVES

SCALE: DATE: FEB 2022  
DRAWN: JN / CW PRINTED: 7/02/2022 12:56:54 PM  
CHECKED: AH JOB No.: J0000487

COPYRIGHT  
COPYRIGHT INSITE ARCHITECTS ALL RIGHTS RESERVED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION OF INSITE ARCHITECTS.

DA07 /6

DEVELOPMENT  
APPLICATION



## Schedule of submissions for application determined by JDAP on 28 February 2022

Issue Raised	Applicant Response
<p><u>Location:</u> The building which is a commercial business is too large, noisy and generates too much traffic to be considered suitable within what is a Residential R20 area. It is not the role of Local Government to favour commercial operations but to uphold the LPP and protect its residents from operations which impact their amenity. This child care centre could be built at some other site in compliance with the LPP. Obviously such a compliant site might be more expensive to buy but that should not be the concern of the Local Government.</p> <p>Reduction in number of children, building length, wall height, relocation of AC units, increase in fence height and reduction of operating hours will not significantly reduce the amenity impact on surrounding neighbours.</p> <p>It's a 50km zone and far too busy for a childcare centre.</p> <p>The inclusion of a child care centre at this site will increase amenity to the greater Kingsley area, which has a large demographic of young families which will benefit from the child care centre. The location of the proposed child care centre is in an excellent location (being across the road from an existing school. The proposed development appears to seek to resolve the refusal reasons and should therefore be supported.</p>	<ol style="list-style-type: none"> <li>1. The proposed land use is able to be considered within the 'Residential' zone. Furthermore, the site is suitably located opposite public open space, a local centre and Creaney Primary School.</li> <li>2. The applicant has made reasonable endeavours to limit possible amenity impacts to adjoining properties, achieved through the combination of reductions to wall height, wall length, floor area and a number of other initiatives. All outdoor play areas are orientated toward Kingsley Drive to limit noise to residential properties.</li> <li>3. Traffic safety is addressed in the Transport Impact Statement and the design is deemed suitable. The City's Child Care Premises Policy supports access from Local Distributor Roads such as Kingsley Drive.</li> <li>4. Noted and agreed.</li> </ol>
<p><u>Bulk and scale:</u> While the building has been altered to look less like a commercial building, there are still concerns regarding the bulk and scale. The large building still covers two amalgamated lots which would ordinarily be occupied by two single family homes at an R20 density.</p> <p>Even with the height reduction the proposal is still very high at 6.4 metres. Overlooking back fences and neighbours is not something appropriate for the residential area.</p>	<ol style="list-style-type: none"> <li>5. The proposed development is of a height and site coverage which is consistent with the residential requirements in the R20 density code. Further modifications have been proposed in response to Design Review Panel recommendations to provide a double roof pitch. This provides a perception of separate buildings, referencing the fact the proposal occurs across two amalgamated lots.</li> <li>6. The proposal has been designed to avoid overlooking of neighbouring properties. The first floor is setback 5.1 metres from the western boundary, and the windows to the rooms facing the western elevation are highlight windows, thereby mitigating privacy concerns. To the north, there is a substantial setback of 12.14m, with no windows that could overlook.</li> </ol>

Issue Raised	Applicant Response
<p>The amended building plan still looks what it is a large commercial child care centre surrounded by residential properties.</p>	<p>Refer to comments 1, 2 and 5 above.</p>
<p><u>Noise:</u> Noise generated from the development is of a magnitude greater than what the current two ordinary residences produce with reference to the following:</p> <ul style="list-style-type: none"> <li>• Pickup of the large amount of garbage generated at least twice a week.</li> <li>• Ongoing pick/up drop-off activity up to 6:30pm in the evenings.</li> <li>• Noise generated from outdoor play.</li> <li>• The car park is unenclosed so noise from parents conversing with children and other parents, and from car doors closing will be noticeable above the background noise level.</li> <li>• Who will police/enforce the parking in bays 1-8 and 12,13 and 14 prior to a certain time?</li> <li>• The 30cm increase in fence height will do nothing to combat the noise from the cars coming and going (at the minimum a 2.1m masonry fence or sound proof fencing at 2.1 meters from the neighbouring side of the lot should be provided, in order to combat the drastic change in noise pollution).</li> </ul>	<p>7. The acoustic report prepared by Herring Storer Acoustics demonstrates that the proposal will comply with the assigned levels of the <i>Environmental Protection (Noise) Regulations 1997</i>. Design modifications from the refused plans have substantially reduced noise levels to adjoining properties. The findings of the acoustic report have been accepted by the City of Joondalup.</p>
<p><u>Draft policy:</u> The proposed draft policy has been completed to align with the changing standards within the Child Care sector, as the current policy is out of date and out of touch with the designs and commercialisation of the sector. In essence, large commercial childcare centres are <u>not</u> compatible within a wholly Residential area. This proposal cannot be considered as:</p> <ul style="list-style-type: none"> <li>• The centre is proposed to be located adjacent to 3 residential homes.</li> <li>• Has no boundary adjoining a non-residential site.</li> <li>• The centre provides 78 spaces for children; whereas the cap is 50 children.</li> </ul> <p>The City administration acknowledged in March last year that the policy was out of date, however it has taken months to compile the updated version that is due for approval in mid February. If the City had only acted earlier, none of this would be on a knives edge, and a lot of time and energy would have been saved. I suggest that this needs to be held off until we have clarity as to what the new policy will require.</p>	<p>8. This policy has not been adopted by the City of Joondalup. Nevertheless, any policy, while in draft form is a document to which due regard may be given, and the proposed development has demonstrated alignment with the objectives of the policy, namely limiting the impact of amenity on adjoining properties.</p>
<p><u>Waste management:</u> The waste management plan states that waste collection may be undertaken outside of business hours. If this is the case, it should comply with the current times which the City of</p>	<p>9. The waste management plan recommends collection outside of business hours and/or collection outside of pick-up / drop-off times – consistent with the submitter's suggestions.</p>

Issue Raised	Applicant Response
<p>Joondalup employs in morning pick-ups and no later than 7pm for example. We expect that Collections would only occur between 10am and 2pm as per the operational plan.</p> <p>What happens with odorous waste such as nappies? Residents need to be assured that the site will not become an odour problem.</p>	<p>10. The waste management plan provides recommendations for the disposal of nappies and organic waste. All waste is contained in an enclosed storage area.</p>
<p><u>Demand:</u> The proponent asks that "community benefit" be taken into account due to what they claim is a shortage of childcare places. This centre would attract patronage not just from the local area but mainly from outside Kingsley as parents can drive from distant suburbs. Kingsley already has a number of childcare centres.</p> <ul style="list-style-type: none"> <li>• There is a childcare centre already on this road 400 metres away which is not full.</li> <li>• The local school provides after school care and there already is a child care centre on Kingsley Drive, thereby making another care facility unnecessary.</li> </ul> <p>Currently we travel to Warwick which was the closest daycare centre which could accommodate our needs and which we felt provided the amenity and care we wanted for our children. The NIDO centres are beautiful and well designed and we would have loved to send our children to one if we had the chance and one was close to our home.</p> <p>I've been on local waitlist for daycare for my baby for a year now. With Kingsley being a suburb of young families, local daycare is needed. It wasn't until my older child started school last year and didn't know anyone that we realised how much benefit and community is built by the children knowing each other from daycare age (as had attended in another suburb).</p>	<p>11. Disagree. The application has been accompanied by a demographic analysis of the area which identifies a ratio of 1 available placement per 5 children (of child care age) in the locality. This is considered an undersupplied area. Nido has a significant waitlist for its nearby centres.</p> <p>12. Noted and agreed.</p> <p>13. Noted and agreed.</p>
<p><u>Parking:</u> Car Parking is still not adequate. The parking does not match the requirements for staffing let alone child drop off and pick up.</p> <p>The use of tandem bays is impractical and would result in congestion in the car park and in turn encourage verge parking. It is inevitable that parking availability will be insufficient, and that parents attending the childcare centre for drop-offs and pick-ups will end up having to park on the side of the street on Woodford Wells Way.</p> <p>The shopping centre has become much busier and there is hardly any parking as it is. They will take the public parking near the tennis courts. The proposed overflow parking at</p>	<p>14. Car parking complies with the City's local planning policy requirements.</p> <p>15. There are only two tandem bays, which has been reduced from the previous proposal. By limiting tandem bays to staff use, it is considered this is an acceptable arrangement. Refer to response 14 above.</p> <p>16. Parking at the shopping centre is not a relevant consideration to this application. Refer also to response 14 above.</p>



Issue Raised	Applicant Response
<p>Kingsley Park is not available 5pm - 6.30pm from January through to August due to midweek football training.</p> <p>Reducing children numbers by 4 will not help with parking and dangerous conditions involving Kingsley Drive and Woodford Wells Way.</p>	<p>17. Refer to the Transport Impact Statement that discusses safety considerations. The findings have been accepted by the City.</p>
<p><u>Traffic:</u> The TIS estimated a morning peak hour 62 trips and early afternoon peak hour 31 trips. Considering that the existing dwellings generate only 2 trips in the morning period this is an extra 91 trips. Existing Woodford Wells Way is already extremely difficult at particular times of the day without the added traffic the development will bring in. Kingsley Drive already is a very busy road with a school, petrol station, tavern, shopping centre on this street and in close vicinity to the planned premises. Traffic congestion and crossover conflicts will likely result and the safety of children walking or riding bikes to/from school, or entering/exiting buses, cars, or trying to cross the road could be compromised.</p> <p>Foot traffic continues to also be an issue with children from nearby Creaney Primary School using this as a main thoroughfare and footpath to and from school daily, however there is no footpath along Woodford Wells Way. Many children cross Kingsley drive dangerously with no crosswalk attendant daily and there are many near miss hits of children with cars. There is already too many carparks and street exits close together within this small section of road.</p> <p>The driveway is only 4 metres away from a bus stop, which has not even been indicated on the development's perspective drawings which is misleading.</p>	<p>18. The Transport Impact Statement deems that all roads and intersections will continue to operate at a good level, with spare capacity.</p> <p>Refer to response 17 above.</p> <p>19. The bus stop does not include a shelter and would not obstruct sightlines. The crossover is being located further away from the bus stop compared with the location of the existing crossover of the residential property.</p>
<p><u>Property values:</u> The child care centre will reduce the value of our home if we ever to choose to sell. Prospective buyers will definitely be put off by such a large, noisy and traffic producing facility.</p>	<p>20. This is not a relevant planning consideration.</p>

# Schedule of submissions for application determined by JDAP on 14 September 2021



Our Ref: 21~028 Author :MC

20 August 2021

**Attention: Tim Thornton**

City of Joondalup  
PO BOX 21  
Joondalup WA 6919

**Town Planning and Design**  
Level 7/160 St Georges Terrace  
PO Box 7130 Cloisters Square  
Perth WA 6850

08 9226 4276  
admin@tbbplanning.com.au  
taylorburrellbarnett.com.au

Dear Tim,

## RESPONSE TO SUBMISSIONS

Please find below the Applicant's responses to the issues.

Issue Raised	Applicant response
<p>Traffic:</p> <ul style="list-style-type: none"><li>• Photos used in the traffic report are from a quiet day.</li><li>• Difficult to turn into Kingsley Drive from Woodford Wells Way during peak times due to the closeness of the football park entry and the school carpark exit.</li><li>• Amount of traffic generated will change the whole feel of the quiet street (Woodford Wells Way).</li><li>• The stretch of Kingsley Drive from Whitfords Avenue to the shops, where this day care is going to be situated is so busy with speeding traffic its difficult to even to get out of the driveway. There's already tripling of units on a block which is causing traffic issues but doing nothing for the safety of children at the local school or the sports oval.</li></ul>	<p>Noted.</p> <ul style="list-style-type: none"><li>• Traffic data has been used for identifying traffic volumes on Kingsley Drive. It is noted that Kingsley Drive typically has 10,691 vehicles per day (refer section 3 of the TIS).</li><li>• Photographs 3 and 4 in the traffic report state they were taken during peak morning and afternoon times during school term.</li><li>• Photograph 5 is inserted to identify the road cross-section, not to indicate traffic volumes.</li><li>• The proposal provides parking accessed from Kingsley Drive. The proposal removes a crossover from Woodford Wells Way. The proposal results in routes via a local distributor road and does not generate traffic on any local road, refer figure 4 of the TIS.</li><li>• In addition, the development proposes bicycle parking facilities and is connected to the footpath network. This facilitates walking and riding bikes to access the development.</li><li>• The proposal is adjacent to bus stops (northbound and southbound) for bus service 445 which travels between Whitfords Station and Warwick Station, through Kingsley, Greenwood and Warwick.</li><li>• In summary, the photographs are not intended to indicate it is a quiet road. The traffic engineer is required to comply with Working Near Roads OS&amp;H rules and hence photographs tend to be taken during 'gaps in traffic' streams. As indicated in Section 6 of the TIS, the traffic engineer undertook video surveys of traffic in and around the subject site, and the smaller Child Care Centre site at 135 Kingsley Dr (approximately 700 m south on the same side),</li></ul>

Issue Raised	Applicant response
	<p>between 7.45 and 8.45 am and 2.30 and 3.30 pm on Thursday 21st April 2021. A review of these video surveys does not support the issues raised. The Traffic Engineer is a local resident and is experienced with the traffic conditions in this area.</p>
<p>Location:</p> <ul style="list-style-type: none"> <li>• Should be located in the nearby commercial or mixed use area instead of next to residential properties.</li> <li>• Shocked that such a business was even considered for this specific location.</li> <li>• Poor location for a large early learning centre as it creates additional traffic to an already high traffic area.</li> </ul>	<p>Noted.</p> <p>It is considered that the location is appropriate. It is a suitably sized site capable of providing supply strategically to provide the maximum benefit to the community it is proposed to serve. There is a clearly demonstrated need within this catchment area.</p> <p>The proposal is consistent with the City's Child Care Premises LPP objectives for the following reasons:</p> <ul style="list-style-type: none"> <li>• The location is nearby a commercial centre (the Kingsley activity centre to the south, an easy 4-5 minute walk).</li> <li>• The location is located immediately opposite Kingsley Park, which provides clubrooms for sport and the Creative Kids Art Club Kingsley (an easy 2 minute walk).</li> <li>• The location is in close proximity to Creaney Primary School and Creaney Education Support Centre (an easy 3-5 minute walk).</li> <li>• In addition, the development proposes bicycle parking facilities and is connected to the footpath network. This facilitates walking and riding bikes to access the development.</li> <li>• The proposal is adjacent to bus stops (northbound and southbound) for bus service 445 which travels between Whitfords Station and Warwick Station, through Kingsley, Greenwood and Warwick.</li> <li>• The proposed child care premises is located on a corner site that is a suitable size and shape, ensuring there are only two boundaries shared with residential uses (to the west and north).</li> <li>• Having careful design consideration of the neighbouring residential lots, the building has been oriented to position play areas, class room openings and the balcony area towards Kingsley Drive to maintain a sense of separation and privacy to residents, protect privacy of adjacent dwellings, and mitigating against potential noise and other possible amenity impacts.</li> </ul>
<p>Parking:</p> <ul style="list-style-type: none"> <li>• The proposal of 23 car bays is insufficient for the size of the Child Care Premises (82 children and a dozen staff).</li> <li>• Concerns of overflow parking into Woodford Wells Way.</li> <li>• Cars parking on grass verge areas due to limited car parks at the school in the afternoons.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>• With respect, the proposal complies with the 23 car parking bay requirement contained in the City's Child Care Premises LPP. The proposal provides 23 car parking bays on-site, and the car park design complies with Australian Standards 2890.1 and 2890.2.</li> <li>• In addition, the development proposes bicycle parking facilities and is connected to the</li> </ul>

Issue Raised	Applicant response
<ul style="list-style-type: none"> <li>Current Creaney Primary School overwhelms the current parking measures during the school drop off and pick up times.</li> </ul>	<p>footpath network. This facilitates walking and riding bikes to access the development.</p> <ul style="list-style-type: none"> <li>The proposal is adjacent to bus stops (northbound and southbound) for bus service 445 which travels between Whitfords Station and Warwick Station, through Kingsley, Greenwood and Warwick. This could encourage public transport use.</li> <li>The Traffic Impact Statement confirms that the proposed development is likely to result in an increase of up to 64 trips during the morning peak hour. The road network afternoon peak hour does not coincide with the child care centre afternoon peak hour and hence the forecast additional trips in the afternoon peak hour remains the same at 33.</li> <li>The sightlines were assessed and determined that they are 100m (northbound) and 70m (southbound), exceeding the minimum 35m sightline requirements.</li> <li>As per previous comments, the traffic engineer, as a local resident, advises that the car park opposite the site is not fully utilised during peak school parking demand times, as shown in Photograph 4 in the TIS. Existing parking on verges is associated with drivers wishing to park as close to the school as possible, it is not related to 'over-flow' parking or 'limited car parks at the school'.</li> </ul>
<p>Pedestrian Safety:</p> <ul style="list-style-type: none"> <li>The proposed location of the entrance/exit to the proposed carpark will pose safety risks to local pedestrians, including young school students who frequently walk in front of this carpark entrance/exit location.</li> <li>Creaney Primary School is close by and the increased traffic will create a hazard for children getting to school as the cross walk attendant at the school is not full time and often not in attendance.</li> </ul>	<p>Noted.</p> <p>In response, please note the following:</p> <ul style="list-style-type: none"> <li>The entrance to the car park has been designed to allow vehicles to enter and exit in a forward gear, and provides sight lines that exceed minimum requirements. This ensures vehicles have greater visibility which improves safety for vehicles and pedestrians utilising Kingsley Drive.</li> <li>Please refer to TIS comments and TIS report re traffic generation from school.</li> <li>As per previous comments, the traffic engineer, as a local resident understands that the school crossing warden is in attendance for the peak arrival and departure times. This may be what the respondent is referring to when stating 'not full time'.</li> </ul>
<p>Noise:</p> <ul style="list-style-type: none"> <li>Impact from car doors slamming and engines starting at an early hour.</li> <li>Air conditioning units will be noisy for nearby residents.</li> <li>Sound of children playing will have an impact.</li> </ul>	<p>Noted.</p> <p>The project has included an acoustical assessment, which includes the items stated. This assessment has been reviewed by council officer and we understand that they are satisfied with the assessment. Noise would be compliant with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <ul style="list-style-type: none"> <li>The design has included noise-mitigation measures including for air conditioning units and child play areas.</li> </ul>



Issue Raised	Applicant response
<p>Similar business in the area:</p> <ul style="list-style-type: none"> <li>There is an after-school centre and childcare centre on Kingsley Drive so another centre is unnecessary.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>The Child Care Needs Assessment submitted as part of the Development Application, the subject site and its surrounding area are located within a supply restricted market in which some families would have difficulties obtaining childcare.</li> <li>This proposed child care premises will address the needs of some of these families and this needs assessment has demonstrated that there is significant demand for a child care premises.</li> </ul>
<p>Over development:</p> <ul style="list-style-type: none"> <li>Too much redevelopment in Kingsley. Meant to be a suburb with residential housing, not two storey commercial buildings.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>The immediate surrounding area is a mix of residential development, community facilities, educational facilities and an activity centre.</li> <li>Category B applies 8m for a total building height with a concealed roof (in this case, the 3-degree pitch skillion roof is concealed by the building façade). The proposed child care premises complies. The proposed built form is highly compliant with the applicable framework and the scale of the building is generally consistent with what would be a compliant dwelling.</li> <li>It is noted that the double-storey design assists in mitigating noise associated with operations.</li> </ul>
<p>Privacy:</p> <ul style="list-style-type: none"> <li>Loss of privacy due to the commercial building being two storeys.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>Having careful design consideration of the neighbouring residential lots, the building has been oriented to position play areas, class room openings and the balcony area towards Kingsley Drive to maintain a sense of separation and privacy to residents, protect privacy of adjacent dwellings, and mitigating against potential noise and other possible amenity impacts.</li> <li>In particular, highlight windows are in the western elevation, preventing overlooking.</li> <li>The nearest part of the building to the western boundary is an internal staircase.</li> <li>The nearest part of the building to the northern boundary is a fire staircase.</li> </ul>
<p>Landscaping</p> <ul style="list-style-type: none"> <li>3 Jacaranda trees within the verge which should be protected</li> </ul>	<p>Noted.</p> <p>Only one jacaranda tree is proposed to be removed to ensure there is a cross over to the site. Two of the three existing Jacaranda trees are proposed to be retained and additional tree planting is proposed as part of the development.</p>
<p>Fencing</p> <ul style="list-style-type: none"> <li>The 2.2m high dividing fence is over regulation height.</li> <li>The street fencing is inconsistent with the existing streetscape of Woodford Wells Way.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>The 2.2 metre fence is required to provide acoustic treatment and reduce amenity impacts to the neighbouring property to the west.</li> <li>The fencing is provided in an open style to ensure generous passive surveillance and is considered to compliment the streetscape well.</li> </ul>

Issue Raised	Applicant response
<p>Building height</p> <ul style="list-style-type: none"> <li>The site is already elevated above natural ground level.</li> <li>A double storey building is out of character with the area.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>Category B applies 8m for a total building height with a concealed roof (in this case, the 3-degree pitch skillion roof is concealed by the building façade). The proposed child care premises complies.</li> </ul> <p>Whilst the dominant character of the immediate area is single storey, there are examples of two storey development and two storey child care premises within the City of Joondalup (refer to Appendix A for these examples). In addition to this, the height of the proposal is consistent with a two-storey dwelling.</p>
<p>Positives:</p> <ul style="list-style-type: none"> <li>Significant shortage of childcare available in Kingsley.</li> <li>Close proximity to Creaney PS is convenient for parents utilising both the school and child care.</li> <li>Lollipop pedestrian crossing will ensure safe crossing on Kingsley Drive.</li> <li>Reputable organisation, well organised and offering high quality child care.</li> </ul>	<p>Noted.</p>
<p>Waste</p> <ul style="list-style-type: none"> <li>Bin store is an insufficient size.</li> <li>Noise from waste trucks.</li> <li>Trucks will have to reverse out onto Kingsley Drive and across the footpath.</li> <li>Bin store gates open into a driveway.</li> </ul>	<p>Noted.</p> <p>Waste Consultant response is as follows:</p> <p>The bin enclosure is of a sufficient size to accommodate the four 660 L MGBs with space to access these, as shown in Figure 4 in the WMP.</p> <p>All waste collections involve noise and all developments generate waste. The proposal aims to reduce noise associated with waste collection by using a smaller waste collection vehicle than the City's domestic service provided by Cleanaway and restricting it to weekly collections.</p> <p>No vehicles will have to reverse out of the driveway. The development has been designed so that all vehicles can enter in a forward direction, turn around on-site, and leave in a forward direction. The swept paths for these movements are shown in the TIS for cars and service vehicles and in Figure 7 in the WMP for the waste collection vehicle.</p> <p>The bin enclosure has been designed to the City of Joondalup's requirements, i.e. set back from the front boundary with a 2.7 m wide access gates facing the parking aisle to enable the MGBs to be serviced from the parking aisle by the waste collection vehicle, as shown in Figure 7 in the WMP. It does not open into a driveway.</p>
<p>Traffic:</p> <ul style="list-style-type: none"> <li>Photos used in the traffic report are from a quiet day.</li> <li>Difficult to turn into Kingsley Drive from Woodford Wells Way during peak times due to the closeness of the football park entry and the school carpark exit.</li> </ul>	<p>Refer previous comments.</p>

Issue Raised	Applicant response
<ul style="list-style-type: none"> <li>Amount of traffic generated will change the whole feel of the quiet street (Woodford Wells Way).</li> <li>The stretch of Kingsley Drive from Whitfords Avenue to the shops, where this day care is going to be situated is so busy with speeding traffic its difficult to even to get out of the driveway. There's already tripling of units on a block which is causing traffic issues but doing nothing for the safety of children at the local school or the sports oval.</li> </ul>	
<p>Disability access</p> <ul style="list-style-type: none"> <li>Building plans do not provide sufficient detail regarding accessibility to people with disabilities. No disability access report or assessment has been made available to establish disability access within or around the building.</li> <li>Non-compliance and misalignment with City of Joondalup Disability Access and Inclusion Plan.</li> </ul>	<p>Noted. The Plans have been designed to consider disability access and detailed building plans will further address this matter.</p>
<p>Financial impact</p> <p>Home owners will be unable to move away due to drop in house prices as a result of the development.</p>	<p>Noted. House prices are not a material planning consideration.</p>

Should you have any queries regarding the information please contact the undersigned on (08) 9226 4276 or michaelc@tbbplanning.com.au

Yours faithfully

TAYLOR BURRELL BARNETT



Michael Clare  
Consultant

CC:

## Appendix A

---

**To** CK Group  
**From** Taylor Burrell Barnett  
**Date** 20 August 2021  
**Ref** 21/028  
**Subject** Kingsley Streetscape Images – to assist with response to submissions this document includes various examples of 2 storey child care centres within residential areas in the City of Joondalup.

---

### 1. 29-31 Acacia Way, Duncraig



*Figure 1 29 Acacia Way, Duncraig*





Figure 2 31 Acacia Way, Duncraig

## 2. 20-22 Coolibah Drive, Greenwood



Figure 3 20-22 Coolibah Drive, Greenwood





Figure 4 20-22 Coolibah Drive, Greenwood (Pimelia Court perspective)

### 3. 1-3 Forrest Rd, Padbury



Figure 5 1-3 Forrest Road, Padbury



*Figure 6 1-3 Forrest Road, Padbury (Marmion Avenue perspective)*



Our Ref: 21/028 TW:JV

20 July 2022

**Attention: Tim Thornton, Planning Services**

City of Joondalup  
90 Boas Avenue  
Joondalup WA 6027

**Town Planning and Design**  
Level 7/160 St Georges Terrace  
PO Box 7130 Cloisters Square  
Perth WA 6850

08 9226 4276  
admin@tbbplanning.com.au  
taylorburrellbarnett.com.au

Dear Tim,

**APPROVED DEVELOPMENT APPLICATION DAP/21/02016 CHILDCARE PREMISES  
LOT 667 (73) KINGSLEY DRIVE AND LOT 666 (22) WOODFORD WELLS WAY, KINGSLEY  
PROPOSED AMENDMENT TO CONDITION 6**

Taylor Burrell Barnett acts on behalf of CK Group, the proponent of the proposed childcare premises of Lot 667 (73) Kingsley Drive and Lot 666 (22) Woodford Wells Way, Kingsley.

This application seeks an amendment to Condition 6 of the approval DAP21/02055 granted by the Metro Outer Joint Development Assessment Panel (DAP) on 28 February 2022.

We opt for the DAP to determine this application, in accordance with r. 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please find the following items enclosed:

- Certificates of Title
- Planning Application Forms
- Determination notice and approved development plans for DAP21/02016

Payment of the prescribed fee will be arranged by our client. The following information is provided to assist the City in its assessment and determination.

**1. SUBJECT SITE**

Lots 666 & 667 (the site) has a combined area of 1407m<sup>2</sup> and is currently in the process of being amalgamated. The current site details and ownership is outlined in Table 1 and is supported by the Certificates of Title attached as **Appendix A**. The current landowners have authorised the application via their signatures on the submitted applications forms contained in **Appendix B**.



Table 1: Lot Details

Lot No.	Volume/Folio	Plan Number	Land Area (source)	Registered Proprietor
666	1561/160	P 13156	714 m <sup>2</sup> (Landgate)	Perpetual Corporate Trust Limited
667	1561/161	P 13156	693 m <sup>2</sup> (Landgate)	

## 2. BACKGROUND

The DAP granted development approval DAP21/02016 for the use and development of a childcare premises on the subject site. Of relevance to this application, condition 6 of the approval states:

*“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.”*

A copy of the determination notice is attached with this application (refer **Appendix C**).

## 3. PROPOSED AMENDMENT TO DEVELOPMENT APPROVAL

This application seeks to amend Condition 6 of the development approval pursuant to regulation 17(1)(b) of the *Planning and Development (Development Assessment Panels) Regulation 2011*. The amendment is requested as follows:

6. *The hours of operation for the centre shall be between 7:00am to ~~6:00pm~~ **6.30pm** 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.*

The purpose of the amendment is to extend the permissible hours of operation on weekdays from 6:00pm to 6.30pm, for the purposes of accommodating greater flexibility for parents.

## 4. JUSTIFICATION

The City of Joondalup's *Child Care Premises Local Planning Policy* notes that childcare premises which are in the 'Residential' zone or abut the 'Residential' zone are permitted to operate between 7:00am to 6:00pm on weekdays. The proposal to open to 6:30pm is therefore considered a variation to the policy, but is considered warranted for the following reasons:

1. ***6.00pm – 6.30pm is not a sensitive time and would cause no undue impact on residential amenity.***

The *Environmental Protection (Noise) Regulations 1997* (Noise Regulations), stipulates that 7am – 7pm is **not** a noise sensitive time on weekdays and has greater allowances for noise compared to the night time periods. The proposal to open until 6.30pm, with potential for staff to be on site until 7pm, would result in operations being contained within the non-sensitive noise period (with the exception of a small number of staff arriving prior to 7am, which is already approved). Whilst not the sole indicator of amenity impacts, the fact that the proposed hours are within non-sensitive periods presents a strong indicator that the noise and subsequent amenity impacts are acceptable.

Furthermore, the centre is located on a Local Distributor Road. As demonstrated through previous submissions, the noise from Kingsley Drive (measured at 6.30pm) is similar to the noise generated by the child care premises. The subject site is also opposite a park, with clubrooms and tennis courts directly opposite the centre. A shopping centre with a service station and tavern is located just 100m to the south-east (and is visible from the site), with tenancies open well beyond 6pm. The opening of the child care centre to 6.30pm is therefore not inconsistent with surrounding operations in the immediate vicinity.

Considering the application more broadly, the centre will be closed on Saturdays when the policy permits the centre to be open (8am – 1pm). This means the overall opening hours across a week are less than what the policy permits.

Noise is not the only matter which constitutes amenity. Consideration has also been given to the following matters:

- There is considered to be no amenity impacts caused by lighting, with all lighting directed toward the street frontages and maintained at low levels of illumination;
- There are no undue amenity impacts caused by traffic due to the low levels of patronage expected at these times. The changes in opening hours also does not change the total traffic volumes as the number of children remains the same.

In summary, despite the City's policy requirement, the proposed 6.30pm closing time is not considered to cause undue amenity impacts to surrounding owners or occupiers. This is not a sensitive time period and there are no operations which would cause nuisance to surrounding owners.

## ***2. Anticipated patronage beyond 6pm is low, consistent with other child care centres in similar contexts.***

The patronage of the centre is likely to be very low between 6pm and 6.30pm. The proposal is to provide flexibility for some parents, but would not be required for all parents. To illustrate the likely levels of patronage further, Nido (the prospective operator), has recorded data from their site at 20-22 Coolibah Drive, Greenwood. **Table 2** below shows the number of children at the Greenwood centre after 6pm over a two week period. This centre is located approximately 3 kilometres south of the subject site, has a slightly higher capacity (82 children) and opens until 6.30pm. The data collected shows that:

- a) across the two weeks of which the information collected, there was an average of 2 children on site after 6pm; and
- b) only once in the two week period were there more than 2 children.

Given the similar geographical and demographic context between the proposed Kingsley centre and the existing Greenwood centre, it is considered the results provide a reasonable platform for expectations at the Kingsley Centre. The number of children on site most days is not dissimilar to a residential dwelling housing a family with two children. Such a small number of children in this time would not compromise the amenity of the surrounding residential properties.

*Table 2: Nido Greenwood patronage after 6pm*

Day / Date	Number of children on premises between 6:00pm and 6:30pm
Monday 7/02/2022	0
Tuesday 8/02/2022	2
Wednesday 9/02/2022	1
Thursday 10/02/2022	2
Friday 11/02/2022	1
Monday 14/02/2022	0
Tuesday 15/02/2022	10
Wednesday 16/02/2022	2
Thursday 17/02/2022	1
Friday 18/02/2022	0

Furthermore, a number of Nido centres in the City of Joondalup presently operate with 6.30pm closing times including:

- Nido Duncraig – 29-31 Acacia Way, Duncraig
- Nido Greenwood – 20-22 Coolibah Drive, Greenwood
- Nido Hillarys – 2-4 Banks Avenue, Hillarys

These centres have operated in residential zones with 6.30pm closing times without complaints.

### **3. Offers flexibility for parents**

The proposed opening hours from 7:00am to 6:30pm on weekdays are to offer flexibility for parents and guardians to pick up children. For example, parents working in locations such as the Perth CBD may struggle to finish work and attend the centre by 6.00pm. The opening to 6.30pm provides flexibility for these types of scenarios whilst not impinging on the amenity of nearby residents.

## 5. CONCLUSION

For the above reasons, it is considered that the amendment is acceptable and warrants support from the City. The change of operational hours is rational in its approach to provide more flexibility to parents and opening hours remain within the day time period under the Noise Regulations. The proposed opening time is the same as a number of other centres in similar locations and is not considered to cause any adverse amenity impacts to surrounding residents.

Owing to the above, it is considered the application warrants approval. The proposed changes are not substantial and are able to be considered under regulation 17 of the *Planning and Development Act (Development Assessment Panels) Regulations 2011*.

Should you have any questions or require further information please do not hesitate to contact the undersigned on (08) 9226 4276 or via email [admin@tbbplanning.com.au](mailto:admin@tbbplanning.com.au).

Yours faithfully

TAYLOR BURRELL BARNETT



TRENT WILL  
SENIOR ASSOCIATE



